

TRYING TO BALANCE YOUR LIFE AND THE LIVES OF YOUR CLIENTS - Larry N. Sokol

COVID has ripped through everyone's lives with a forcefulness only those who have faced a devastating natural event have suffered.

Extensive evacuations of the downtowns throughout the country have turned all of us, with apologies to Lewis Carroll, into lawyers in wonderland.

The never before imagined, shuttering of our Oregon courtrooms has erased every thought, hope, or plan any of us have held dear since we looked around the magnificent interior of the Supreme Court, repeated promises and felt our hearts soar dwarfing the 1914 building.

As lawyers we take on the stress of our clients. The worries of their lives become woven into our own. Where is the line between our lives those of our clients?

Some months ago we were set for trial in a wrongful death case on the Oregon Coast. My client's family had lost their matriarch. The trial had been set for awhile and so as it approached, it seemed the case was going to go. I drove out to breathe in the courtroom to get some sense of the place where the trajectory of my clients' lives would be decided.

Covid changed everything. Three weeks in a small courtroom was risky for my family. Trying to decide whether to ask the Court for a postponement, was a heavy decision. The modest chance of a large HARM to my family were on one side of the teeter totter and some peace in the lives of my clients (ok with postponing) were on the other. Again - top of the 3AM worry charts.

Yogi Berra's thought that when you come to a fork in the road, take it, is still funny, but not helpful.

Trials in some courtrooms, some months yes, other counties, other times no. The courts responding to the waves of the Covid virus is a lot like surfers deciding when to go and when to wait until it is safe. The rest of us are waiting on the shore.

My normal drill is to talk things over with one of my dearest and brightest pals - so we did. He described for me, that about twenty years ago, he attended a funeral for one of the most loved and respected Oregon trial lawyers. We were younger then so the frequency of funerals for friends hadn't reached the velocity that it is today. In other words, each was NOW more memorable.

The memorial was held at the magnificent chapel at Lewis and Clark. Have you been there? It envelopes you in serenity, hope and beauty. It is not possible to leave any memorial without at least feeling like you are somewhere between what is under your feet and what the sky above you is saying to your soul. Contemplation and awareness of your own mortality is front and center.

In deciding whether or not to safely take risks, cannot help but mention that at these memorials, memories of every disagreement, argument, and dustup with the departed pop up. In the cosmic scope of things why did these happen at all? How could they have seemed so essential then and just dumb and regrettable now?

The ceremony my friend described was stunning in its impact, veracity, and of course warmth. Listening to the men and women who best knew the person being memorialized exceeded expectations. The speakers and those attending were the some of the best of our legal community. Judges, insurance adjustors, courtroom staff and so on, were there.

Then, came the punch line. When I asked the name of the memorialized lawyer, my pal said he couldn't recall. He had tried but it was beyond the ethers of his memory. My friend is as with it as they come, and has every one of his "marbles."

So, what is the message(s) he hoped should be taken from this solemn description? Aren't there as many possible justifiable decisions as there are people making them? Isn't the truth somewhere between what each colleague/opponent is saying?

The courtroom would be there - whether the trial was "this" year or next. Generations of new lawyers were on the way in as I/we were on the way out. In short, most cases and their advocates would "keep on truckin."

Much of my life has revolved around my almost 50 year career as a trial lawyer. A career which, most days, I'm happy with. In being forced by COVID and my age to take a small step back I am thinking more and more of the sacrifices made in putting the concerns of my clients ahead of my family, friends and life.

Being a lawyer is for sure a worthwhile profession. Also though, aren't we so much more than our careers? From this old campaigner to young and old members of the bar, I kindly warn do not lose sight of your loved ones and your life in pursuit of this job.

You will have to make these choices. Hope this helps. BTW COVID postponed our case.