



Motor Vehicle Collision, Highway & Premises Liability Section

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Letter From the Chair

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A few years ago I was asked to fill in the next morning for a convention speaker who had become ill. The subject was "The Art of Advocacy." Though the written materials were excellent, I felt the need to tailor the speech to my own perspective. So I got on the treadmill (my favorite place to think of everything and nothing) and started running. Initially the concept that stuck in my mind was "passion." A couple miles passed, but mentally I couldn't get beyond advocacy equaling passion. And then I had an epiphany – it was all about "Ps." I ticked through the list and by the time my run was done, so was the speech. What follows is a bare bones definitional outline. The Ps inspire me and hopefully they will do the same for you. Please add to this list and pass it on to another trial lawyer.

PASSION – The ability to throw oneself headfirst into a cause with heart, mind, body and soul. Strangers who observe you can see the energy, dedication and belief emanating from your pores. Without passion we cannot advocate.

PERSPECTIVE – There are many different perspectives involved in having perspective. Here are two examples. A) In the courtroom there are different participants whom you need to convince. What are they observing as you are presenting plaintiff's case. Are they seeing the evidence through the same colored spectacles you are wearing, if not, what do things look like through their lenses; B) Advocates can become overly subjective – have you performed a reality check to make sure that you are truly see-

ing what is there to be seen.

PRINCIPLE – A wise older lawyer once said – "you should never sue just as a matter of principle. . . the court system is expensive, the process tough, and ultimately it could cost you a lot of money which you will never recoup." On the other hand, sometimes the right thing to do is to sue just for the principle of the matter.

PREPARATION – There is no substitute for preparation. If an attorney is fleet of tongue they can "wing it" and there may be moments of brilliance but pathos will share the stage. If an attorney is fleet of tongue and prepared, the end product will be consistently high and the attorney more self assured. If the attorney is prepared but does not have the "wing it" ability, at least the attorney will be prepared.

PERSONALITY – We all had personality before we went to law school and were taught to think and act like boring lawyers. Stop talking so much. Listen. Feel life through your client's eyes. Wear a color. Write like a journalist. Smile inside and out. Videotape yourself talking and ask – if I was listening to this person, how long could I bear it before I tuned out. Become "you" again and you will become a better lawyer.

PROFESSIONALISM – Litigation is often by its very nature, a battle. It is one that can and should be fought

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