

Happiness for Lawyers is More Than Just a Scoreboard

By Roy D. Curnow, Esq.

You just got “no caused.” That’s right zilch, nada, zero, nothing and all that work for what?

Emotions run high and you are angry – in your mind, justifiably so. Was it the lousy charge by the trial judge? Maybe the not-so-ethical adversary? No matter. But one thing is for sure. You are not getting over this any time soon.

Says who?

Where is it written that you must blame others and punish yourself because despite your best efforts the outcome was not in your favor?

I am not saying it does not sting. It does. I have had my fair share of no causes and it hurts greatly. But for how long? And how long should it hurt? A day? A week? Forever, or only for as long as it takes you to calmly pack your bags, thank the court attendant, console your client, and take a slow walk out to your car?

Practically from the get go I have been interested in those questions and after 40 years and about 200 jury trials I think there is one word to describe why “poor, poor, pitiful me” (or countless variations on the theme) wins out over satisfaction and fulfillment for a job well done. May I please introduce you to your (mostly) silent, invisible and ever-present partner: the scoreboard.

What's the scoreboard? In a nutshell the scoreboard is a figment of our collective imagination that tells us that “over there” is better than “over here” and to get there you must appear to be a winner in another person's mind. Vince Lombardi put it this way: “Winning isn't everything. It's the only thing.”

Whether we realize it or not, everything gets seen through the scoreboard lens. Thus, a loss is not just a loss but a reflection of one’s status or standing on the scoreboard. Real or imagined failure, rejection, embarrassment, and/or ridicule will often be interpreted as a self-assessment of not measuring up. No wonder the scoreboard has such a grip on our well-being and happiness.

It is easy to enjoy the momentary thrill of a victory. Winning a fair share of our cases is, of course, necessary as is the bottom line and meeting a host of other demands including the most important – to fight hard to right the wrong done to our client.

But why is it necessary to define who we are by our wins and losses? Where is it written that winning is more important than how we go about being responsible, competent and principled attorneys?

In fact, what is written is John Adams’ admonition to use our freedom wisely:

“Posterity! You will never know how much it cost the present generation to preserve your freedom! I hope you will make a good use of it. If you do not, I shall repent in heaven that I ever took half the pains to preserve it.” (Letter to Abigail Adams April 26, 1777)

So here is the inescapable question. Are we making a good use of the freedom John Adams and his generation fought so hard to preserve by reducing the practice of law to a scoreboard game? On the other hand, do we make good use of our freedom when above all else we honor what matters most to our country, our principled behavior (civility, decency, and kindness)?

Said another way, exactly what are we turning over to the next generation? Is it the belief that America’s freedom rests on its citizenry to be responsible to do the right thing or is it a transactional outlook that says winning the next deal at any cost including the compromise of our ideals is paramount?

Lawyers, possibly more than any other profession or occupation, should have a stake in the American experiment with freedom and lead our journey “to a more perfect union.”

Let’s go back to the bellyaching over the “no cause.” What if instead of crying in your beer you could realize that you tried a solid case and you were satisfied with your effort? What if you could recognize that you enjoyed the challenge and appreciated the opportunity to participate in fulfilling the intent and spirit of the Seventh Amendment, grateful to be an American citizen lawyer. What if you could appreciate that, all in all, it was a challenging day but a good day and a great opportunity to build character, strength, resiliency, nobility, courage and most of all, moral integrity.

After all, you did what you said you would do the right way – without compromising your principles and without backing down. You took on the opposition from within and without. Your integrity is intact.

How else do you expect to build sound character? And can you put a price tag on character?

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