Regrets,
I've Had a Few

We asked several prominent, veteran trial lawyers and judges to look back at their lives and careers, and this is what they wrote:

Gerry Spence

Like most old men looking back, I tend to forget the major regrets in my life. Mine may have been in becoming a trial lawyer in the first place. I learned how to try cases by failing. I regret I wasn't taught in law school the first rudimentary principles of a jury trial. But how could that happen when most of the professors had never been in a courtroom?

I regret that I ever represented insurance companies and large corporations. But that's like wishing one had never sinned. I wish that in winning I hadn't been so arrogant. But it takes a good deal of daring to walk into a courtroom with a growling, black-robed old crank (likely a former prosecutor) staring down at you, along with a jury composed of ordinary citizens who have been trained by the corporate media to believe that criminal defense attorneys are scumbags and plaintiffs' lawyers are blood-sucking charlatans.

In short, the justice system is broken. It does not deliver justice to the people, most of whom are poor or are teetering at the threshold of poverty. The system is the handmaiden of corporations—those nonliving fictions some of which are so gargantuan their assets exceed those of entire countries. Bullets, knives, axes, and even bombs cannot kill these monsters. Only money moves them. They live on money, digest money, and excrete money. If money is taken from them, they will starve and eventually die. Indeed, they poison the earth for money, poison the people for money, wage fraudulent wars in which innocent people by the hundreds of thousands are murdered—for money. The problem is, of course, they are like a creation out of hell. They have no soul.

The trial is not a search for the truth. A trial is a game in which the moneyed usually win. Few cases are tried today: How does a poor man afford a lawyer? If the accused is provided one at the state's expense, that lawyer has 150 pending cases and doesn't have time to prepare the first. Nor does the lawyer have adequate training. That's why the accused, innocent or not, must make a deal and plead guilty. In some federal jurisdictions, guilty pleas elevate the conviction rate to over 95 percent. If the accused demands a trial and loses (and he probably will), he'll pay for the trouble he's caused the system when the judge, to discourage such carryings-on as a jury trial, will lay enough additional years on the poor devil when he loses that he'll probably die behind bars.

I've labored in the system for over 60 years, and I regret, not winning, but in contributing to the myth that there's *liberty and justice for all*. I regret aiding and abetting the "appearance

Illustrations by Max Licht

of justice" that continues to defraud most Americans who have never awakened one day to find themselves crunched in the system. I established a trial lawyer's college to train people's lawyers how to win. I regret we haven't trained enough. The law has been good to me. I've been its faithful servant. I've played the game as well as I know how. I love lawyering because I love the people I represent. In the end, that is the secret of all secrets to winning. ■

Gerry Spence successfully represented Karen Silkwood, Imelda Marcos, Randy Weaver, and Brandon Mayfield in widely reported criminal and civil cases. He has published 16 books and served as a legal consultant for NBC during the O.J. Simpson trial.

SUA SPONTE

A Judge Comments

HON. LYNN ADELMAN

The author is a U.S. district judge in the Eastern District of Wisconsin.

Gerry Spence provides a useful service in pointing out some of the deficiencies in our justice system. Some of his points, however, are more persuasive than others. For example, I found his critique of the criminal process somewhat exaggerated. He bemoans the fact that few criminal defendants seek jury trials. But in most criminal cases, a jury trial would serve no legitimate purpose. Most defendants plead guilty because they are guilty and because a guilty plea is in their best interest. The fact that the process encourages guilty pleas through the promise of shorter sentences and, more disturbingly, that prosecutors sometimes charge offenses that carry mandatory minimum sentences in order to obtain pleas to lesser charges does not mean that innocent defendants regularly plead guilty. On the contrary, this rarely happens. And that's a good thing. We certainly don't want a system that frequently charges innocent people with crimes.

Nor are the public defenders who provide counsel to indigent defendants as ill-equipped to supply quality representation as Spence suggests. While public defenders in some states are overworked and underpaid, they are generally dedicated and competent lawyers. And some public defenders—those in the federal system as well as defenders in some states—are not only very competent; they also carry appropriate caseloads and are reasonably compensated. The notion that indigent defendants are, uniformly, poorly represented ought not to be endorsed by someone close enough to the system to know better.

Spence's complaint about law schools not being able to teach students about trial practice also seems off the mark. Law schools today abound in clinical programs, including many taught by adjunct faculty with lots of trial experience who teach students how to litigate, often while handling real cases. As far as I can tell, law students who make the effort can learn just about any legal skill that they want to.

Spence clearly recognizes that some of the flaws in the justice system reflect larger issues such as excessive corporate power and inequality of wealth. But I would have liked to hear his ideas on what we might do to combat the political power of corporations and the impact of such power on the justice system. His lament about the harmful effects of these phenomena is curiously passive, as if he believes that nothing can be done about the problem. This is particularly odd coming from a famous courtroom battler.

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Honorable Ruggero Aldisert

In my entire experience representing people accused of crime, I remember one truly base, depraved, wicked person. And this arch-criminal was a woman. A sweet ole' granny type who owned a home in suburbia, kept to herself, and didn't bother the neighbors much. She had a lovely appearance with coiffed gray hair and glasses and conservative dresses, but she was the most debauched person, male or female, I have ever met.

A neighbor of hers, a prominent Pittsburgh lawyer, asked me to represent her because she was in some kind of "trouble." "She's quiet and cannot possibly be guilty of any wrongdoing," he said. When I phoned her, she was most polite and asked me if I would please come to her house.

I found a very different person when I arrived. Every other expression she uttered was the *f* word, and it went downhill from there. The police were accusing her of being an abortionist after a young woman bled to death in her home.

"I'm payin' you a wad of dough just in case I go to trial, junior." She insisted on calling me "junior." "But in the meantime, stay outta my way," this sweet little old lady said. She peeled off my healthy retainer in $100 bills and refused to talk more about the case. I went home and took a bath.

In time, I received notification of a trial date and telephoned her. She denied the accusations, using disgusting words. The *f* word was used as an adjective, noun, and verb, as a gerund, a past participle, and especially the imperative mood suggesting that the police and DA could do something that was physiologically and anatomically impossible.

The police told me they had confiscated catheters in her home, that a "patient" bled to death after my client was careless, and that she kept the dead body in her house for two days. They reported that she was a sordid character and traveling abortionist, but they never could prove anything until this case.

At trial, she took the stand with her sweet grandmotherly appearance, modest dress, neat gray hair, and wire-rimmed glasses, and clutching a large black handbag. She made a fair impression, although I could tell that the jury was not overly impressed by her story.

When the jury returned a guilty verdict, she turned to me with a sweet smile and said, "You f***ed up, junior." I never saw or heard from her again.

In my lawyering days, I was constantly asked: "How could you ever represent a client when in your heart you know that she is guilty?" Mine was a stock answer: "Only God and the jury know whether one is guilty, and I am neither. My responsibility as a lawyer is to deliver the best possible professional service that the law and the code of ethics permit." But to discharge these professional duties is not always a source of lightheartedness. Sometimes, as here, you do it with a heart laden with regret. ■

Ruggero Aldisert has sat on the U.S. Court of Appeals for the Third Circuit since 1968. He is the author of several books on jurisprudence and appellate practice. (This piece was adapted from previous writing.)

Abe Krash

I am asked from time to time whether I regret having become a lawyer instead of pursuing some other profession or occupation. The short answer is no. When I was a college student, I thought I wanted to be a journalist. I was privileged to attend two of the country's premier law schools, the University of Chicago and Yale, where I was a graduate fellow. I abandoned the journalism idea while in law school. In 1950, I came to Washington and was hired as an associate by a sole practitioner, Raoul Berger. In 1953, after Berger closed his office, I was fortunate to become an associate at Arnold, Fortas & Porter, where I have remained for 60 years. In short, I became a lawyer and a member of a distinguished law firm by happenstance.

The three decades from 1955 to 1985 were a wonderful time to be a lawyer in Washington. I had the opportunity to do many interesting things, including participate in some significant pro bono matters. It was challenging and at times exhilarating.

The bloom on the Washington legal rose began to fade somewhat in the mid-1980s during the era of deregulation. At about the same time, the legal profession began to change in significant ways. I applaud a number of the changes that have occurred, such as the widening opportunities afforded to women and minorities. But like many others of my generation, I regret some of the changes, including the shift among large firms from a partnership mode to a corporate mode.

I regret that, as a Washington-based lawyer, I never held a government job of some sort. I envy my friends who did. Belatedly, I came to realize that a person interested in a government position cannot passively stand by waiting to be summoned.

On a different note, I regret that I never learned to play a musical instrument. I would have enjoyed playing chamber music with my daughter, Jessica, who is an accomplished pianist. As it is, I can only listen.

Like most persons, in looking back I have some regrets for a road not taken, but I feel I have been most fortunate. ■

Abe Krash enjoyed a 50-year career at Arnold & Porter. He worked closely with firm founder Abe Fortas on securing the right to counsel in Gideon v. Wainwright *and represented U.S. Steel, Ford, and Kraft, among other clients, in major commercial and regulatory matters.*

Bettina Plevan

High on my list of regrets as a trial lawyer is that I never formally studied acting or participated in drama as an extracurricular activity. There were a few notable exceptions to this deficiency. I remember running across the stage as a penguin at age eight or nine in a "production" by my brother's Cub Scout troop (directed by our mother). Then, in my senior year of high school, I was one of the announcers for our senior variety show, but, admittedly, the cast included pretty much everyone in the class and being an announcer was not really "performing." I had one last opportunity to try out for a role in my college's junior class show at Wellesley. But the competition there was stiff—the lead role was played by my classmate Diane Sawyer—so I did not even audition.

Although, over time, I think I learned how to communicate reasonably well with a jury, I can't help but think that drama lessons or acting experience would have helped, especially at the beginning of my career. For one thing, I am pretty sure that I would not have read my opening and closing statements from a notebook on a podium as I did in my first jury trial. I won anyway due to very favorable facts, but I have not forgotten that I lacked the experience, confidence, ability, or whatever to speak openly to the jury. I also think that, with drama training, I would have learned more quickly how to memorize "lines" easily; how to use gestures, inflection, and tone of voice for emphasis; and how to make eye contact with the "audience."

Instead of looking for adult drama classes, I decided to use my captive audience at home. I started practicing my jury arguments in front of my teenage sons, who proved to be very good "mock" jurors and unhesitant critics of their mother. I learned a lot from them.

I have to admit, however, that instead of drama class in high school, I concentrated on competitive sports as my extracurricular activity—tennis, softball, field hockey, etc. So, while drama lessons may have helped, I learned to love "winning," which was a pretty good substitute. ■

Bettina Plevan has practiced law at Proskauer Rose LLP in New York City for four decades, primarily as an employment litigator. She was a member of the ABA's Board of Governors, chairs its Standing Committee on the Federal Judiciary, and has served as president of the New York City Bar Association.

SUA SPONTE

A Judge Comments

(Continued from page 2)

It would also be worth acknowledging some of the good things the justice system produces, such as judicial decisions that have extended a variety of important individual rights. The progress made in the courts by advocates of gay marriage is nothing short of astonishing. And in the criminal law context, a generally reactionary Supreme Court has nevertheless in recent years expanded the protection provided by the Confrontation Clause and imposed limits on the right of the police to track a defendant's movements by placing a GPS device on the undercarriage of the defendant's car, bring a drug-sniffing dog to a defendant's front porch, and search an arrestee's cell phone incidental to a lawful arrest.

None of this means we don't have serious problems. The criminal justice system incarcerates far too many people for far too long. Mandatory minimum sentences tie judges' hands and give prosecutors too much power, and so-called "truth in sentencing" laws eliminate the incentive for prisoners to rehabilitate themselves. The ill-considered Sentencing Reform Act, which led to the federal sentencing guidelines, contributed substantially to making the United States the world's mass incarceration capital, and the equally ill-considered Antiterrorism and Effective Death Penalty Act (AEDPA), along with some truly misguided Supreme Court decisions, have turned the writ of habeas corpus, once known as the Great Writ of Liberty, into a virtually unworkable remedy for state prisoners whose convictions were obtained through constitutional violations.

It is worth acknowledging some of the good things the justice system produces.

But the situation isn't as hopeless as Spence suggests. The correctional population has declined for four consecutive years. And some states have substantially reduced prison populations and costs, expanded and strengthened community-based sanctions, and relied more extensively on treatment programs for people suffering from mental illness and substance abuse. It goes without saying that an enormous amount needs to be done, but continued progress is certainly a possibility. To make it a reality will require the commitment and talent of many different kinds of people: intellectuals, activists, courageous public officials, and, of course, great litigators like Gerry Spence. ■

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Adlai E. Stevenson III

For me, the practice of law was preparation for the practice of politics—and a profession to fall back on in the lean years. I have few regrets from my truncated practice of law but many from my practice of politics.

In 1964, I was "slated" by the regular Illinois Democratic organization for the state House of Representatives. It was assumed in earlier times that those who made the laws should have some knowledge of the law—and respect for procedure. Our legislatures were dominated by lawyers. They brought real-world experience and crossed party lines to legislate. The center was broad. As Illinois State Treasurer in the late 1960s, I occupied an old-fashioned patronage shop. I could hire and fire at will—cutting the budget every year and quadrupling the earnings on the investment of state funds. Candidates were endorsed by party organizations with a purpose that transcended power. Primaries were formalities.

Slated by the regular Democratic organization in 1970, I was elected to the U.S. Senate. That was another Senate. I recall no partisanship, let alone incivility. Reason still reigned in America—and among lawyers. But the 1970s was a transitional decade. The media became more episodic, visual, and expensive. What's more, we reformers pried open the doors of our "mark up" sessions to let in the sunshine, the lobbyists, and the money, which never stops flowing. I regret that.

Most anybody nowadays can get elected to public office with enough notoriety and money. Party organization is all but dead, except to raise and spend money. The democratic dialogue is dying. The practice of law is changing too, and I regret that. The law was a profession in my youth. We were encouraged by our seniors to serve in our communities and in politics. Now lawyers are required to rack up the billable hours. Law firms have become big businesses. I regret that. In my day, we were forbidden calling cards at Mayer Brown. Nowadays, law firms advertise.

No one with family roots in the gilded age and in Illinois politics is unaware of the dark side. Paul Powell, Speaker of the Illinois House of Representatives, was found after his death with $600,000 in shoe boxes. But he wasn't a lawyer! More recently, Illinois governors have been going to jail with some regularity. I have regrets from my years in public service—for example, my warnings of terrorism and suggestions of measures to prevent it were ignored. But, mostly, I regret our dysfunctional politics. America will not regain its security and standing in an unruly, interdependent, nuclear world without addressing systemic political weaknesses, including a paucity of lawyers with a reverence for the law and the disciplines its practice requires. ■

Adlai E. Stevenson III is a former U.S. senator and state representative from Illinois, a former partner at Mayer Brown, chairman of the Adlai Stevenson Center on Democracy, and author of The Black Book *(Stevenson 2009), which records American politics and history as his family lived it over five generations, beginning with Lincoln.*

David Berg

The definition of insanity, often incorrectly attributed to Einstein instead of an unknown genius, is to do the same thing over and over and expect different results. For those who consider me sane, I offer the following rebuttal: two highly publicized white-collar cases during 1994, my *annus horribilis*, both of them probably won before I put my clients on the stand and both of them resulting in guilty verdicts.

In my defense, having tried virtually every kind of civil and criminal case to a verdict, the decision to allow the accused to testify is the most agonizing a criminal lawyer ever makes—and there is simply nothing comparable in civil cases. Once on the stand, evidence of the client's past conduct is opened up, and his demeanor alone can convict him.

The first case involved a prominent Houstonian accused of bank fraud. The government's first witness was a banking expert, who, after admitting she had lied on her résumé, was ready to admit anything to get off the stand and did, conceding that there was "reasonable doubt" that my client did anything wrong. But as the case dragged on and another government expert did much better, I decided that the jury needed to hear from my client—that the judge's instruction to disregard his failure to testify would not allay their concern that he must have something to hide. In my living room the night before, my client did great as I conducted a mock cross-examination. However, his courtroom testimony was a disaster from his very first answer, when he responded to the AUSA's question about his business "hemorrhaging" by suggesting that the AUSA do something physically impossible except for certain hermaphroditic species, although, admittedly, not exactly in those words. He was convicted on 40-plus counts.

Which brings me to the second case and a second concern: the inevitable second-guessing when the accused remains silent and is convicted—the haunting thought that things might have turned out differently had he only testified. In this case, a friend of mine, the chairman of the board of regents of a state college, stood accused of using a school plane for personal use—and [insert definition of insanity] I decided once again the jury needed to hear from him. Ironically, he made a great witness: His answers were direct, polite, and convincing, and when he stood down, I whispered that he had just won his own case. But we had tried the case on a change of venue in a remote Texas county, and the jurors—some of whom had never flown—found him guilty. The governor ultimately pardoned my friend, but he should never have been convicted—and I wonder to this day if those country

jurors could have used the words "not" and "guilty" in the same sentence, whether he had taken the stand or not.

So after 1994, I resolved to never, ever allow an accused to testify, and I never, ever did until my next case, when I put a woman accused of murdering her husband on the stand and she was acquitted. The answer? There is no answer—just tough decisions and, for trial lawyers, unavoidable regret. ■

David Berg is a trial lawyer at Berg & Androphy in Houston and New York and the author of essays, articles, and two books: The Trial Lawyer: What It Takes to Win *(ABA 2006) and* Run, Brother, Run: A Memoir of a Murder in My Family *(Scribner 2013). Berg became one of the youngest lawyers to win a case in the U.S. Supreme Court at age 28.*

Michael L. Shakman

I regret very little about my work as a lawyer. Most of what I do is interesting and satisfying. The people I've worked with have been great. But I wish a few things had been different.

1. I regret not trying more cases, although I've been fortunate to try my share. There is nothing more satisfying than dealing with the personal challenges and satisfactions trials generate.

My regret is tempered by the realization that trials of disputes having any complexity (thus, almost all) come at great expense in time and money. There was a time when one could economically litigate a low six-figure dispute. Those days are long gone.

The rule makers are responding by forcing more disputes to mediation and limiting the scope of discovery. These are generally good efforts to address the unfortunate fact that we have priced much of the public out of access to our justice system.

2. I regret changes in the way much of the practice of law is now organized. In the past several decades, law firms morphed from the "old" partnership model, consisting of a group of partners working for the common good and providing legal services to clients they knew personally, to large aggregations of personnel structured around billable hours and "portable" business controlled by a handful of rainmakers.

If you need to look at your firm's website to know what some of your partners look like or how to spell their names, you are probably practicing in the new law firm.

I don't mean that size is inevitably bad. But size limits the social interaction among lawyers, thus undermining collegiality. Size can undermine fairness in dealing with people by making it difficult to apply important, but often unquantifiable, contributions that should figure into the allocation of benefits. Size tends to compel "objective" standards (billable hours and fee generation) to control the allocation of income and responsibility. This may be the only practical solution to managing hundreds or thousands of lawyers in a single firm. But it does not always lead to happy or stable law firms. I don't regret having spent my career in one law firm of modest size.

3. I regret not having made more use of insights that the social sciences and psychology provide. Much of what we do as lawyers is done better with those insights. A recent series of articles discusses Daniel Kahneman's best-selling *Thinking, Fast and Slow* (Farrar, Straus and Giroux 2011), applied to the practice of law. *See* Charles W. Murdock & Barry Sullivan, *What Kahneman Means for Lawyers: Some Reflections on Thinking, Fast and Slow,* 44 Loy. U. Chi. L.J. 1377 (Summer 2013). The articles and Kahneman's book are valuable for anyone who wants to understand how the way people think and act affects what we do in the practice of law—including, for example, how juries sometimes misapprehend what we view as clear or why appellate judges sometimes miss the point of our well-reasoned arguments. I have benefited from these sorts of insights in working with jury consultants. They are invaluable evaluators of how decision makers bring their preconceptions to cases and even reinterpret the facts to fit. I regret not having learned these lessons earlier. ■

Michael L. Shakman, a partner in Chicago's Miller Shakman & Beem LLC, specializes in governmental litigation and professional liability. His lawsuits challenging Chicago's patronage system in the 1970s upended Cook County's political machine and led to a series of remedial court orders and consent judgments called the "Shakman decrees."

Carolyn Lamm

Little compares with the thrill of a fast downhill ski run on a clear, cold day, but I invariably cast my eyes toward the mogul field with significant remorse that I cannot fly effortlessly over. That is my regret.

Instead of skiing mogul fields, I have devoted much time to a myriad of intense trials and "bet the country" cases for wonderful clients across the globe, be they in courts or in front of arbitral tribunals. Too often, I have left the slopes, or never made it there, because I was sifting through evidence, working with my teams, preparing an argument, etc. Putting together a winning strategy for a case is a comparable thrill. Even better is analyzing the way to simplify and make it persuasive to the tribunal, judge, or jury. Similarly, working with many government clients from around the globe—seeking to convey appreciation for the different historical context, culture, religion, legal system, and economics that must be appreciated to understand the essence of the case—is a challenge and professionally exhilarating. Perhaps it's even better than moguls.

At the same time, I derived a thrill and satisfaction from doing important work for our profession. Serving as president of the D.C. Bar and the ABA and working on issues of significance to lawyers in all types of practices around the country and the world provided an unparalleled opportunity. The combination of challenging advocacy and professional achievement is satisfying. So is the thrill of a great, fast ski run on a clear, crisp day with my husband and sons. But I shall forever glance toward the mogul field and regret that I cannot fly with perfection across the tops of each of the mounds. ■

Carolyn Lamm, a partner at White & Case's Washington office, has represented the governments of Indonesia, the Philippines, and Uzbekistan, as well as private parties in high-value commercial arbitrations and litigation. She was voted ABA president in 2009–10.

Jeffrey D. Colman

It is hard to practice law for over 40 years and not have some regrets. But while regrets are the subject of this short piece, my overwhelming sentiment is appreciation—(1) for the wonderful clients I have been privileged to represent, (2) for great colleagues, (3) for a law firm that consistently demonstrates that lawyers care about our profession and about the poorest and most vulnerable in our communities, (4) for smart and courageous judges, and (5) for the opportunity to work on some of the most challenging, cutting-edge legal problems imaginable.

But I do have regrets. I regret agreeing—as a brand new lawyer in a small firm in California—to pinch-hit for a seasoned criminal lawyer in the middle of a trial. I was asked (and I agreed) to represent a young man charged with robbery. The trial had been going on for several days and the victim had testified on direct examination. The senior partner who had started the trial now had to be on trial in a different city. He assigned me the task of completing the robbery trial, including cross-examining the victim, though I had no transcript or meaningful notes of the direct examination. Regretfully, I followed instructions. It was my first trial and it was ineffective assistance of counsel "per se," although the client was acquitted, so my error was "harmless." Nonetheless, I wish I had it to do over again. I wish I had said no.

I also regret—as a young lawyer in Chicago—sitting silent while a wealthy client spewed hateful rhetoric about blacks, Jews, and women. Think Donald Sterling's tape-recorded words but 10 times worse. The young partner with whom I was working warned me about the client's hateful speech and told me I did not have to work on the matter. Again, I wish I had said no. I also regret agreeing to represent a good friend in a challenging legal matter. I should have declined the representation. Because I did not, our friendship was badly damaged.

Most fundamentally, so many men and women in my generation of lawyers entered the profession with hopes and dreams that we would improve our system of justice and give real meaning to the concept of equal justice under law. I regret that, some important improvements notwithstanding, our system of justice is not better than when we started—and in some ways is markedly worse. Without legal representation, tens of thousands of poor and vulnerable people across our country go to court every day facing the loss of their children, their marriages, their apartments, and their homes. Our courthouses and courtrooms present hostile and fearful environments for too many people. The cost of litigation has become burdensome for even the wealthy, and it is prohibitive for working class and middle class people. The problem is not a lack of lawyers. Today, we have so many talented young people graduating from law school saddled with debt and unable to find jobs. I deeply regret that our legal community has not done more to live up to our hopes and dreams—and to the promise of equal justice under law. ■

Jeffrey D. Colman is a partner at Jenner & Block LLP in Chicago. His clients have included Guantanamo prisoners, death row inmates, and civil rights litigants.

Rusty Hardin

I regret that I have not yet learned to speak Spanish. It would broaden not only my practice but my world. When you can't speak someone's language, your ability to really hear and understand that person is unduly limited.

In the past few years, my law firm has gotten some terrific results for Hispanic American families in personal injury

cases. Those clients all spoke English, so language never posed a barrier. But it made me think of all the people I'm not yet representing. It's not just because my law practice is centered in Texas that this matters. Hispanic people make a huge contribution all over this country and are essential to our economic engine, and many don't speak English.

I often feel embarrassed that I don't know Spanish. The only foreign language training I had was a year of Chinese in the U.S. Army. Then I was sent off to Vietnam and never used it. Obviously, Spanish would help in dealing with civil or criminal issues in Mexico, and it could open the firm to new clients. In everyday life, I'd be able to communicate with people I now mostly smile and nod hello to.

I am constantly talking to strangers and asking what they think. It's because I'm curious about people, and they all help me understand the human condition. My law practice revolves around listening, understanding, and explaining things the way an average person would. I worry I may not correctly hear and understand those whose culture is steeped in a language I don't speak.

Understanding people feeds every aspect of my work, and everything I learn makes me a better lawyer. I regret I only get there in one language, and I don't think legal Latin really counts. ■

Rusty Hardin of Houston's Rusty Hardin & Associates, LLP, was named by the National Law Journal *as one of the 100 Most Influential Lawyers in America. He successfully defended Roger Clemens, served as chief trial counsel in the independent counsel's Whitewater investigation, and helped Dow Jones overturn the largest libel verdict of its time.*

Newton Minow

During World War II, I enlisted at age 17 in the United States Army. After training, I served as a sergeant in the 835th Signal Service Battalion in the China-Burma-India theater. Our unit built and operated the first telephone line through Burma connecting India and China. After returning home, I went to Northwestern University and immediately raced through both undergraduate and law school in four years. Although Northwestern gave me an excellent education in the limited time I gave Northwestern, I did not take courses in history, literature, and the arts so essential to living the good life. I was so determined to make up for the time I foolishly felt I had "lost" in the war that I deprived myself of gaining the knowledge, values, and understanding a good liberal arts education can provide. That is my biggest regret—a self-inflicted failure.

In later life, I tried to make up for my mistake through extensive reading, listening, and going to concerts, museums, and lectures. When I was 60, my firm, Sidley Austin, generously gave me a leave of absence for one semester to be a visiting fellow at Harvard's Kennedy School. I took an undergraduate course in American history taught by Professor Alan Brinkley. Studying history at age 60 is richly rewarding because you lack perspective when you are young. I now read four or five biographies a year and just finished *The Bully Pulpit* (Simon & Schuster 2013) by Doris Kearns Goodwin, the story of Presidents Teddy Roosevelt and William Howard Taft—a splendid way to understand the United States in the latter part of the 19th century and the early part of the 20th. I'm grateful I chose the law as my work because it is truly a learning profession, and I try to continue learning every day at age 88.

I've been blessed with a happy, productive life, with a great family, public service, and ideal law partners. But I still regret not having enough sense at age 20 to study the liberal arts. I often reflect on the words of President John Adams: "I must study politics and war that my sons may have liberty to study mathematics and philosophy, geography, natural history, naval architecture, navigation, commerce and agriculture, in order to give their children a right to study paintings, poetry, music, architecture, statuary, tapestry, and porcelain." ■

Newton Minow is senior counsel at Sidley Austin LLP. He joined the firm almost 50 years ago after serving as chairman of the Federal Communications Commission in the Kennedy administration. He is the Walter Annenberg Professor Emeritus at Northwestern.

Honorable Marilyn Milian

Regrets. As I soar headlong into my 50s and look back at three decades of decisions, I find many little things to regret.

I regret my 1980s big hair perm. I regret not using sunscreen. I regret not discovering Spanx sooner.

But truthfully? My greatest regret is the time I wasted on regret. My life has always been a race to achieve bigger, better, faster. At 17, I enrolled at the University of Miami (as a good little first-generation Cuban-American, the only school my parents would allow me to apply to). At 20, I enrolled at Georgetown Law School. At 23, I started my career as a litigator in the Dade County State Attorney's Office under Janet Reno.

By November 2000, I was rocketing up the judicial trajectory. I was appointed to a county court seat in 1992 and elevated to the circuit court in 1999. I was only 39. I had serious and influential people in my corner, mentoring me, greasing my rise through the ranks, and fully expecting me to go places in the judicial world.

And then I quit.

I was minding my own business during a first-degree murder trial when I received a phone call from Harvey Levin, an executive producer on *The People's Court* and the creator of web and TV sensation *TMZ*. As luck would have it, the granddaddy of all court shows was looking to hire the first Hispanic court show judge, so they were visiting all those cities where Latinos were neither rare nor elusive. Their search brought them to Miami and to my doorstep. I had never, ever thought of a career in television. Harvey called 15 times in two days without my returning his call, as I found his persistence nothing short of—well, *TMZ*-ish.

I was flown to New York City to audition, went with my husband for a second audition and talks, hired a talent agent, negotiated a contract with Warner Bros., and resigned from a gubernatorial appointment. Word spread like wildfire. And the phone calls began. Most were enthusiastically well-wishing. But the ones that got to me sounded like this:

"I hope you know what you are doing."
"What will you do if this doesn't work out?"
"It will be very hard for us to help you if you wish to return. You are forever sealing your fate."
"Do you think anyone in this town will ever take you seriously again?"
"Well, I guess everyone has their price."

As it turns out, I have spent 14 years, outlasting the venerable Judge Wapner, as the judge on *The People's Court*, and in retrospect, no one can criticize my decision. But at the time, it was nothing short of frivolous insanity, to many of my most trusted and respected mentors, to take such a risk. I tried to take the criticism with a grain of salt, tried to see it as an adventure that did not define me, tried to think of the naysayers as people unable to think outside the box. I was still me—I was still smart (wasn't I?)—even if my plate was now to feature mainly dog bites, bad perms, and boyfriend loans. I was still useful to this legal community, wasn't I?

I offered my services as a retired judge to combat the record-breaking caseloads that year. The chief judge was ecstatic and petitioned the Florida Supreme Court. We had a severe shortage of retired judges to help and often relied on judges who had retired more than 20 years earlier. Then the chief justice of the Florida Supreme Court sent his response: "Denied. The risk that her TV persona and in-court persona will be confusing to the public is too great."

Huh? People might think they walked into a TV set? *Puh-leeeease*. It was simple—the Florida Supreme Court hated court shows, had no respect for what I was doing, and would prefer the choking backlogs to accepting my help. Indeed, several justices have spoken at judicial conferences commenting about the disservice court shows do to the "legitimate" judiciary. I will never forget how I felt. My husband read the letter to me over the phone. Alone in my New York City hotel room, I wept, I regretted, I feared I had made a grave mistake.

In truth, I owe them a thank-you. Their rejection was my liberation. After feeling that I had to bring other people's idea of "dignity" to the TV pulpit, trying to dispense my justice the way I thought my elders and betters would have me do it, and living with one foot in my old life and one in my new . . . I was finally free. I could forge my own path to success on television. There was no room for regret because there was no turning back.

What have I learned in 14 years? That the work I do on a daily basis is far more important than anything else I have ever done. That most of America doesn't get its legal advice from $500-an-hour lawyers but from televised court shows like *The People's Court*, a staple of television for the past 30 years. That I am privileged to teach the average American about how and when to loan money, assert their contractual rights, and avoid the legal pitfalls of everyday life. That America doesn't grow to hate "real" judges because of us. If Americans resent the judiciary, perhaps the judiciary should address important things like delays, backlogs, and insensitivity to the expense and turmoil such things cause to litigants and lawyers.

We all go through this life once, and we should go through it not cautiously, not timidly, but by storm. Life sometimes throws you a curve ball you should catch—with your teeth, if necessary. And you cannot, must not, be bogged down by useless regret.

And for the love of God, put on some sunscreen. ■

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