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The logo for the Florida Defense Lawyers Association (FLA) features the letters 'FLA' in a large, white, serif font. A red, curved graphic element, resembling a stylized 'D' or a swoosh, is positioned behind the 'F' and extends under the 'L'.

FLORIDA DEFENSE LAWYERS ASSOCIATION

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# Tips for Young Lawyers

By Eric E. Page



## Lessons From The Diamond: What Baseball Taught Me About The Practice Of Law

Until my late 20s I had no doubt that my career would be in baseball. I had played a few years of college ball, and after hanging up my spikes I found a true passion in coaching at the same level. However, for those who try to make a living in sports or the arts, reality can be harsh, so my Dad always said. After eight years of coaching a new career was needed. I chose the law (or did it choose me?).

Satchel Paige once said “Don’t look back, something might be gaining on you.” I followed that advice moving into my new career but, given the opportunity to write down some thoughts for those looking to make a living in the practice of law, I’ve looked back at my time as a player and coach and found it amazing how many of the lessons learned that I now apply every day. My lessons follow, and I hope you find them useful.

### 1. You can learn something from everyone.

I was lucky enough to play for and coach with some truly amazing people and baseball minds. That was not always true, however. In one particularly difficult situation, when I was coaching under a very challenging personality, I came to realize that I could either continue to get frustrated with the situation, or —knowing I could do nothing about it at the time—I could learn what NOT to do when it came to handling players and other coaches. I chose the latter, and you should too.

It is virtually inevitable that you will work with or for someone who you believe should not be in a position of authority over you or others. I suggest that you do not spend your time trying to figure out how that happened, and instead expend your energy on analyzing how they handle various situations. If you are in tune to the surroundings and pay attention to the results you will almost

certainly learn important lessons out of difficult times.

### 2. You are probably going to get yelled at (but don’t take it personally).

It probably surprises few of you that coaches I played for or coached under were prone to yelling. My career goes back a good bit in time and coaches yelled more than they do now, which is still too much. In fact, many of the coaches I played for or worked under yelled at everyone within earshot.

Have I gotten yelled at in the practice of law? Yes, a few times, but each time it was in the course of standing up for my client’s rights. And, equally important, I neither yelled first nor yelled in response. If someone is yelling at you during the practice of law that probably means you are right, and the better way to deal with that is not to yell back, but to continue to show them and anyone else who is listening (judge, jury, client) that you are, in fact, right. Stay focused, do not take the bait, and deliver your message despite the efforts to distract you.

### 3. Sometimes the person asking you for your opinion does not truly want it.

This is a tricky one. I vividly recall a conversation with a head coach I worked under in which he asked me who I thought should play an upcoming game between our two catchers. I thought he actually wanted my opinion, so I gave it to him. As for his response, see lesson #2 above.

Fast forward to my early years practicing law and I was asked my opinion on how to handle a certain issue for which there were two options. Choosing the second option did not go over well with the senior attorney who

## ABOUT THE AUTHOR

ERIC PAGE is a partner in the Tampa office of Shutts & Bowen, where he is a member of the Litigation Practice Group. He litigates commercial disputes with a focus on real property, allowing him to work with commercial property owners, developers, asset managers, business owners, tax consultants, and appraisers. A graduate of Stetson College of Law, he recently served as Co-Chair for the Real Property, Probate and Trust law Section of the Hillsborough County Bar Association, and is a Board Member and the Real Estate Development Committee Chair of the Corporation to Develop Communities of Tampa.

asked my opinion. The point being, there are times when the people you are working for do not actually want to know your opinion, they just want you to go along with what they think. I have never asked anyone (an associate, my assistant, someone who coached under me, or a player) for their opinion if I did not want it, but it is important to know your audience and have an idea of whether they merely want your support for a decision they have already made, or whether they really have doubts about how to handle a certain situation and are looking for your input.

#### **4. You cannot make everyone happy.**

This is not something I really needed baseball to teach me, but it certainly burned it into my brain. When you are the head coach and every decision ends with you, you will ultimately make a lot of people unhappy. The easy examples include players who do not start, or get pulled from games, and parents who just cannot see why anyone would ever play shortstop except their son.

When representing your clients, can you make your decisions based on who will be happy, or alternatively, who will be less upset? As tempting as that may be to avoid potential conflict, no. Decisions in the practice of law must be consistent with the rule of law, guided by the code of professional conduct, and in the best interests of the clients. There are times when you must tell a client “no, we cannot do that,” and it also means you sometimes must have hard conversations with employees or other attorneys. In practicing law in accordance with your legal and ethical duties, those conversations will be required and they ultimately will be for the best.

#### **5. You don't have to like everyone on the team, but mutual respect is key.**

When I was the head coach on teams my players played hard. That was a combination of a few things—I tried hard to get kids that didn't need too much motivation, who loved the game, and who loved to work at it. That was not always possible, however, so I still had to motivate some players to get the best out of them. I always found that the key was not to get those players to like me, but instead I had to make sure they respected me as someone who would never be outworked and who would support them if they made the same sacrifices.

My point with this lesson is that in your career you will inevitably work with and for people you don't really like, and (yes, shockingly) the feeling could be mutual, but you will nonetheless work with or for them, and mutual respect is the key to a relationship that will ultimately generate the type of work product and client representation that you can be proud of. I've been fortunate to rarely have to apply this lesson to the practice of law, but when it applies it can be more valuable than any other lesson on this list.

#### **6. Do not underestimate effort.**

I recruited a lot, and boy do I mean a lot, of players. Despite that extensive experience, however, this lesson is the shortest on the list because I learned it more in law school than in baseball. In law school effort is what pushed people to the top of the class. Yes, those people were smart, but so is anyone who gets into law school. Once you are in, what do you do with the opportunity? I learned early on in law school that people who spent a lot of time telling everyone how hard they were working were similar to players who always acted like they were working hard but never really did so. In hindsight, I probably should have attributed more weight in evaluating players to the effort they put in, and a little less to the physical skills.

#### **7. Confidence is key, but cockiness will get you beat.**

This might be the most direct lesson from baseball to the practice of law. You must have confidence to do this job, and likewise confidence is a condition precedent to performing on the diamond as a player or in the dugout as a coach. The jump from confidence to cockiness, however, can get you beat quicker than anything. A player who thinks they cannot be beat is in for a rude awakening in a game where getting just 3 hits every 10 trips to the plate makes you a rousing success. Similarly, a litigator who is not cognizant of what their opponent may argue or cite is bound to be ill-prepared and lose more than they should had they not been blinded by cockiness. The bottom line: respect your opponent, prepare to the fullest, and go forward knowing that you have done what is needed to represent your client. At the same time ... check your ego at the door.

#### **8. Connections and relationships matter, so nurture them.**

This was so true in coaching college baseball. An example: for years I would travel out to California in the fall, meet with as many coaches as I could, and watch every junior college all-star tournament and showcase that I could fit into a week. I took notes on every player (there were hundreds of Division 1 players each year in the California JUCO system) and then I waited to see what our needs were and who might fill them come spring or summer. On multiple occasions I started calling around the California JUCO coaches circuit about players when needs arose, but the kids I had seen had already signed elsewhere. The amazing thing was that I knew these coaches on a personal level, they knew what type of player I was looking for, and they wanted to help. As a result, on no less than two occasions I signed a player to a scholarship having never seen him play. Both players ended up being named to all-conference teams and helping us tremendously.

The value of your relationships in the practice of law is equally important. Client referrals come from relationships; job opportunities come from relationships; and insight on judges, arbitrators, mediators, and opposing counsel comes from relationships. Understand that no matter how large your jurisdiction is, you will develop a reputation there, and your relationships will ultimately have much to do with the extent of your success.

### **9. You can't argue about everything—pick your battles.**

I rather famously got thrown out of eight games over a sixty-four game summer league schedule, so it might not seem like I actually learned this lesson, but our umpires were bad! They were right out of umpire school and many of them were never paid to umpire again, so I didn't really argue nearly as much as I could have.

The point for practicing law is that while you might be able to argue every point to your decision-maker, it is not how many arguments you have that matters, but rather the quality of your strongest arguments that matter. For instance, during a hearing or in an appellate brief if you include every single point you can come up with you are very likely detracting from those that are your strongest, which are the ones that the decision-maker is most likely to adopt as her reasoning. Bottom line: know where you want to go with your argument—tell the decision-maker where you want to go and how you are going to get there—and then do it without arguing about the things that will not get you there.

### **10. You don't need everyone to be good at everything.**

In baseball there are five major physical tools for position players (run, field, throw, hit, hit for power). In scouting for the pros, those tools are just about all that matters because the players who can perform at the highest level weed themselves out through the minor leagues. In college the recruiting game is different. If someone has all five tools in abundance they are likely playing pro baseball, not college, so I often looked for players who did two or three of the tools very well and then looked to balance that player with others who had a different set of tools. This allowed me to build teams that were relatively complete.

Similarly, for those who practice long enough you will eventually hire others to practice with you, or you will at least be part of that decision-making process that goes

into hiring decisions. I suggest that you not look for five tool players all the time – they are rare, and the competition for them is high. If you are fortunate enough to be bringing people into a firm that can compete for such talent, then this lesson does not apply as strongly, but if you are like most practitioners and you are not in that situation then balancing the tools of your “players” can be incredibly important to the growth of your business, client base, and practice.

### **11. Play the best players, but don't discount knowledge gained through experience.**

The hardest decision for a coach is who gets on the field come game time. The hardest thing for a player to accept is to work just as hard as everyone else and then not play. In the course of litigation there are tasks, such as depositions, hearings, and trial, which equate to playing time on a baseball team because all litigators want to handle those tasks. However, there are other tasks (discovery!) that litigators are certainly not fighting over. So, who gets the “playing time” when it comes to litigation?

Generally, the most talented players/lawyers should get those opportunities regardless of seniority because ultimately the goal is to provide the best service to the client. The best service to a client, however, may require consideration of what advantages experience provides. Just as in baseball, where a Senior may have experiences that set him apart from what a Freshman is prepared to handle, so too experiences before a judge, handling a certain issue, or facing opposing counsel previously can prepare a seasoned litigator to better represent a client over a junior litigator. Bottom line, it is impossible to deny the value of talent in a litigator or the responsibility put upon others to develop that talent. However, there are times when that talented individual needs to remain patient because the decision to let the more experienced litigator handle the particular matter is in the client's best interest.

### **Final Lesson.**

Satchel Paige also said: “You win a few, you lose a few. Some get rained out. But you got to dress for all of them.” I know what Mr. Paige meant—you do not always have to win, but you always have to show up and you always have to give it your best effort. Follow that rule without exception and you will know that you did the best for your clients, and I believe you will be happy with your practice. And remember ... don't look back.

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