



Controversy?

By Charles Welton, Esq.

I was not there. But then I heard. . . . It was at a later CTLA event where the luncheon topic at my table was the apparent controversy - still buzzing over something that someone said. I'm talking about Gerry Spence's comment as the featured speaker at the CTLA Spring Dinner Event. The assertion that caused the dust-up was Mr. Spence's statement to the effect that being "a Great Trial Lawyer" (GTL) was incompatible with being a good parent and supportive spouse. I understand the discomfort. We strive to be the bold tiger. To some extent, I have found them to be incompatible goals, depending on one's definition of being a GTL.

As we enter the practice of law and strive toward being the best trial lawyer we can be, and probably even before, we do have a vision of performing as a "GTL" - whatever that may mean to the individual person. I have a sense that to many, and maybe most, that means exactly what Gerry Spence envisions himself as representing: A person who can take command of the courtroom and convince folks of almost anything. Mr. Spence has exposed himself regularly as a seriously flawed human being who has suffered negative consequences in his personal life as a result of being obsessed with striving to achieve the status of GTL to overcome his fear of failure. I've read the books. But most of us, and probably all of us, will not wear his same cloak of GTL, and most probably are not obsessed with doing so. Yet, the dichotomy proposed by Mr. Spence's comment encourages us to examine individual values as they apply to our practice of law.

As we begin to practice trial law, there is tremendous pressure to obtain some level of competence, for which each person sets his or her own bar. It takes a while; therefore, we continue to strive toward achievement. We hold the carrot out in front of ourselves so that we may chase it. Even the CTLA seminars offer for our consumption the words and potential wisdom of lawyers prepackaged for us as "heavy hitters," a phrase that hints at secrets of the GTL.

I recall insight that a former mentor provided to me many years ago. In his usual understated manner he revealed that, "The clouds will start to separate after ten years." I found that to be true. The clouds separate to provide clarity of vision, including not only how to effectively practice our trade, but also how to incorporate that trade into the rest of our lives, a trickier proposition, allowing us to be a whole person within our family and communities.

A key to sorting this out is each person's decision about what does comprise a GTL, or at least an excellent lawyer serving his clients. There may well be a wide gulf between the lawyer who strives to become a GTL and the practitioner who strives to provide excellent service to clients. It is in the space of that difference that lies the resolution of the dichotomy by bringing the two ends of one's life - personal and professional - together. The goal of becoming a GTL involves one's perception of one's own efforts and utilizing others toward that end. The goal of becoming an excellent lawyer servicing clients, as I see it, brings the focus to what the clients want. Let me suggest that focusing on the client teaches the lessons of humility to the lawyer practicing his craft, rather than the lesson of self-aggrandizement.

Sure, when we begin to practice we want to establish our credentials as trial lawyers so that our opposition will know that we will provide the best representation to our clients in advocating their claim. In today's environment, it is hard to even get into the courtroom to develop and hone those skills, so that young practitioners are looking for trial experience to build their reputations as part of what they carry with them. Trial practice has built-in competition, so much so that sometimes we forget that it's our client's goals that we are trying to serve. In that context most clients don't want to go to trial or even make a big "to do" about their case. They just want something they perceive to be fair to be readily attainable without detailed knowledge of the complex process into which they are entering. They want what I

CASE REPORTS

refer to as a proximate solution to an insoluble problem.

So yes, competition abounds and pushes us to strive toward being the GTL. But please remember to put that goal into the context of your life. Don't sacrifice your spouse or your children to that virtual altar. Don't sacrifice your clients toward achieving that just-beyond-the-horizon goal. Rather, remember that

our job is one of service. The more you integrate into your community, the better you are at community. ▲▲▲

Charley Welton left Minnesota to come to work at Denver General Hospital as a conscientious objector to the Viet Nam war and has stayed ever since. Following Macalester College and a year of law school at the University of Minnesota

before being drafted, he completed his law degree at the University of Denver. Practicing plaintiff's damage litigation since 1974, with CTLA membership since 1975, Welton continues as a sole practitioner in Denver. Share your ideas in an essay about 'Who Are We' through email at welton@charleswelton.com.

Case Reports

Case Name: *Leonard Chanda v. Stephen George Barber*

Court: Douglas County District Court

Case Number: 2012CV2006

Trial Judge: Hon. Richard Caschette

Date of Jury Verdict: July 31, 2014

Verdict Amount: \$2,000,000 million plus

Facts of Case: Stephen Barber shot Leonard Chanda five times in the back in 2011 in The Pinery neighborhood of Parker, Colo. Chanda filed a civil case to compensate for his injuries and received a jury verdict of nearly \$2.3 million.

Injuries/Damages Claimed: Multiple internal injuries including brain trauma, followed by two weeks in rehabilitation.

Unique Issues: Brain trauma, rehabilitation, compensation, injuries

Plaintiff's Attorney: Brian Downing, Bachus & Schanker, LLC, Denver

Case Name: Third-party Plaintiff Kenneth Farrell v. Third-party Defendant(s) The Estate of Aaron Thane, Jodie Thane and Brandon Hanson

Court: Jefferson County District Court

Case Number: 2012CV2852

Trial Judge: Hon. Lily Wallman Oeffler

Date of Jury Verdict: August 7, 2014

Verdict Amount: \$1.5 million

Facts of Case: In May 2012, Farrell was driving on Belleview Avenue when a car driven by 18-year-old Aaron Thane made an illegal U-turn across three lanes of traffic. Thane's family filed a wrongful death suit against Farrell, but the jury overwhelmingly determined that Thane was at fault.

Injuries/Damages Claimed: Kenneth Farrell sustained injuries to his left forearm, bilateral knees, neck and back and

suffered a tremendous amount of pain and distress as a result of the defendant's negligence. He had difficulty with normal activities of daily living including sleeping, kneeling, squatting and working.

Unique Issues: Brain trauma, rehabilitation, compensation, injuries

Plaintiff's Attorney: Chris Elliott, Bachus & Schanker, LLC, Denver