

December 8, 2000

PROFESSIONALISM AMONG TORT LAWYERS

I. PRESIDENTIAL ELECTION LAWSUITS ALL 42 OF THEM NEW REASON TO DISTRUST TRIAL LAWYERS.

II. TRIAL LAWYERS MUST LIVE WITH THE FACTS THAT THE PUBLIC AND JURORS IN PARTICULAR DO NOT TRUST THEM

A. PARADOX-IF THE JURORS DO NOT TRUST THEM HOW DO THEY REACH BIG VERDICTS?

1. NOT THAT MANY BIG VERDICTS COMPARED TO DEFENSE VERDICTS
2. DO THE JURORS DISLIKE THE DEFENDANT AND FEEL THAT THEY DID WRONG MORE THAN THEY DISLIKE THE LAWYERS?
3. DO THE JURORS OVERCOME THEIR DISTRUST OF LAWYERS
4. DEFENSE LAWYERS TRY TO OUT NICE GUY THE PLAINTIFF'S LAWYER

B. WHAT CAUSES THE JURY TO DISTRUST THE PLAINTIFF'S LAWYER

1. ARROGANT, TALKS DOWN TO THEM, UNNECESSARILY AGGRESSIVE AND COMBATIVE
2. FITS THE STEREOTYPE OF SHYSTER- PLAYS BEYOND THE RULES
  - A. GREEDY- ASKS FOR TOO MUCH
  - B. PROMISES TO SHOW MORE THAN CAN DELIVER
  - C. PLAYS FAST AND LOOSE WITH RULES
  - D. EXAGGERATES CASE

E. EVERYONE ELSE IS LYING

F. USES DOUBTFUL OR TAINTED EVIDENCE

3. SHOWS NO RESPECT FOR ANYONE, INCLUDING THE JURY

4. HAS A CLIENT WHO SHOWS THESE TRAITS EVEN IF LAWYER DOES NOT

5. GIVES THE JURY A REASON TO PUNISH THE PLAINTIFF WITH VERDICT

III REMIND THE JURY OF A FICTIONAL LAWYER THAT THEY CAN LOOK UP TO

1. GAVIN STEVENS IN FAULKNER OR ADICOUS FINCH IN TO KILL A MOCKINGBIRD

2. MOVIES- SPENCER TRACY TO INHERIT THE WIND

3. JOSE FEIRAR IN THE CAIN MUTINY COURT-MARTIAL

4. JIMMY STEWART IN THE ANATOMY OF A MURDER

5. GRESHAM'S A TIME TO DIE

IV MAKING A POSITIVE IMPRESSION ON THE JURY

A. BE COURTEOUS AND RESPECTFUL TO EVERYONE

B. BE ORGANIZED / DON'T WASTE THE JURY'S TIME

C. KNOW YOUR CASE

D. BE PREPARED

E. PLAY STRAIGHT WITH THE JURY ABOUT CASE

F. PROPERLY EVALUATE THE VALUE OF YOUR CASE

G. BE YOURSELF, BE GENUINE, BE SINCERE

H. DO YOUR BEST

V. BEING PROFESSIONAL

A. REALLY MEANS STRIVING TO RESEARCH THE ASPIRATIONS OF THE PROFESSION

1. DO THE BEST YOU ARE CAPABLE OF BEING FOR YOUR CLIENT
2. SERVE YOUR CLIENT
3. RESPECT THE RULES OF LAW, PROCEDURE, AND ETHICS IN THE REPRESENTATION
4. IN THE REPRESENTATION TRY NOT TO OFFEND TRADITIONAL NOTIONS OF JUSTICE AND MORALITY
5. TREAT ALL WITH DIGNITY, CONSIDERATION, AND COURTESIES

B. THE PRIMARY CONSIDERATION IN THE REPRESENTATION IS SERVICE TO THE CLIENT NOT YOUR OWN FINANCIAL REWARD; OTHERWISE YOU BECOME A HIGHLY PAID TRADESMAN AND NOT A PROFESSIONAL.