

Rick Friedman

On Becoming a Trial Lawyer

The author of this new book offers a formula to help lawyers maintain the "golden balance."

Reviewed by
Richard A. Friedling

In mathematics and the arts, an algebraic irrational constant, 1.6180339887, known at least since the Renaissance as the "golden ratio" or "golden rectangle," has been the ideal proportion utilized by artists and architects as embodying the most aesthetically pleasing balance. The number occurs, however, throughout our perception of the universe in seemingly unconnected but identical ways – from the proportion of spiral galaxies to the beautiful asymmetry of the nautilus' shell.

In his new and enthralling book, On Becoming a Trial Lawyer, Inner Circle of Advocates member, Rick Friedman, presents not so much the by-now-common memoir of a dazzlingly successful trial lawyer, as much as direction for the individual who would be or remain a trial lawyer while maintaining an individual's internal golden ratio – the necessarily delicate balance of the unique demands of that discipline and a well-proportioned life. That is why, I believe, Rick chose as the symbol on the frontispiece and for each chapter of his excellent book the "golden ratio" of the nautilus shell's perfect asymmetrical balance. This book could have justifiably been subtitled "the Zen of lawyering," intended here as a compliment.

Fear not; On Becoming a Trial Lawyer is not a new-age graphic massage for the soul; it is a nuts-and-bolts manual of useful information divided into three main parts: 1, "Entering the Jungle," presenting the seminal questions as to whether the reader has "what it takes" to become and to remain a trial lawyer – "the kind who represents people in court" – as opposed to corporate or transactional or government litigators – and providing basic tools on how to get the necessary knowledge and skill; 2, "Traps in the Jungle," identifying common errors – most of which Rick would say he has committed so you don't have to; and 3, "At Home in the Jungle," addressing the emotional and psychological challenges facing the trial lawyer – finding and maintaining that internal "golden ratio."

Rather than rail against that which is truly objectionable, Friedman urges that one keep one's balance by understanding the motivation behind such behavior. For example, in discussing all of our favorite humans, civil defense lawyers, Rick notes that:

Civil defense lawyers went to the best law schools, got the best grades, work in luxurious offices, and belong to the best clubs. . . .They also frequently engage in some or all of the following bad behavior

- Bullying
- Dishonesty
- Stonewalling
- Failure to cooperate on scheduling and minor nonsubstantive matter
- Frivolous discovery requests and motions
- Rude or condescending remarks
- Unwarranted accusations that your client is malingering
- Unwarranted accusations that you are engaging in unethical behavior

This bad behavior drives us crazy. Of course it does. I'm not saying it shouldn't. But if you understand what's behind this behavior, you can more easily deal with it on both a tactical and emotional level.

This broad view of the practice of law, taking cognizance of the pressures under which defense lawyers – casually referred to as "Nazis" by an equally well-known Washington State colleague of Rick's – labor, is as refreshing and useful as every other bit of his book. It is one example of how On Becoming A Trial Lawyer succeeds not in merely giving us the same tips we have been inculcated in and since law school on preparing and arguing a jury trial, but in pointing the way to maintain our internal "golden ratio" by discouraging wasting our angst on that over which we have little no control, but which we can at least diffuse through understanding.

As Rick notes in his final chapter, "The Key to Unhappiness," he notes that "[w]e trial lawyers have a way of tormenting ourselves." Why? The answer is in our idealism – or, more properly, it is our *naïve* idealism."

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How we react – internally and externally – to the gap between the myth of the judicial system and the reality is at the core of much of our unhappiness.... I would like to propose a new way of thinking about the gap between our ideal system and the one we work in. Consider this: *If the system were fair, we'd hardly be needed*. With fair, impartial judges, scrupulously honest opponents, and intelligent, perceptive jurors, how much would a client need us?

This book belongs in every lawyer's – and law student's – library; and not hidden on the shelf, but at least as handy for easy reference as the bottle of scotch and our dog-eared To Kill a Mockingbird.


Friedling

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