

## Practice Tips...

# Thank You Colonel Dawson

by Robert K. Dawson

Colonel Albert Dawson was a friend of mine. Although not a lawyer, Colonel Dawson taught me a lot about trying cases. He taught me about life. He died shortly before this column was due.

I don't know how it began. He just started showing up at my office at mid-morning and asking if I wanted to go for a cup of coffee. Before long "coffee with the Colonel" became a regular routine. We met about twice a week for ten years. Here is some of what I learned from the Colonel about life and about trying cases.



**Robert  
Dawson**

### **Work Hard to be a Lawyer**

The Colonel believed hard work would be rewarded. He said that clients expect you to be competent and expect you to be a professional. You should work hard to learn the law and the techniques for negotiating and trying cases.

For a while I would read every article on personal injury cases and trials I could find. Substantive law, rules of evidence, how to cross examine, use of graphics, public speaking and even how to dress. I thought that if I could only read that next article or that special "tip," I could become a great lawyer.

As usual, the Colonel would straighten me out. "You need to learn the rules," he'd say, "but that won't make you any better than average. This is an adversary system. You are here to represent your client, to persuade, to advocate; you are here to get justice for your client. To do that, you need to know the

law, but you need to understand life too."

### **Value Human Life**

The Colonel could take complex issues and boil them down to basics. One day I told him that it was tough to get a good plaintiff's verdict in King County, and that I was upset by all the insurance company advertising that had been done over the years and how it had poisoned jurors. I asked the Colonel how he would try to get a fair verdict in King County.

The Colonel thought a bit and said that there are good people on juries. He absolutely believed that if you had justice on your side you could show a jury the way.

The Colonel said, "If I were trying to get a good verdict in an injury case I would emphasize the value of life. It is more precious than anything material and more valuable to those who have had it taken from them. Only God has the right to take life or health." The Colonel then said, "I would show the jury how unfair it is to take even a portion of someone's good health from them. I would ask the jury if they feel that a person should be repaid if another person wrongfully took five dollars from them. 'Of course,' the jury would say. I'd ask them what if five hundred dollars had been wrongfully taken? Or fifty thousand dollars? Or one million dollars? I would ask the jury to compensate for the taking of a portion of somebody's good health and show the jury that this is even more important than seeing that somebody be repaid for a financial loss."

### **Your Word Is Your Bond**

Your word is your bond. It has become a trite saying. Have you thought about what it means?

It means that if you say you will do

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something than you do it. It means that you don't stretch the facts in front of a jury. If anything, you understate the case. It means that you don't miscite a case or stretch the facts before a judge. After awhile it gets easier in front of judges. They don't have to check and verify every single thing you say.

The Colonel would say to me, "Your reputation is the most valuable thing you can ever obtain. It takes years to build and can be lost in a moment with one bad decision. Your reputation can bring you respect, success, and even material wealth. Or it can bring you disrepute and hardship. By deciding how you deal with others and how you live your life, you decide which it will be."

## Do What Is Right

There are many legal rules and technicalities. Just because it is legal to seek a certain result does not mean that you should. The Colonel would say that juries are pretty good at figuring out which attorney is trying to get at the truth. He would say, "Let the defense make the majority of the objections; you be the one that is seeking to get the evidence in front of the jury that will help them make a fair and just decision."

## Believe In Your Case

The Colonel didn't think much of a lawyer who would act as a client's high paid "mouthpiece." The Colonel didn't think much of lawyers who could generate "issues" or "discussion topics" and prepare fancy bills. The Colonel believed that a lawyer should investigate a case, know the law, advise the client what his options are, and then negotiate a favorable settlement if possible. If it isn't possible to obtain a favorable settlement, then the Colonel said not to agonize over trying cases, just do it!

But how do you believe, I mean *really* believe, in your client's case? You don't do it by talking yourself into believing that the client is entitled to \$100,000 when the case is worth \$25,000. You believe in your client's case when you want to do what's right. When you want a fair result given the facts of the case. The Colonel would say that "Wanting to do what's right, wanting justice, and telling the truth is the most powerful tool of advocacy that there is. It gives you power, credibility, and confidence." The truth will set you free, and it also wins cases.

The Colonel was not a man to wear his emotions on his sleeve. But injustice made

him angry. He was the one to let me know that it's okay to get angry in a courtroom. If what happened to your client was unfair and it makes you angry, then let the jury know.

## Don't Take Life Too Seriously

I don't know anyone who has tried a lot of cases and never lost. Perhaps there are some lawyers like that, but I don't know any. One time I lost a case and felt terrible. I sought comfort from the Colonel during one of our morning coffee breaks.

The Colonel asked if I had done my best. I told him that I had worked my tail off and had given it my very best effort. The Colonel then said "Then what's the problem? That's what the client expected and deserved. There are no guarantees. Learn what you can from the case and go on."

The Colonel had a way of putting things into perspective. He used to have to order men into combat, order men to their deaths. Those are decisions that had to be made and that he agonized over. However, the Colonel would tell me that those decisions were something like the tactical decisions that a lawyer has to make. He would say "Get as much information as you can and seek counsel from others who are smarter than you. Then make the best decision you can based on the facts. And go forward. Once you stop going forward life is over."

## Conclusion

The Colonel believed that lawyers are special. He believed that their training and the legal system gives them the tools to do a great deal of good. He also believed that lawyers and judges can get so caught up in the "importance" of rules and technicalities that they lose sight of what is right and wrong and lose sight of what justice is. The colonel said "Don't let that happen to you. Don't let the bitterness of a bad decision or jury verdict sour you on the basic goodness of most people and that most people, including jurors will try to do what's right."

Colonel Albert Dawson died of a massive heart attack on Tuesday, December 4, 1990. I am not ready to accept that there will be no more "coffee with the Colonel." I will miss him very much.

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