

Looking In The Mirror And Not Blinking

Last week, I had the privilege of being sworn in as this year's Consumer Attorneys of San Diego President. At the Awards and Installation Dinner, the incoming President is asked to make some introductory remarks. In mine, I mentioned that I truly wanted all trial lawyers to do well. I looked to my right and saw Stephen Estey -- who was receiving the 2011 Trial Lawyer of the Year Award -- and mentioned it made me happy to see him get good results. I looked to my left and saw Nick Rowley and then saw Courtney Yoder too. They are both friends and I also mentioned how happy it made me when they recently received an outstanding verdict in El Cajon. I also had the privilege of introducing the Honorable Kevin Enright, our Judge of the Year. In my introductions, I noticed him sitting with his father, the Honorable William B. Enright and I recalled working on the San Diego County Bar Association's Civility, Integrity and Professionalism campaign with him.

Then a week or so later, I re-read the "Teachings of Carlos Gracie," one of the founders of Brazilian Jiu-Jitsu, and it got me to thinking. Why shouldn't we as trial lawyers want the very best for our colleagues? Why shouldn't we as trial lawyers be civil and professional with defense lawyers and insurance adjusters? Maybe just maybe our negative reaction to others has more to do with us than with them

Nick called me the day after the dinner and wanted to talk about me being happy for him and others. He said, "Lots of trial lawyers say that but I think you really mean it." Sad but true. I listened to a talk by famed Atlanta trial lawyer Don Keenan once, co-author of *The Reptile*. He mentioned that as many trials as he has won, everywhere he goes, trial lawyers just want to talk about his last loss. In a not so joking way, he basically suggested that a whole bunch of trial lawyers were really "rooting against him" now that he had "made it" as a successful trial lawyer. Nick pointed out that we are all "competitors" for cases, strictly speaking, and hence, **truly** rooting for each other could pose some theoretical conflict for some. Nick feels like I do. We don't feel threatened or compromised or uncomfortable when another trial lawyer does well. But we began the conversation of why many of us do.

And then, owing Nick a call back, I again stumbled upon the Teachings of Carlos Gracie. Teaching Number 6 states, "Promise Yourself to be as Fair and Enthusiastic About the Success of Others as You Are About Your Own." What an amazing, simple and liberating concept. I began to wonder why that was hard for us to do for each other as trial lawyers. Maybe part of it is that we feel threatened by lawyers we think are better than we are. People ask me all the time who I think is the best. I think the answer is really simple. Whoever knows, loves and cares about his or her client most. I hope it changes in every case. So, once it's my case, and my client, and my time, and I am standing up before that jury, I am the very best lawyer for the job right then. I hope that every other lawyer feels the same way for their clients. If they do, they are going to be the very best in the world: that day, that case, those clients. How can that reality possibly threaten any of us?

Well John, if Nick, or Steve or (fill in name of trial lawyer that has recently obtained good trial results) keeps getting all these great verdicts, how on earth am **I** going to get any good cases for myself? To me the answer is really simple. Do you really think the cases that resulted in those amazing verdicts were so different from yours to begin with? Maybe we all ought to love the

by John H. Gomez

A graduate of Yale Law School and Gerry Spence's Trial Lawyer's College, John H. Gomez is CASD's President for 2012. John believes passionately in improving our world though both the law and community service. John's community passions are the Latino community, kids at risk, drunk driving prevention, foster children and legal services for the indigent. CASD has twice named John "Trial Lawyer of the Year" and has awarded him six "Outstanding Trial Lawyer" awards. His Gomez Law Firm is an eight-attorney consumer law firm dedicated exclusively to community service, catastrophic personal injury and mass tort litigation. Most importantly, John is the devoted husband of Lisa and the proud father of son "JD" and twins Michael and Analise.



Continued on page 4

clients we have a little more instead of coveting everyone else's. We might shovck ourselves with what happens as a result. Let's strive to make ourselves the very best lawyer in the world for our clients instead of worrying about everyone else's. It's kind of like being a good parent. Some of us are pretty great. Some of us (me included) could do a little better. Do we feel threatened by great parents or try to learn from them? Do we want to trade kids with them or should we just try to love ours a little more? Carlos was really on to something.

And . . . when other trial lawyers do amazing things, we can learn from them. And we can be inspired by them. Just like the great parents we see around us. We want every trial lawyer to do great because we love the ordinary people trial lawyers represent and we grieve the harm they have suffered. Just like we truly wish the best for every child in the world. I think our members are better than most in terms of rooting for and supporting each other. But sometimes we hesitate

or hold back just a bit. If we can all truly accept that we can be the very best trial lawyers in the world ***in our cases and for our clients*** simply by knowing, loving and caring for them more than anyone else, then we have absolutely no reason not to "Be as Fair and Enthusiastic About the Success of Others as You Are About Your Own." It all really comes down to us.

And so does civility. I hear a lot of anger and complaints about defense lawyers and adjusters and their unreasonable and insufficient offers. Insurance companies even get nicknames. Allstate becomes "All Snake." Certain lawyers, adjusters and companies are known as the worst of the worst for not paying "what is fair." We get mad, indignant and even insulting when they refuse to settle our client's claims or cases for a "reasonable" sum. Maybe I'm missing something. But I just don't get it. I never get mad. What's the point? Are they not entitled to value the case they way they see fit? And if they don't offer enough, isn't my job to go take it

from them --- and hopefully it amounts to many multipliers of what my client would have accepted to begin with? It seems to me that if we get "mad" or "offended" because a defendant won't give us what we want in settlement, what we are really saying is that we are either too lazy or too scared to do our real job. We are "Trial Lawyers" by the way, right?

Next time we get some "low ball offer," let's just smile, say "thanks but no thanks," and go kick some defense lawyer's ass for the people we love. And do it all with civility and professionalism. Carlos Gracie's first teaching is "To Be Strong to the Point That Nothing Can Disturb Your Mental Peace." Let's all just get better at what we do instead of getting mad at others. Let's all just love ourselves a little more and our clients a whole lot more. I guess that what I'm saying is that once we can all look in the mirror with our eyes wide open and be happy with us, then life as a Trial Lawyer becomes a whole lot easier. **TBN**

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