

Places Where Practice Meets Life

Ray White
LHL Conference 2019
April 12 2019

“Places Where Practice Meets Life”

As I embarked upon my career as a trial lawyer many years ago, I noticed there are many professional obstacles a new lawyer inevitably must confront. Since I spent my first years in practice considering myself successful if I could remember the names of everyone in my office, the location of the nearest restroom, and trying to convince those who needed convincing that I could actually do my job, that left very little time for reflecting upon how I could navigate around these obstacles... and so I would often plow into them head-on until the lesson was so hard, inevitable, and painful that I had no choice but to take another route.

I must have unconsciously found enough ‘other routes’, as after several years of practice, I was fortunate to become involved with the National Institute for Trial Advocacy as both an officer and then a faculty member. It was there I was asked to teach trial skills. And so to try to live up to the expectations of those who asked me, and those who would listen to me, I actually took the time to look at, and reduce to writing, what I believed it took to become a good trial lawyer. As I did, the collection of professional scars I accumulated morphed into a lightbulb in my mind, illuminating for the first time the one thing that seems to matter most to a juror with whom we are trying to build a relationship with – trust.

And so, I set out to determine what it is we need to do in the courtroom to help build that trust, and what I came up with is set out below – something that fits neatly into the acronym P.L.A.C.E.S.

When asked to speak at this conference, as I searched for a topic a. that made sense, b. that would be helpful, and c. that I knew something about – no small task – it occurred to me, that I had actually been a human being far longer than a lawyer, but until I incorporated those same attributes into my personal life, I was no better as a person than I was a young lawyer. So, there was my topic - in front of me the whole time but like so many things in life, hiding in plain sight. *Places Where Practice Meets Life.*

I realize now that life and the practice of law have a lot more in common than one might think at first glance. Both are hard, both are rewarding, both are filled with obstacles, and both become far more gratifying when we become someone worthy of trust – from colleagues, from clients, from friends and loved ones... and from ourselves.

I know enough to know that I am and always will be an imperfect being, as are we all; beings who are judged as much by what we do as by what people are willing to overlook about what we do – and by what we are willing to overlook about ourselves. What you will come to learn as *The Ben Hogan Rule*.

So, it's now obvious to me that there are many places where life and practice intersect. Sometimes these places present as an open highway, sometimes as a long series of crossroads. But so long as I can be someone that others can trust, then I believe what I have to offer to our profession, my family, and those around me will matter to them.

And it is with this in mind that I offer not only what I believe are some helpful thoughts to gain the trust of jurors as we navigate our way through the courtroom, but also what I believe could be equally helpful for the same reasons as we navigate our way through life.

P.L.A.C.E.S.

An Introduction... to Yourself

Who does the jury want to meet? You! How do you help them get to know you? Show them P.L.A.C.E.S. - P.L.A.C.E.S. are the secret to trial practice. And they may just be the secret to a whole lot more. So okay, what do I mean by P.L.A.C.E.S? What I mean, and what you will learn to do is to make sure you are comfortable in knowing and being the 'professional you' and the 'personal you' regarding each of the following:

P – Professionalism

L – Likeability

A – Agility

C – Confidence

E – Enthusiasm/Passion

S – Skillfulness

1. Professionalism

- a. What others call us – not what we call ourselves
- b. Some Simple Goals – be polite; be respectful; be sincere; call people by name; never appear to get upset; be heard; always be able to justify your position

2. Likeability

- a. Likeability does not have to mean a bubbly personality, everyone's friend... But try to be someone others can empathize with
- b. Jack Nicholson in *As Good as It Gets*
- c. Genuine = Sincere = Respect
- d. Respect = same as 'like' for the purposes of what we do
- e. Likeability is important for having a jury empathize with your client. If people empathize with you they will also empathize with what you stand for
- f. If you do not like yourself, it will be very hard for others to like you. It's okay to be imperfect, just work toward being an imperfect person you and others can still like

3. Agility

- a. Do I look lost, flustered, upset when things don't go my way?
- b. Do I ever stare at my legal pad for more than 15 seconds trying to figure out what to do next?
- c. Can I transition away from trouble organically?
- d. Agility comes with wisdom

4. Confidence

- a. Not to be confused with OVERCONFIDENCE
- b. Confidence = comfortable in your own skin
- c. Confidence is knowing you are good enough to make mistakes and still succeed – the Ben Hogan Rule: Swing easy, trust in muscle memory, and allow yourself six mistakes for every round

5. Enthusiasm/Passion

- a. Nothing great in the world has ever been accomplished without passion.
 - Georg Wilhelm Friedrich Hegel
- b. Nothing great was ever achieved without enthusiasm.
 - Ralph Waldo Emerson
- c. Flaming enthusiasm, backed up by horse sense and persistence, is the quality that most frequently makes for success.
 - Dale Carnegie
- d. Indeed, there is an eloquence in true enthusiasm that is not to be doubted.
 - Edgar Allan Poe
- e. Enthusiasm is the most important thing in life.
 - Tennessee Williams

6. Skills

- a. Clear out the clutter – and remember what Lord Balfour said, “Nothing matters very much, and very few things matter at all”
- b. In the Courtroom here is what ‘matters at all’:
 - Know your craft
 - Know your art
 - *Know the Ben Hogan rule*

Ray White began his legal career as an Assistant District Attorney in Albany, NY, where he conducted numerous jury trials as a member of the Major Offense Prosecution Bureau and The Felony Trial Bureau. His practice career has also included FELA litigation, family law litigation, entertainment law, criminal defense, and appellate practice. Mr. White served as faculty for the National Institute for Trial Advocacy (NITA), teaching basic trial skills to attorneys at several hands-on training programs throughout the nation. He has also served as CLE faculty for the several Virginia CLE ® seminars, along with programs by and for the New York State Supreme Court Appellate Division's Office of Attorneys for Children, the New York Public Welfare Attorneys Association, the Alameda County (CA) Bar Association, the Austin (TX) Bar Association, and the New York State Basic Prosecutors Training Program. Mr. White, a graduate of Duke University and Albany Law School of Union University, is currently the Executive Director for the Virginia Law Foundation and Virginia CLE.