

Personal jurisdiction

Lessons learned from a case with personal impact


Cooper

By Miles B. Cooper

"Scout, simply by the nature of the work, every lawyer gets at least one case in his lifetime that affects him personally. This one's mine I guess." *To Kill a Mockingbird*, Harper Lee, 1960, HarperCollins Publishers, p. 87.

For many lawyers, Atticus Finch epitomizes what we would like to be. An individual willing to take a stand against bigotry and hate, speak truth, and be a good parent to boot. Picking up *To Kill a Mockingbird* is an excellent way to scrape away the calluses and jading that accumulate over time as we practice law.

Atticus Finch was right – every lawyer gets at least one transformative case. We may not recognize it in the moment, and what we do with the experience is up to us. In 2008, a transformative case came to me. It took time for me to recognize its impact. The case itself was an awful event. An individual who could best be described as a professional father set out on a cross-country bicycle ride. He had made the journey many years before. This time he was with a group. He had not crossed the first state line before he was struck and killed by a distracted driver. His son, who was in his late teens and raised mostly by his father, was suddenly alone.

Emote, dammit!

At the time we took the case, I was recently married and decidedly anti-kid. As a two-lawyer household we could try cases together and work into the wee hours. I felt kids were a diversion. Parents we knew kept yammering about how kids were the greatest thing ever. As they brought the umpteenth cold into the office or had to leave at 4 p.m. for Little League while we pressed on into the darkness, I thought, "greatest thing ever, indeed."

But as we gathered information about the relationship between the young man we represented and his father, something awakened within me. This father was amazing, and so was the son who benefited from the father's focus. The result was that my attitude toward parenting changed dramatically. We now have two children, and I am a sucker for them. Children are not for everyone. I'm not arguing we should all be viviparous. Our lives changed dramatically with kids, most ways for the better but also with challenges. As some longtime readers may know, our daughter went through a bruising cancer battle. She's done with treatment and doing well now but we have another 3.5 years of waiting out the recurrence window. That's an interesting Sword of Damocles. No one knows when they will go, but that heightened mortality risk makes this time every bit more precious.

Children teach me empathy, a trait that for me needs strengthening and reinforcement. They teach me understanding, love, and give me a heightened ability to understand and communicate the trauma our clients experience. That would be true with or without the cancer years.

The lesson? We come out of law school, we enter law firms, and we learn trial warrior ways. But some of us lack that human element, an element essential to communicating our clients' stories. Whether it be children, Trial Lawyers' College, or deep introspection, we must find ways to look into our hearts. We are humans telling human stories to other humans. A hardened litigator can win, but a lawyer in full can soar.

Passion

The case also renewed my cycling interest. I had been a cyclist up through my twenties but lost my way during the intense associate years. At the same time we were asked to take on this case, my commute had just changed. Walking to work at the new location every day took too long. I purchased a bike, and found myself going further and further. Inspired by the interactions with the cyclists in the case, I became what many become when they return to old ways later in life. Zealous. I love riding. I love bikes. I love infrastructure changes that make roads safer. That passion means I might spend more reptilian brain time pondering these issues. I found that my bikey friends were sending people my way, and I absolutely loved working with them. Injured cyclists tend to be upbeat, positive, and recovery-oriented. Jurors appreciate that, even if there is sometimes an anti-bicyclist liability sentiment. Now our practice is largely representing cyclists, and we are busy enough that we have to turn people away.

What's the takeaway? Find something one loves and success will follow. People sense that passion and will get drawn in. And what could be better than doing what one receives joy from?

Outro

The opportunity to help a young man through a tragic loss transformed me. Ten years later, the process continues to unfold. Helping him helped me. Every lawyer has at least one case that affects the lawyer personally. What good fortune we have to be doing what we do …

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