Editor’s Message

Trials and tribulations

By Sharon J. Arkin

Trial lawyers are a special breed. And I use the term “trial lawyer” in the narrow sense of a lawyer who actually tries cases in the courtroom. That, of course, applies to most, but not all, of the Forum’s readers. The rest of our CAOC membership is generally appellate lawyers – which are a whole different breed.

But this edition and the next are about trying cases and this editor’s message is an homage to the plaintiffs’ lawyers who do that. Plaintiffs’ trial lawyers are a hard-working, caring, compassionate and tough group of people who fight against sometimes unimaginable odds and dirty tricks. They persist long past the time that good sense would tell them to step away. They throw themselves fully into the fight. They brave slanderous insinuations aimed at them by the defense and, despite those defense efforts, plaintiffs’ trial lawyers connect with jurors on a personal level unsurpassed in any other profession. Trial lawyers need to have strong egos and must be able to move on when they lose, because other clients are waiting for their turn at justice and if their lawyer can’t rebound, they are lost.

That being said, trial lawyers cannot do it alone. Unlike the “old days” when trial lawyers showed up for trial with a thin file and not much else, we live in a different world now – legally, technologically and in pretty much every other way. Now, before lawyers even get to the courtroom, they have received the benefit of the hard work and efforts of a cadre of assistants, paralegals, associates, experts, creators of demonstrative evidence and myriad other support staff. A few years ago, Hilary Clinton was mocked for saying that “it takes a village” to raise a child. But she was right. And, in truth, it takes a village to try a case. So, whenever you see a glorious trial victory on the plaintiff’s side, remember that, though the trial lawyer is at the vanguard, he or she got there through the hard work of dozens of other people dedicating their time, effort and resources to the cause.

But, at bottom, it is the trial lawyer who steps into the courtroom, who faces the judge and the jury, who presents the client’s case and who battles the defense’s efforts to hurt their client’s chances. It really does take a special person, with special skills to take on a challenge like that. And this edition of the Forum, as well as the next issue, honors that and honors the fact that there is no “right” way or “wrong” way to try a case. The essential truth in the courtroom is that you must be yourself, present your client’s case in the most believable way and be true to yourself and your client. So long as you do that, you will have done your job, win or lose.

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