

## Lessons Learned

Lawyers who don't have to try the case are the first ones to bravely advise you "I'd take it to trial."

Judges are not debatable, only appealable.

Saying "I strongly object" marks you as an amateur. Saying "that would be reversible error" marks you as a threatening amateur.

Of your ten greatest victories, seven will be deals. Nobody will hear about the deals, but they count just as much.

Never follow a brilliant inspiration in the midst of trial.

Your worst disasters will be caused not by bad facts, but by surprises. Ask Clinton's lawyers.

If we were as dedicated to our kids as we are to our clients, both would be better off.

Unethical prosecutors who switch over become unethical defense lawyers. We ostracized them before. We still should.

Preparation is still the greatest technique for winning.

Lawyers of high ethical standards never mention it.

The private bar has no right to look down on public defenders. Public defenders have no right to look down on the private bar. But both do, and we all lose.

If you steal a great deal, shut up about it, or you will never steal another.

If the press finds out you stole a great deal, protect your prosecutor.

Don't ever take a case for the publicity. When press coverage becomes your pay, you will be tempted to make tactical decisions that insure you will "get paid."

Clients benefit from your reputation. It's not in their interest or yours to do anything questionable, even if they think it is.

Your reputation for integrity will win you more motions than will case law.

Be as quick to publicly praise honesty in your opponents as you are to scorn dishonesty.

When the client is yelling at you remember, you would be scared too if you were in their shoes.

The greatest CLE is an affiliate run e-mail system in which all of the members can participate.

It is flattering and lucrative when the corporation hires you to represent one of their executives or employees. But your client is still the individual and that is who you must protect.

Talking to the press about your own case is, at best, a break even deal. The coverage will burn you as often as

it will benefit you.

Coverage develops its own orbit and momentum and you have about as much chance to change the coverage as you do to stop an asteroid.

Criminal defense lawyers who also work as paid commentators can still be your friend, but remember, they now have divided loyalties.

Be wary of lawyers with divided loyalties.

Criminal defense lawyers who accept work as commentators rationalize it a thousand ways. But ego gratification is always a major, if unspoken, factor. I know.

You will seldom sign a document that more affects your clients rights and attorney/client privilege than a joint defense agreement. Don't rush to join.



LARRY S. POZNER

Do not develop a true friendship with the judges or prosecutors with whom you regularly work. One day you will have to protect your client or protect your friendship and you are going to have to kiss off the friendship.

When a defendant wants to fire their current lawyer to hire you, be reluctant to say yes. When the other lawyer is your friend, be adamant in saying no. I forgot this and it cost me a friend. It wasn't worth it. It never is.

You will exercise your worst judgment when money is tight.

There will be an opponent you truly hate. Don't let that hatred affect your tactics or your ethics.

Be careful dividing responsibility with other lawyers in a team. You are now trusting them with your client, which means you are trusting them

with your reputation.

When a group of defense lawyers convene to plan a joint strategy, one of them is about to get screwed. You have one week to figure who it is. If you can't figure it out after the first week — it's you.

Be proud of yourself when you take the time to help another defense lawyer with their problem. Be prouder when another defense lawyer takes the time to help you. The sharing of strengths is what distinguishes the criminal defense bar.

Lawyers who turn in solid results day after day are more admired than lawyers who turn in dazzling results every now and then. n

*Author's Note:*

On May 4, 1999, Texas executed Jose De La Cruz.