



A lawyer for all seasons

Successful lawyering requires many different skills – and others who complement your strong suit



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BY MILES B. COOPER

The jury panel sat in the box, in rapt attention. The man talking was one hell of a defense lawyer. Old school, pre-Discovery Act. He told stories – none of that computer slideshow crap – and jurors *listened*. The plaintiff's lawyer was nervous – as one should be when you dance with the devil in the pale moonlight. But a trial lawyer can only play the hand dealt. The defense lawyer's trial skills can only carry things so far when there has been weak case workup by an associate. The plaintiff's lawyer, who was less experienced in the courtroom, but a solid researcher, held pocket aces. A major motion, currently under consideration by the trial court, stood a good chance of gutting the defense's case. Each combatant brought devastating – but different – skills to court.

Successful lawyering requires more than a single skill, though. Identifying weak areas and strengthening them or staffing them can elevate a ho-hum practice to the upper echelon.

Not every situation needs a trial hammer

Lawyers don't spend every waking hour in trial. Nor do they spend all their time at depositions or talking at conventions. They need many different tools in their toolbox for the multitude of activities lawyers confront. These include case strategy, litigation (the heavy-lifting slog through mud between filing and trial), writing, editing, trial, office administration, technology, and marketing. Lawyers tend to be great at one or maybe two of these, but weaker in others. The strengths tend to follow personality types. Extrovert? You may excel in the courtroom and face-to-face marketing. Introvert? Your pleadings may read like Hemingway, and you might speak geek to the firm's Web developers and SEO squad.

We focus on the area that comes naturally

When you have a skill, you tend to spend your time using that skill. Think of it like a gym workout – you're good at the bench press. People tell you how good you are. Being good makes you happy. You spend your time working your upper body, setting lifting records at your gym. That's fine, until you need to go for a walk and your massive upper body collapses the toothpicks you call legs – they simply cannot support your weight. Being good at something thus caused an imbalance, impacting other areas.

Learn to live with discomfort

So how does one avoid imbalance? Awareness helps. Then learn to live with discomfort – spend time on the other areas. There are little discomforts and big discomforts.

Little discomforts – Learn how to do all the tasks in your office, every single one. This presumes you are not a one-person shop (if you are, you may be a step ahead of the competition). Run the postage meter; cut a check, pull together exhibits for a summary judgment motion and e-file it. This helps in two areas. First, when trying to meet that late night deadline, you are an office of one. Second, it helps you be a better boss. Understanding what goes into these tasks helps you plan your project lead times *and* review employees.

Big discomforts – Identify your weakest areas and find ways to strengthen them. One example: there is a social component to our job. Whether it is the political shindig, the local trial lawyers' awards dinner, or an MCLE presentation – we engage with others. Now for some of us, walking into a room full of people may dredge up high school feelings akin to being a John Hughes-style social outcast. "I'm wearing the wrong thing, I don't recognize anyone, people are staring at me because I'm not talking to anyone." (Guess, dear reader, one area where I'm weak.) That's discomfort. But no-one is staring at you. As you engage in your weak areas, you develop ways to become more comfortable and skilled. Eventually you might even start to enjoy and look forward to the areas that were once your weaknesses.

Partnerships and staffing – a great way to play to your strengths

One might conclude from the above that a dominant strength is a negative. Not at all. Developing the weaker areas ensures you are not a lopsided lawyer. This is essential if you are a solo, or work in a stovepipe firm (that's a partnership banded together for administration purposes but where each lawyer is in essence a solo.) But if you are a great trial lawyer and a crappy marketer, or a great case developer but an unseasoned trial lawyer, you have other options. Rather than master every skill, partner up with others who complement your skills. Build the firm and work the cases in a way that advantages everyone.

Outro

Back to our dueling courtroom skills. The plaintiff's lawyer received the ruling he wanted, leaving the defense lawyer's case in shambles. The insurance company watcher in the courtroom



made the call to headquarters. A vastly increased offer followed shortly after.

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