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A Young Lawyer's Guide to Avoiding Courtroom Curveballs

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There's fear in the unknown, so my biggest challenge in trying cases as a young lawyer was to accept the uncertainty and plan accordingly. I prepared as best I could, became proficient with the information at my disposal, and reminded myself that it's okay to make mistakes as long as I learned from them.

Due to the shortage of trial opportunities in this era of court-ordered mediations, mandatory arbitrations, and pre-trial settlements, young lawyers are faced with an ever-waning ability to gain valuable courtroom experience. Consequently, newly barred attorneys may face certain challenges when trial opportunities do arise. In this article, I share some of the unforeseen obstacles I faced early on in the courtroom, as well as tips I've learned along the way.

As a native of southeast Texas, I earned degrees in mechanical engineering and Hispanic studies from Rice University in 2009 and completed my J.D. at The University of Texas School of Law in 2013. I now concentrate my practice in business litigation and intellectual property. Despite being a sixth-year attorney, I have had the rare opportunity to successfully try more than 20 cases throughout Texas on behalf of Baker Donelson's clients.

My first trial experience was particularly unusual because I was not second chair or even first chair – I was the only chair on "my side of the 'v.'" Every attorney is familiar with the mounting pressure to perform well and achieve outstanding results for their clients. This pressure does not differentiate between attorneys with internal clients and those with external clients, and it certainly does not distinguish between young lawyers and more seasoned lawyers. This is the very pressure I experienced during the first trial of my career.

The lawsuit involved a debt collection dispute being tried to the bench, and opposing counsel appeared both experienced and confident. As counsel for the plaintiff, I began my opening statement – only to be interrupted by opposing counsel with an unfounded objection.

I had not prepared for this scenario, but what happened next taught me a valuable lesson. The judge reprimanded opposing counsel, gave me a discreet smile, and asked me to proceed. From this, I learned two things. First, you only get one chance to make a first impression with the judge and/or jury, so be sure that first impression is positive. Second, being polite and always maintaining courtroom decorum is paramount.

After opening statements, I called my first witness to the stand. Opposing counsel vehemently objected, arguing the witness did not have personal knowledge about the debt at issue in the dispute. Having thoroughly reviewed the pleadings and discovery to date, I replied by noting (1) the witness was previously identified during discovery, and (2) the witness previously provided an affidavit testifying to the authenticity of plaintiff's business records. The judge overruled opposing counsel's objection and instructed me to proceed. This particular experience highlighted the importance of reading and rereading everything. The other side later presented its case, and I listened as opposing counsel asserted a number of defenses that seemed unfamiliar. Having recently read all pertinent pleadings, I felt confident these defenses were being raised for the first time at trial, so I objected, asserting the defenses should have been raised in the defendant's pleadings but were not. As a result, the defenses have been waived. The court agreed, ultimately entering a judgment in favor of our client.

I've continued noting the lessons I've learned during trials, including preparing opening and closing statements ahead of time; preparing witness outlines; watching the judge and jurors' facial expressions during trial to gauge what they believe is important, pleasing, or off-putting; and visiting the courtroom in advance to identify technical or practical issues. I have also taken advantage of additional opportunities to develop trial skills, including observing more experienced litigators and participating in Baker Donelson's Jury Trial Skills Workshop, which is offered to junior litigators on a yearly basis.

Winning trial lawyers aren't born. They're made through meticulous preparation and commitment to learning. Use every opportunity both in and out of the courtroom to build your confidence, perform at a high level, and achieve outstanding results for your clients.