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You can't win if you stand on the sidelines

By Jeffrey J. Kroll

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I love what I do. I am proud to be a trial lawyer. Sure, there are some ups and downs that come with the job. Some days are less enjoyable than others. The hours are long. The stress can be high, but it sure beats some of the alternative ways to make a living.

For me, being a trial lawyer provides a tremendous amount of satisfaction and gratification in representing individuals who have been injured, both physically and mentally.

I relish the role of the underdog when facing top-ranked hospitals, large trucking companies or big cities. Let's face it, people root for David — nobody roots for Goliath.

I recently spoke to a group of wannabe lawyers. It was fun fielding questions from these bright-eyed, future jurists. Ironically, most of them told me they did not want to be trial lawyers. I thought to myself, this is crazy, it is so much fun being in a trial.

When I asked why not, many of them confessed they would like to make a nice living but hated the thought of long hours and ... gulp, "losing."

My speech then took a very different turn.

Boris Becker, a former tennis player, echoed my beliefs as a trial lawyer when he discussed his views on tennis: "I love the winning, I can take the losing, but most of all I love to play." It is such an accurate view of our profession and life, in general.

What I tried to impart to the students was that the competition is not really with your opponent, it is with yourself. As a trial lawyer, you must sacrifice, prepare, continuously learn and do everything humanly possible to lay the groundwork for a favorable outcome.

No one likes to lose but looking yourself in the mirror and knowing you did not give your best efforts will eat away at you more than any loss. You cannot control what your opponent does, but you can control what you do through dogged preparation.

Your opponent may have the facts, may possibly be a more gifted advocate, but there is no excuse for not outworking your opponent.

Never.

If you are looking to fully comprehend what the ultimate outcome is in trial, I think the final stanza from the poem "The Man in the Glass" by Peter Dale Wimbrow Sr. is an excellent example of integrity and honesty to oneself.

It states: "You may fool the whole world down the pathway of years, / and get pats on the back as you pass, / but the final reward will be heartache and tears, / if you've cheated the man in the glass."

Being a trial lawyer is about effort. It is about preparation. It is about the man in the glass. When you give it your all, regardless of the outcome of the verdict, you feel an immense sense of satisfaction and pride.

I lost my first couple of trials. As a plaintiff's lawyer, we seek numbers, not letters (NG = Not Guilty). My confidence was shaken. I struggled with the losses but worked hard at trying to get better at my craft. I understood struggling to achieve courtroom success did not — and should not — define me. Yet, I stepped up my efforts. I knew that my hard work needed to be my bedrock.

Like Boris Becker, I love to compete. Thus, the reason why I enjoy what I do so much. Sure, it means working weekends, working on vacation and getting your fanny kicked around the courtroom at times. Even now, there is no greater professional feeling than when I have helped a family in their darkest moments.

Reflecting on my chat with the future members of the bar, I am hoping my enthusiasm for our noble profession seeped into their porous brains.

Maybe, just maybe, a couple of them will opt to become trial lawyers.

I hope so.

Someday, I hope they can experience the feeling when they return home after the verdict and the man in the glass can look them in the eye, knowing they gave it maximum effort.