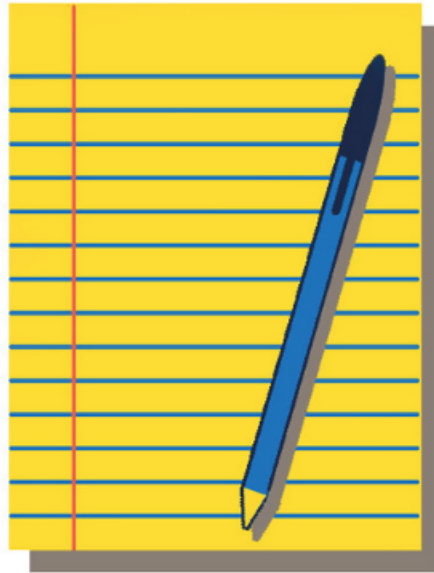


Parable #3 - It's Your Client's Case



Advocacy Club Parable #3: It's your client's case

by John Hollander, 850 words

We've all been there. All your preparation, all your efforts, indeed all of your focus over the recent past have gone into this very moment. You've finished your presentation. Now the result is lying in the hands of the decision-maker, whether a judge, master or tribunal. It's no longer up to you, and you feel a sense of dislocation. You can feel the residual adrenaline drain from your veins. But ask yourself this question. Is it all about you?

The worst moment starts when you finish your case and before the judge rules. All your work has led up to this. You end your argument with your best point. You answered the judge's questions, patiently explaining your position. You sat impassively as opposing counsel tried to shred your argument. Your spirits soared as the judge asked just the right question of your opponent. Then they sank as the lawyer answered the question just as deftly. Persuading even you. Your opponent sat in triumph. Just as you did not long before.

Then there's a pause as the judge considers the decision. You wonder – and not for the first time - did the judge decide the case long before this? Did anything that you said make a difference?

Your client sits beside you, knows how important this is. How the result could change things if you prevail. Worse, much worse, if you fail. But you realize that it changes things for you, too. Your client's trust in you grows with success, as does your prestige with the Bar. Clients and colleagues respect winners. Maybe you can bill more. Because clients reward success. Your status at work rises. Because firms reward success, too.

You wait. You show your best poker face, radiating confidence, confidence you don't feel. You sense moisture gathering at the small of your back.

You look at your client meaningfully to share that feigned confidence. Because you are the champion here. To some, you're a hired gun. But to this person sitting beside you, you're a knight wielding a sword to attack and a shield to defend. There's a lot at stake for the client. But what if your opponent wins the day?

Then you glance at the other counsel table. The lawyer sitting there has experienced the same feelings as you. The roller-coaster of emotions from elation to dismay and back as each point hits home, either for or against the positions each of you advances. Who does the judge agree with?

When you come right down to it, you're petrified that your strategy, self-confidence in your skill, your very future as a professional, well, these are all on the line. You second-guess everything you did, your standard practice. Why doesn't the other lawyer seem as nervous, as anxious as you are?

Your gaze returns to your client. You see the angst. Lines crease the forehead above the rim of eyeglasses. Do you see a tremor? Does the client still have confidence in your advice? In your ability to get results?

The client reaches out, taps your arm, and points discretely to the front of the courtroom. The judge speaks. "I will adjourn for ten minutes to write up my notes. Don't go far, Counsel." The clerk calls for us to stand. The judge exits in a flourish of black robes, leaving you to your own devices.

Ten minutes? That's not much time. The judge *has* decided. Which way? Your client asks to use the washroom. You realize that you need to do so, too,

rather urgently. How could you not have noticed before? Are you numb? Too focused on the case?

You use the washroom, using the short time to check in with your senses. You realize that you're impaired as if you were stoned or drunk. All you can think about is the case. Let's get this finished, you think. Soon, it will be.

You return to the courtroom. Your client does so at the same time as if choreographed. Your opponent had not left the room.

"All rise." The clerk announces the return of the judge. Another flash of black robes. The judge says something. You listen closely. You process the words. The judge reads from notes and then glances up. You want the judge to look at you. Judges always look towards the winners first, right? Then the judge looks down again. What did the judge say?

Your opponent rises to say something, but the judge hasn't finished yet. Lawyers never interrupt a judge during a ruling. But then the judge is quiet. The judge has decided. You won! The judge has just asked your opponent about a delay to allow for time to appeal.

You look at your client, who doesn't understand what happened. Then you change how you think about what just happened. The client won. Because it is – it always was – the client's case. Lawyers don't win or lose. Clients do. And this client won on this day. You just helped. It's time for you to help another client in another case.

The end.