



Target acquired

Overcoming target fixation: Focus on the goal, not the obstacle, to achieve the desired outcome



Cooper

BY MILES B. COOPER

Long ago, the lawyer was out mountain biking with a skilled rider. The lawyer saw a rock ahead and, looking at it, thought, “I don’t want to hit that.” Like a moth to a flame, into the rock went the bike and lawyer. Low speed, low consequence. The skilled rider came upon the lawyer and asked what happened. The lawyer explained, and the skilled rider said, “Look where you want to go, not where you don’t.”

Target fixation

In providing that short sentence, the skilled rider defined a phenomenon known as target fixation. Pilots, motorcyclists, mountain bikers more skilled than our lawyer (who is, as usual, me) and other operators receive training on this. We, as humans, tend to go in the direction we focus on. If we get locked in on a hazard – the rock in our example – we head toward the rock despite our best efforts. The way around this? Awareness of the issue and training so we focus on the goal, not the obstacle. Recognize the hazard’s existence in one’s periphery and keep laser-focused on the smooth path ahead.

How does this translate into case work? Most cases have obstacles. If they didn’t, they wouldn’t need lawyering. As we confront these issues, we can become fixated on the issue rather than where we want the case to go. A client has a prior similar injury. We become concerned the jury may decide all the client’s present problems stem from the prior injury. *The more we fixate on the prior injury*, pour resources into arguing around it, begin perhaps believing a touch of the defense argument, and fret about how it decreases value, *the more we experience target fixation*. By centering concern on the prior injury, we fixate on it and the prior injury becomes the case.

Toadies

Sometimes, despite our best efforts, we cannot stop fixating. That hazard we steadfastly refuse to look at keeps crawling back into center frame. I think back to an experience where I stumbled upon a Surinam toad video. The eggs meld into the female’s back, and as the eggs hatch, her skin becomes a honeycomb patchwork with tadpoles bobbing in and out. With our blood-and-guts work, I don’t get disgusted easily. But somehow this stuck with me, and I could not shake my repulsion nor my fixation. For days as I tried not to focus on the visual it kept hopping back into my brain. For those regular

readers thinking, “Cooper, you’re crazy,” you already knew that. So are you. Everyone in our high-stakes adrenaline-addled career is in some way. It is all just a matter of how we manage it.

How does one stop fixating? By over-fixating. I went back and stared, and stared, and stared at the toad video and learned about its unique and amazing nature. Until, with familiarity and knowledge, it no longer disgusted me. Then, it hopped out of my mind. The case corollary? If something is chewing at you, turn your inner eye toward its path, and let it pass around you and through you. The reference to *Dune’s* Litany against Fear is intentional. Over-fixate. Write down the concerns. Talk about them with colleagues. Become briefly mad. And in doing so, focus so intently that the concern blows itself out completely. Only you will remain.

Once done over-fixating on the obstacle, it is time to reacquire the goal. Victory, whatever that may mean in a case, in a mediation, in a deposition. If the goal is a million-dollar policy resolution or bust, ignore the obstacle that defense may only be willing to pay \$500,000. We emit subtle signs that others pick up, be they opposing counsel, adjuster, mediator, or jury. That’s why we lock onto where we want to go, believe it, become it, and obtain it. Even a micro-hesitation can alert folks that one is not fully committed.

As we discuss hesitation, it is timely to discuss the fear corollary to target fixation. This is best articulated by Patrick Swayze’s Bodhi in Katherine Bigelow’s unforgettable *Point Break*: “Fear causes hesitation, and hesitation will cause your worst fears to come true.” When one focuses on fear, similar to target fixation, one invites the fear into one’s world. One should always respect one’s opponent, and never underestimate that opponent. Yet, with that respect, one should never embrace fear.

Outro

Back to our mountain-biking lawyer. Over time, the lawyer trained to look where the bike needed to go. The target-fixation training took hold, and began to bleed into case work. Has it been perfected, achieved 100% of the time? Of course not. Neither on the bike nor in cases. That’s why we call it a practice, and why we are lifelong learners. Anything less simply wouldn’t be interesting.

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