

## Practice Tips...

# Trial Lawyer Vacations

In 12 hours I leave for Europe for nearly a month. When I have mentioned this vacation to my trial lawyer friends, both plaintiff and defense, the reaction has been nearly universal. "How can you do it?" "Where do you find the time?" "If only I could do that." "How do you do that with your schedule?"



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Because people have expressed such universal disbelief that a trial lawyer would take a lengthy vacation, I thought I would pass on a couple of tips on how to make such a vacation possible in a trial practice. (It's either that or draft a substantive column in the last few hours before I leave.)

The first thing that makes it relatively painless to take a lengthy vacation is a simple trick for managing the calendar. I need to schedule a month-long vacation approximately one year in advance. Then, after blocking out the actual vacation time on the calendar, I block out the three weeks *before* the vacation starts, and two weeks *after* it ends. My staff is instructed not to schedule appointments without my permission for the three-week period before the vacation starts. I very jealously guard that three-week time period. With the three weeks prior to leaving being relatively open, I am able to be up to date on files.

I treat the two week period *after* I return from vacation in much the same manner. I instruct staff that while I am on vacation they should jealously guard that two-week time period and schedule appointments only if absolutely necessary. In that way I have a two-week period of relatively open time to catch up on what has happened while I was on vacation.

I have heard every excuse possible for not taking a vacation. I've heard people say that they were in solo practice and therefore they could not take a lengthy vacation. I have heard the opposite said, namely that they practiced in a big firm and for that reason they could not take a vacation. It seems to me that if you want to, you can solve whatever obstacles you perceive affect your ability to take a vacation. If you are in solo practice, find somebody who will cover for you while you are gone. Dictate a detailed memo summarizing the status of your cases and any anticipated problems.

A couple of other helpful tips for

planning a vacation are probably so obvious they need not be mentioned. You should pay attention to trial dates. As a plaintiff's attorney who practices in King County, I simply watch when we file cases and make sure that no trial date falls into or close to my vacation. If a trial date is set that conflicts with my vacation, then I immediately move for a continuance or for an earlier trial date. If you do it early enough, you will probably find that defense counsel and the court will accommodate your request.

About six months before the vacation, I make sure to send a letter to defense counsel notifying them of the dates of my vacation, requesting that they not schedule motions or discovery during that time, and inviting them to contact me immediately if they see a problem or conflict. Nearly every defense attorney has been accommodating and I usually get one or two humorous letters in response to mine. If I haven't convinced you of the desirability and feasibility of taking a lengthy vacation, then maybe the following quote from a wealthy 19th century industrialist (I think it was Andrew Carnegie) will convince you. When asked the secret of his great financial success he said that part of it was due to the month long vacation he took each year. He said:

I can do 12 month's work in 11 months. But I cannot do 12 month's work in 12 months.

I hope you enjoyed your summer. I know I did.

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