

Why I became a trial lawyer

What makes a person decide to become a trial lawyer? TRIAL asked six seasoned attorneys to reflect on why they had chosen the practice of law as their life's work. We invite you to read these reflections. Why did you become a trial lawyer?

- "Bit o' luck" by Philip H. Corboy
- "Fighting the good fight" by Sheldon J. Stark
- "Preserving freedom" by Edward C.Y. Lau
- "I had my heroes" by Jim M. Perdue
- "The real reward" by Larry S. Stewart
- "Staying power" by Gary R. Gober

Bit o' luck

Philip H. Corboy

How did a nice guy like you end up to be a trial lawyer?" The answer to this version of an ancient inquiry is, of course, "Just lucky, I guess."

Let me start from the beginning.

I cannot say that all my life I wanted to be a trial lawyer. In fact, I had no plans to become one after law school.

After I graduated from Loyola University School of Law in Chicago, I became an assistant corporation counsel for the city of Chicago. On January 17, 1949, the day I received my license to practice law, I was assigned to assist Joseph F. Grossman, a "lifer" in that office who was known as Mr. Municipal Corporation Law. He was not only a scholarly, gentlemanly, older lawyer, but he also liked me, and he gave me every opportunity for experience and exposure. I drafted ordinances for aldermen, commissioners, police and fire chiefs, and the mayor's office. I wrote legal opinions requested by city officials and influential civic groups.

One of my earliest experiences was prompted by the State Street Council. Marshall Field & Company, Goldblatt Brothers, and Sears, Roebuck & Company were all being assessed by customers whose clothing had been burned by passengers smoking in store elevators. I drafted an ordinance backed by legal opinion prohibiting smoking in public elevators. The City Council accepted it, and the law prevails today. Heady stuff for a 25-year-old lawyer. It got better!

On January 17, 1950, exactly one year after I received my license to practice before the Illinois Supreme Court, I argued my first case before that court. The plaintiffs had brought suit in equity for the city's failure to redeem tax anticipation warrants. The

owners of these financial instruments were not paid, allegedly because the city of Chicago had diverted funds from the 1929 tax levy for improper purposes.

Standing of warrant holders, constitutional issues involving c'est que trusts, and the rights of coterminous public corporations were but a few of the issues on this young lawyer's legal platter. (Coterminous? I haven't seen the word since!) We--I should say "the city"--won the case. (*Schreiner v. City of Chicago*, 92 N.E.2d 133 (Ill. 1950).)

I was happy. I was content. I was secure. I was earning \$4,200 a year. I was doing things lawyers many years my senior would never do. I was on a professional roll.

Then, out of the blue, James Dooley entered my life. Super-lawyer Dooley was recognized as the dean without peer of plaintiffs' personal injury trial lawyers. Although he was 10 years older, we had similar backgrounds: We both were Irish Catholics; we had attended the same law school; and we had both graduated with the same rank in our respective classes.

Just after the *Schreiner* opinion came down, Dooley asked me if I knew anyone in my age group who would be interested in working for him. I brashly said I would get back to him. I didn't want to stop working for the city. I knew that I would learn much more from anticipated opportunities in my present position.

Although I knew he was a great trial lawyer, I knew almost nothing about that discipline of our profession. However, I had a feeling I ought to take advantage of his camouflaged offer. In a few days, I said, "Yes--me." Future Illinois Supreme Court Justice James Dooley was a cautious man; it took him eight months to accept my answer.

On November 1, 1950, I started the next phase of my legal career. Nine days later, Dooley handed me a file and said, "This case starts next week. You are it." I had never been in court for a complete trial. I had never selected a jury or even seen a jury empaneled. I had never heard an opening statement.

But I was fortunate: November 10 was a Friday, Saturday was Armistice Day, and court was closed until Tuesday, November 14. I had four days to get ready for my baptism. I knew nothing about cross-examination, but I immediately obtained a copy of Francis Wellman's 1903 classic, *The Art of Cross Examination*. Francis Busch, renowned trial lawyer in Chicago and former corporation counsel, had just written *Law and Tactics in Jury Trials* (1949). Armed with these treatises, I started the arduous task of preparing to try my first case.

My clients were two young widows who had filed suit on \$2,000 certificates of insurance issued by the Equitable Life Assurance Society on the lives of their husbands, Pedro Espinoza and Esteban Martinez. Their husbands had been schoolboys together in Texas and had been employed by the same company in Chicago.

On the night of October 8, 1945, they had been drinking for five or six hours. About

11:40, they left the saloon, each drew a revolver, and each shot and killed the other. On studying the file, I found that it was our position that, under the evidence, a question of fact was presented as to whether the deaths were accidental within the terms of the insurance policies. These contained clauses prohibiting recovery if the insured's death was caused by participation in a felony.

Gerania Espinoza and Maria Martinez met their lawyer on Sunday afternoon, November 12, 1950. I immediately knew they had complete confidence in me. The facts were not much in dispute. Two drunken pals killed each other.

Their callow lawyer convinced the jury that a felony could not have been committed because the two buddies were too drunk to knowingly engage in a felony. The thrill of winning my first case was somewhat dissipated when the trial court entered judgment notwithstanding the verdicts. The appellate court sustained the trial court. (*Espinoza v. Equitable Life Assurance Society*, 103 N.E.2d 149 (Ill. App. Ct. 1950).)

My first "people" clients did not recover on their verdict. I did not help them. The experience, however, now controlled my professional destiny. The thrill of representing injured people in genuine need of advocacy consumed me. Their needs became my needs. In just a three-day trial, my life was ordained. I knew there were people who needed me--not a soulless corporate entity, not a taxing governmental body, not elected officials, not State Street giants, not well-known leaders of industry, politics, or government--just brave people in need of me.

But, of course, I knew that trying one case did not make me a lawyer. What it did was supply me with the answer to *why* I needed to become a trial lawyer. After the *Espinoza* case, I did everything that lawyers do in order to become trial lawyers.

I studied, I took seminars, I read, I listened, I honed, and I found out that a personal injury trial lawyer is in a position to level the playing field and help people in the war against organized money: insurance companies, corporations, common carriers, manufacturers, cities, states, and national governments.

Espinoza taught me that I could no longer be just a book lawyer. The metamorphosis from embryo to journeyman to skilled advocate has, of course, been gradual.

A trial lawyer's education never ends. It is constant. When too old and too experienced to learn, the trial lawyer becomes a former trial lawyer.

I have tried several hundred jury cases since the halcyon days of 1950. I know that without my first clients' having complete confidence in me I would not have become a trial lawyer. The complexities of later lawsuits have been different. But with all my cases, I have been privileged and honored to represent people who need me.

I am still proud and honored to represent people who place their destinies in my hands. I know that this is essential to being a trial lawyer. I know that my clients' needs and my

needs are coterminous. (There's that word, again!) Having an opportunity to do the right thing for each client is why I have remained a trial lawyer.

"How did a nice guy like you end up to be a trial lawyer?" Extremely lucky, I know. **Philip H. Corboy** is a partner in the firm of Corboy & Demetrio in Chicago.

Fighting the good fight

Sheldon J. Stark

I started law school in 1969 because I wanted to end the war in Vietnam. I had had no prior inclination to go to law school, nor did I have any interest in becoming a lawyer. Rather, I had been studying to become a clinical psychologist. Unfortunately, I had been forced to drop out of graduate school for a time because my father had passed away, and I was needed at home to help run the family business.

The year was 1967, and the Vietnam War was one of two burning moral issues of my generation. The other was the struggle for racial justice and equality. I had been part of antiwar and civil rights demonstrations in college, but not in any well-organized way. Back home after college, I became active in antiwar politics within the Democratic Party, joining a group that sought to gain control of the party and change the war policies of President Lyndon Baines Johnson from the inside.

In the struggle for power, I observed that the most respected and influential people in the party were either very rich or had law degrees. Clearly, to control the Democratic Party and change its policies, we needed to fight fire with fire. We needed our own respected and influential people. I wanted to be one of those people. I wasn't rich. In 1969, therefore, I exercised the only remaining option.

Much to my surprise, I liked law school. The ideas were challenging and the method of thinking and analyzing problems interesting. Having entered school with a political point of view, I never lost sight of the practical applications for the ideas I was learning and the uses for them in the struggle for equal rights and the struggle to end the war. My eye was still on politics, however, not on becoming a trial lawyer.

I worked during the day and went to school at night. My classmates were all in the same circumstance, people who were changing careers later in their lives. There were engineers, corporate treasurers, retired military officers, parole officers, former seminary students, and insurance agents. At 25, I was one of the youngest in the group.

Class discussion was always lively, stimulating, and practical. These were people with experience of life--their feet were firmly planted on the ground. They were able to discuss the ideas we were being exposed to in real-world terms. Law school, therefore, never seemed frivolous or irrelevant to what was going on around us. We talked through the concepts with concrete examples from the experiences my classmates brought to the discussion.

After my first year, my mother decided to sell the business and I could try my hand at a job clerking for a law firm. I was fortunate to be recommended for a job with a good firm. I was hired by Goodman, Eden, Robb, Millender, Goodman & Bedrosian, a firm that had roots in the founding of ATLA, then called NACCA, the National Association of Claimants' Compensation Attorneys. The office was also one of the first racially integrated law firms in the country. The firm was characterized by a concern for equal rights for all and a commitment to social activism. In fact, in 1937 it had helped to found the National Lawyers Guild (NLG), an organization dedicated to seeking economic justice, social equality, and the right to political dissent.

The firm was on the cutting edge of tort litigation while actively serving as legal counsel to the antiwar and civil rights movements. It was an exciting place to work. I would read the paper in the morning, go to work, and find cases out of the headlines sitting on my desk for a complaint or brief to draft.

In 1970, for example, the Nixon administration launched a series of grand juries all over the country, moving aggressively to force antiwar activists to testify against each other or go to prison. Our office represented witnesses before one of those grand juries, and we filed suit against the administration for its illegal wiretapping activities and surveillance of the political left.

We also represented victims of police misconduct, including people who had been shot or brutalized by a racist police decoy unit responsible for multiple shootings and deaths in the Detroit black community. Ernie Goodman, the senior partner in the firm, was lead counsel in defending the Detroit Black Panther party. The office also helped organize the defense of the inmates prosecuted in the wake of the Attica, New York, prison uprising. We were in the forefront of litigation around the crashworthiness of cars, construction site accidents, and complex press malfunction injuries. Ralph Nader, one of my heroes, actually called us!

The law was really exciting. Here were progressive lawyers making a difference in people's lives, on the one hand, and a difference in society, on the other. This was a law practice I had not been aware existed. People loved what they were doing and were doing what they loved.

By contrast, my political experience had been frustrating. We had stopped Johnson, but we had replaced him with someone far worse, someone who threatened the very Constitution from which flowed all the political and social rights I cared about. For the first time, I had a vision of a career that could combine all the things I cared about: I could integrate my personal values with my job. As a progressive lawyer, I would not be limited to seeking a more just and humane society in my spare time. Antiwar activism did not need to be an extracurricular activity. Justice for racial minorities could be a tangible accomplishment, won in court as a direct result of my activities. I could actually earn a living doing what I had previously done for free in the streets in the 1960s. I could earn my living engaged in activities I could be proud to be

part of. I could look myself in the eye each morning when I shaved. In the vernacular of the time, I wouldn't have to "sell out" to feed my family.

After graduating from law school, I said good-bye to politics. I got a job instead as a trial lawyer with another progressive law firm, Kelman, Loria, Downing, Schneider & Simpson. It, too, had been present at the creation of NACCA, and its lawyers were active in the American Civil Liberties Union (ACLU) and the NLG. During the years I was there, I had the good fortune to work on cases on behalf of injured people, to oppose police misconduct, to challenge unsafe and dangerous products, to struggle for racial justice, to join the effort to end sexual harassment and disability and age discrimination, and to seek to strengthen the laws protecting civil liberties.

Not only was I doing good work for socially responsible causes, I was having one hell of a good time. The firm encouraged my participation in the Michigan Trial Lawyers Association, ATLA, the NLG, and the ACLU. I had found a job that combined principled action, law reform, courtroom drama, intellectual ideas, focused research, a front position in the struggle against the dark forces in our society, and people willing to pay me for it, too! This was ideal.

I became a trial lawyer because the work combined everything I enjoyed and found important in my life. It has been the best job I've ever held. I don't regret a minute of it. **Sheldon J. Stark** is a partner with Stark and Gordon in Royal Oak, Michigan.

Preserving freedom

Edward C.Y. Lau

I am proud to be a trial attorney despite the lawyer bashing of recent years. I wanted to be part of a profession that was at the forefront of social change. I was brought up in a time of intolerance for people who were ethnically and culturally different from the mainstream of society. These groups did not have attorneys in their ranks to argue on their behalf.

Even though this is a great country, it is still an imperfect society. Constant diligence is required to fight for what is right and just, lest there be a loss of our freedoms. We fool ourselves when we believe that life is as good as it will ever get and we allow justice to erode.

It is the trial attorney who is asked to expose and correct injustice and outrageous conduct, to play a part in setting precedent that really makes a difference between right and wrong, and to defend the liberties that have made this country the envy of the world. So it is no wonder that attorneys have become the targets of the greedy who think more of profits than human welfare and those who would avoid taking responsibility for their actions that harm people.

I am angry when a defective product like the Dalkon Shield is taken off the market in the United States because it is dangerous to women's health--and then exported abroad in the

name of profits to countries like Taiwan where more victims are injured and where there is no one to complain to because there are no products liability laws.

I am angry when people are hurt and manufacturers don't give a damn because they say injuries are a natural by-product of "profits at any cost."

The fight for what is right and just is a constant battle. If you stand by idly and watch injustice, it will grow like cancer. I believe we are living in special times when the threats to liberty and freedom are greater than ever before in the history of this country.

We as trial attorneys have the privilege of living at a time when the future course of this world depends on how well we defend the rights of individuals and society. To me, being a trial attorney is a sacred calling. It is a calling to make this a better and safer world.

I know of no organization that has done the job that ATLA has done to train trial attorneys, to sharpen trial skills, and to keep us focused in the right direction. I have been a member for 8 of my 24 years of legal practice. Before I became a member, I thought I was a pretty good trial attorney. Since joining, I have come to realize how ill-equipped I was to do the job.

I continue with ATLA even after I have completed many of the educational programs offered by the National College of Advocacy because there is something about the fellowship among trial attorneys who fight for what is right and just. That something serves to challenge, refuel, and inspire me to continue the good fight.

Edward C.Y. Lau practices law in San Francisco.

I had my heroes

Jim M. Perdue

I wanted to be like them. My heroes. The people who, when I was a child, gave me direction in my values--those greater-than-life figures who inspired me to dream. They taught me what I should stand for and gave me vision for the future.

I came up poor. I was raised by a working mother who provided for her two sons as best she could. It seemed like the ladder of success was clearly marked "No Trespassing" to young men and women growing up in our industrial neighborhood on Houston's East side. But even though times were hard, I knew what kind of person I hoped to be when I grew up. I had my heroes.

I am convinced that many of the trial lawyers who are so successful today had the same heroes I did. As children we found our heroes in the movies. The heroes were usually characters, like Jacob McCandles, who was played by John Wayne.

I remember a scene from *Big Jake* in which Wayne starred. Three cattlemen are about to hang a Scottish sheepherder. They are kicking around the young Hispanic boy who is helping him with the sheep.

There was no one more unpopular in the Old West than a sheepherder. But McCandles, a cattleman, stands up for someone who is about to be wronged, someone who is unpopular. Big Jake orders one of the cattlemen to cut the Scotsman's noose. The Scotsman is saved from the lynching and sent on his way.

McCandles is our hero because he had the courage to champion an unpopular cause. We grew up admiring those who would stand with one against many. They would champion the cause of the weak against the powerful. They knew it isn't where you come from that counts but where you stand.

We sometimes found our heroes in religion. As children we learned Jesus's parable of the Good Samaritan. In Luke 10:25, Jesus is delivering a sermon on what it takes to be righteous. A young lawyer inquires of him what one must do to be righteous. Jesus tells the lawyer that you must believe in God, practice virtue, and love your neighbor as you do yourself. The young lawyer is not satisfied with the answer and inquires, "Who is my neighbor?"

Jesus tells the story of a man who is going from Jerusalem to Jericho. The man, who is a Jew, falls among thieves who strip and beat him and leave him half dead. To fully appreciate the parable, we have to understand the times. The first person who passes by the Jew is a priest. The second passerby is a Levite, one of a group who performed lesser ceremonial offices under the priests.

Then a Samaritan sees the man lying in the road and has compassion for him. He binds his wounds and takes him to an inn. He pays the innkeeper to care for him. Jesus asks the lawyer which of the three proved to be the good neighbor of the man who fell among thieves. The lawyer answers, "He that showed mercy on him." Jesus instructs, "Go and do thou likewise."

In those days, it was unthinkable for a Samaritan to help a Jew or vice versa, because the two groups hated each other. But helping the Jew was the right thing to do. The Samaritan is our hero because he showed charity to someone who would be his enemy.

Will to Succeed

Later, we found our heroes in law school when we learned about Belva Ann Lockwood. Lockwood graduated from the National University Law School in Washington, D.C., in 1873. She was denied admission to the U.S. Court of Claims because she was a woman. Lockwood then applied for admission to the U.S. Supreme Court. At that time, the federal statute for admission of attorneys made no reference to gender, and she believed she was well qualified under law for admission.

In 1876, Lockwood's application was denied because under English law "none but men are admitted to practice before [the Court] as attorneys and counselors." The opinion was heavily criticized by the press because "the same reasoning [that was] used to exclude Mrs. Lockwood would compel every attorney who appears in the Supreme Court of the United States to wear a gown and wig."

Finally, Lockwood took the matter to Congress. She drafted a bill specifically providing for the admission of women to the federal courts. In 1879, the "Lockwood Bill" was signed into law. Belva Ann Lockwood is our hero because she represents tenacity, determination, and the will to succeed.

When the Reverend Martin Luther King Jr. marched in Selma, was attacked by police and dogs, and was put in jail, he was condemned by many because he was "making trouble." King is our hero because he taught us that it was wrong to judge people by the color of their skin. Rather, we are to judge them by their characters, their deeds, and the contents of their hearts.

When Cesar Chavez marched for the rights of migrant workers, he was considered a communist, a revolutionary, and a law breaker. Cesar Chavez is our hero because he taught us that everyone deserves our respect and decent working conditions. When Nelson Mandela spoke out against apartheid in South Africa, he was sent to prison where he stayed for 27 years. Nelson Mandela is our hero because he taught us that injustice that is condoned by law is still injustice.

For 33 years, I have been about as "ordinary" a trial lawyer as one could imagine. None of my clients has been notorious. None of my cases has been on television. I have never attained the celebrity status that my heroes of today, Ralph Nader and Gerry Spence, enjoy. But I have never forgotten where I came from.

Today, I am proud to say that I represent the individual--the ordinary, innocent, responsible citizen. People like the ones I grew up with--men and women who do not preach personal responsibility but live it. They continue to work when they are hurt. They sacrifice to survive. They love and care for each other even in the face of tragedy not of their own making.

We who advocate and champion the causes of these good people know we have made a difference. We have stood in court when the prevailing public attitude was hostile. Through preparation and hard work we prevailed and repaired an injustice. Trial lawyers change lives and make them better. The causes we champion are those of the ordinary citizen--even when the cause is unpopular, even when the case is difficult, even when the battle is frustrating and the odds are against us.

Why did I become a trial lawyer? Because I had my heroes, and I wanted to be like them. **Jim M. Perdue** is a partner with Perdue & Clore in Houston.

The real reward

Larry S. Stewart

I have always said that I live a charmed life because I became a trial lawyer. Not many people have careers that are stimulating and challenging, where they are constantly learning and where the rewards are so satisfying.

For me, choosing to be a trial lawyer was a very easy decision. I knew that I didn't want to read abstracts, draft wills, or compute taxes. On the other hand, I enjoyed working with people and solving problems, and I realized that the real test of any right or duty took place in a courtroom.

In my wildest dreams, I never realized how truly rewarding trial lawyering would be. The rewards I refer to are not material. Too many people have pursued legal careers to strike it rich. That is a mistake. A goal of personal wealth often leads to serious trouble.

The real reward of trial lawyering is in helping people. With the exception of loving family, there is no joy or satisfaction more exquisite than righting a wrong, restoring a person's dignity, or reversing a family's financial disaster. To look into the faces of a family and see hope where before there was only despair, to see an enormous weight lifted, or to see tears of thanks is the real and lasting reward.

Trial lawyering is not easy work. The responsibilities are heavy, and the stress can be great. Those who represent plaintiffs routinely battle against great odds and unlimited resources. The hurdles and pitfalls to achieving justice are numerous. But when success is achieved, it carries me to the heavens, and I realize once again how privileged I am to be a trial lawyer, a lawyer who is on the side of the people.

Former ATLA President **Larry S. Stewart** practices with Stewart, Tilghman, Fox & Bianchi in Miami.

Staying power

Gary R. Gober

My reasons for becoming a trial lawyer are not nearly so compelling as my reasons for *remaining* one. The perceptions and motivations of seasoned middle age can sometimes be more instructive than the crass ambition of youth.

In my college class, 50 percent of my colleagues were either pre-med or pre-law. It was simply the thing to do. Law was the best route to prestige, political power, and wealth. If you had a political mind-set, you went to law school. My friends and I never gave it a second thought.

The law school I attended couldn't have cared less about training future trial lawyers. It was interested in turning out moles who could toil in the bowels of major corporate and tax firms. There were no trial advocacy courses or internships; moot court was a joke. As a result, when I graduated in law after a desultory three years, I didn't know what a deposition was, much less how to take one. I literally knew nothing about trial advocacy.

After floundering around for six years, I returned to the office from court one afternoon, and two lawyers on a task force for ATLA signed me up as a member. That was when I began the process of becoming a trial lawyer. That was 23 years ago.

It's been a bumpy but exhilarating ride. I'm glad I did it and would do so again--but not

without some changes along the way. If I had it to do over again I'd have tried more cases and saved a little more. On the whole, however, I've had a darned good time.

Now, why do I do this? Why do I stay in this business? Why do I recommend it to young people? In no particular order of priority, I offer the following:

1. You can use your gifts. If expression, communication, and persuasion are your strong points, this profession offers the opportunity to develop these abilities and use them in your work. The *extent* to which you can use them depends on your willingness to try cases. Here's to trying more cases in the future!

Self-expression leads to fulfillment, and happiness is the by-product of a fulfilled life. Too many people live and die with their music inside them. Trying cases has allowed me to reflect on life and to express that reflection in summations. At those high, all-too-rare moments, it gets real good.

2. You can make a decent living. Few trial lawyers get rich. The old observation that trial lawyers live well and die poor may have some merit. But while I'm not rich, my family and I have done well. I see nothing wrong with that. People who have talent and work hard ought to be permitted to earn a good living, whatever the field. Ours is no exception.

Most of us have been able to sleep and eat in a comfortable house, educate our children, and see a bit of the world. This is good, and I am grateful for this. I try to remember it every time I am tempted to think that the world lost a great actor or novelist when I became a lawyer. The idea of starving in a garret somehow never particularly appealed to me.

3. You can matter. The older I get the more I realize I am a warrior in a great struggle. Every time I win damages or benefits for an injured worker or consumer against a callous insurance company, I feel I have performed a moral act.

I am much more ideological than I used to be. I feel like one small link in the protective barrier between the individual and corporate greed in America. Every trial lawyer on the side of people shares in that high office. We're on the side of the angels. We're right! When we win, truth wins, justice wins, the people win. That gives my life meaning.

Fulfillment, sustenance, and meaning. That's why I'm a trial lawyer *today*. And I feel a great kinship with my brothers and sisters in the profession. Together we will grow stronger as we fight for the rights of people. Let the critics do their damndest; let them hurl their epithets of hate. We are the heralds of truth, and truth ultimately will out. I have no doubt that when the final score is tallied in the arena, we will emerge victorious.
Gary R. Gober practices law in Nashville, Tennessee.