

JANUARY 2011

Unconditional love in the courtroom

A prominent attorney continues his psycho-spiritual journey

By J. Gary Gwilliam


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My last column was entitled "Is a Spiritual Trial Lawyer an Oxymoron?" Believing one has a spiritual life but living it day-to-day are two different matters. Drawing on my book, Getting a Winning Verdict in My Personal Life: A Trial Lawyer Finds His Soul, here are some anecdotes that belong in a file entitled "it's easier said than done".

It is time to tie together what I have learned on my psycho-spiritual journey. How am I doing with all this and how am I putting it into practice? I'm feeling pretty enlightened nowadays. I have been off alcohol for years, and I've been lecturing my fellow lawyers about stress reduction, quality of life issues, and spiritual values. The principles are simple: unconditional love, not being judgmental, letting go of anger and fear, staying emotionally centered, understanding that all things happen for a reason. I've decided it's time to put all these principles to the ultimate test. How do they work in the courtroom? I'm off to a typical day of trial, so I will soon find out.

It is 10:30 in the morning. We have just started another session of a contentious and difficult jury trial. The defense attorney is objecting to every question I ask, and my witness is struggling a bit. The judge, who doesn't seem to know anything about the rules of evidence, is sustaining most of the objections. Another ridiculous objection occurs:

"Hearsay!" The defense attorney stands up and shouts.

"Of course it's not hearsay," I respond reasonably, "It's not offered for the truth of the matter."

"Sustained," the judge rules.

"But your honor. . ." I counter.

"Sustained," the judge repeats. "Move on, counsel."

I'm getting irritated. Now I need to put these principles into practice. I'm going to send some unconditional love to my judge. Of course, *unconditional* means I don't expect anything back, but I would appreciate a favorable ruling now and then. And yet he seems so arrogant in his black robes looking down from his bench at me. But then I don't want to judge the judge, do I?

Then I look at the defense counsel, smirking at me again in his self-righteous way. He's been obstreperous and difficult throughout the entire litigation. *Can I see him as a spiritual being and really love him? This is hard. I don't like the bastard, but I'm doing the best I can.*

Now to my witness. *Is this guy stupid or what? I am not trying to be judgmental, but he still doesn't get it. I keep rephrasing the question and he doesn't get it. Like a deer with its eyes caught in the headlights. I smile at him sending unconditional love. I'm trying not to be judgmental, but he still doesn't get it.*

"Let me rephrase the question. . ." I offer helpfully. *Then I glance over at my jury. I'm getting some stony, cold looks from this bunch. I know some of them think I have a frivolous lawsuit and can't wait to put an X in the "we find for the defendant" box on the verdict form. Still, I'm sending out love as best as I can. But I've got this knot in my stomach. Perspiration is starting to come down the back of my neck. This is really hard. . .*

Then there's my client. If there's anybody I can love, it's her. I fought long and hard for her case. But I wish she'd quit whining. She seems so needy. The defense doctor says she's got to get on with her life. Maybe he's right. But then of course, I'm her advocate and I've got to love her unconditionally. I certainly can't be judgmental. It's not getting any easier. . . I smile and struggle on.

By the end of the long session in court, I feel a lot less enlightened than I did before. I need to get in touch with my guides and the Universe about using these principles. *Do I really have to love this judge? And the defense attorney?* But then, I never said I was a guru. I guess it's time to go back to the books.

Tongue in cheek articles often have a truthful message at their core. I continue to believe, and communicate with my fellow trial lawyers, the simple message that our work as trial lawyers is difficult conflictual work. Keeping in mind that message helps us deal with the practicalities of our day-to-day work.

Being a trial lawyer nowadays is tough work. The law is a conflict-ridden profession. We are constantly fighting with each other. We are always trying to outdo each other, whether it is in the courtroom, during discovery, or at negotiation. As a plaintiffs' lawyer, I never get anything unless I take it away from somebody. I think it has taken me a long time to learn how difficult this profession really is. But I'm doing better. Experience and sobriety have helped.

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So how do I deal with this conflict in the courtroom? First I have to remember that I am not in control. We can only control ourselves. We have to stay centered and do our best not to let distractions keep us from our goal. It's much easier said than done. Here are some ideas I have found that help:

• **Breathe from your belly.** Breathing is important, not just to stay alive but to stay centered and relaxed. Some time ago I learned the importance of belly breathing. The principles are quite simple. Many of us were taught as kids that the best way to breathe in was to throw out our chest like a military man. In truth, if we want to learn how to breathe, we need to watch a baby. A baby breathes by letting its stomach expand on the in-breath and the stomach contracts on the out-breath. When you breathe in, you need to let your stomach out. When you breathe out, you need to force all of the air out by sucking your stomach in. It takes practice, but if you learn this breathing technique you will find it invaluable. So, before I go into the courtroom or start a difficult session of any kind, I try to take a few deep, relaxed breaths. This helps me relax.

• **Remain relaxed**. The courtroom is a tense place. It is easy for our bodies to tense up in stressful situations. This tension is often centered around our shoulders, neck and upper body. It drains our energy. We need to be aware of this tension and make efforts to reduce it. I carry tension in my trapezious muscles by the side of my neck. I find that if I tense those muscles up very strongly – tighten them as tight as I can – for 15 or 20 seconds and then let them go, that makes them more relaxed. I also use Aspercreme regularly to keep these muscles around my neck and shoulder from tightening up. However, the best advice I can give is simply to be aware of where there is tension in your body when you are in a stressful situation. You must be aware of your body tension. You have to stay loose.

• **Stay centered.** Breathing helps us stay centered. We need to think of the trunk of our body as its center. We need to be aware of our center. This is true whether we are standing in the courtroom, sitting down, or moving around. This is a little bit like kung fu. Don't move aimlessly. Move deliberately and stand with legs spread so as not to be knocked off balance metaphorically. Be aware of body posture. Stay centered.

• **Let go of fear.** We need to stay in touch with whatever spiritual contact we have, whether that's through meditation, prayer, or reaching our guides and higher selves. By putting ourselves into this frame of mind before we get into a battle, we will perform better. It is natural to feel fear. We need to let go of it and turn the case and the outcome to a higher power. Let go of the fear of losing.

• **Don't react.** It's so easy to turn on the defense attorney and argue after he or she makes an objection. It's particularly difficult if things get personal. Recently, I tried a case where before every objection the defense attorney said, "Mr. Gwilliam is an experienced lawyer and should know better. . ." That was a nice backhanded compliment, and I was tempted to respond in kind. I really had to bite my tongue to try and stay focused. I ignored her and talked only to the judge. I made my objections and arguments to him. If he ruled against me, I just had to move on. By staying focused on what I wanted to accomplish, I wasn't thrown off track by my adversary. Be proactive, not reactive.

• **Maintain concentration.** This is similar to staying focused but you have to keep your mind directly on what you are doing. You can't let your mind wander. Don't think of what's going on at the office, what's happening in your personal life, or even what is going to happen in the next five or ten minutes. Stay concentrated on exactly what you are doing, bringing your focus back to the exact task at hand.

• **Stay in the present moment.** This is similar to maintaining concentration, but with a slight difference. Oftentimes lawyers get ahead of themselves and want to start asking questions anticipating what's going to happen in the next minute, or two, or five. This is not good. Stay in the present. Don't worry about the past or fret about the future. This will increase your concentration and listening skills, which will help you be a better advocate.

• **Listen carefully.** Many lawyers get so wrapped up in their own thoughts that they don't hear what the witness or the judge is saying. Listen carefully to what is being said. Stay right with the words. Be in the present and don't get ahead of yourself. If you are looking at your notes or thinking about what your next question is going to be, you are not listening. You can't focus your mind on two things at once although we often times try to do it by bouncing rapidly from one subject to another. That is the definition of the lack of focus. This gets us in trouble. We need to hear and listen to what is happening now, in the present moment.

• **All things happen for a reason**. I try to keep this as the guiding principle of my life. I need to apply it in the courtroom. Oftentimes, things that seem like losses turn into wins and vice versa. I have to trust the Universe. Once I recognize that I am not in control, I can roll with the punches and go with the flow. Staying in touch with the principle that things are happening for a reason will keep us centered in the present, relaxed and unafraid. This applies to all things in life.

Many of these suggestions are hard to follow. It is so easy to get caught up in the middle of a trial and lose track of them. After over forty years in the courtroom and doing 180 jury trials, it is still hard. Once again, I'm no guru and I am not always able to follow these principles. However, I try to keep them in my mind. Practice makes almost perfect. There is no such thing as perfect!

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