

Sunday, August 3, 2008

Practicing non-anger.

Yin Yang Practicing non-anger is easier said than done, but is fully essential to being powerful (and healthy) as a person and persuasive trial lawyer. One approach I try to use in staying consistently calm and not angry is in focusing on how everyone ultimately is interconnected. Those who reach such a view from a deeply-held religious perspective -- which I do not, still remaining an agnostic who is into Judaism and Buddhism nonetheless -- might have an easier time sticking to the view than I do. In any event, the more we see that we are interconnected, the less we will be tempted to cause disharmony to others and the more we will want to help everyone rise as we rise, and not to try to pull them into a ditch even if we find ourselves in one. Yesterday, I was leaving the Barnes & Noble with my two-year-old son. We were in a true state of bliss. For over an hour, he got his fill playing with Thomas trains (you try having children and avoiding America's crass commercialism and its many suburban, mindnumbing pockets), and then moving to dancing to the rhythms of books that play tunes to the touch of a button, while we interacted together alternatively with my reading Ernest Gaines's *A Lesson Before Dying* (not exactly light reading or viewing (see here, too), but among the many great books I have still yet to discover and read). We rode the elevator up and down, which is like a carnival ride for him. We left as we arrived, with him riding his tricycle. As we drove off, a pedestrian was waiting to cross the parking lot where the law gave me the right of way, but where I waved him in front of me just as I appreciate others doing the same for me, and just as I believe strongly in returning manifold the kindnesses others have shown me over the decades. I then started thinking about how I could transfer that feeling of goodwill to every waking and sleeping hour and to everyone with whom I interact. I realized that if I could see a part of me in every other person, that would help me want to support their well-being all the more. If that is too abstract an approach for me, then I can also try to see a part of my loved ones and closest friends in every other person. If that still is too abstract to me, I can leave room for the possibility that this is a person who shares some of my deepest core beliefs, values, interests, feelings, and passions, and has done, is doing, or will do some great things to benefit many people. Alternatively, I need to leave room that this person might some day become a close friend or confidante to me, may already be a close friend or confidante to a person who already is close to me, or may be someone who has or will help me or someone close to me in profound ways, whether it be as a teacher, someone who helps others medically or psychologically or spiritually, or someone who helps in innumerable other ways. By turning to such a visualization, then I can step back in a more non-selfish way, to see the person as precious in and of himself or herself, no matter how much the person seems to be devoid of caring or feeling or unselfishness, and capable of doing immediate and serious harm. Certainly, some of my criminal defense clients not only are accused of doing heinous and despicable acts, but some of them have in fact committed such acts. Consequently, I best be ready to care about everyone -- even my apparently worst enemy -- or how else will I be able to care about such clients, beyond the abstract concept of knowing that I protect everyone's Constitutional rights every time I successfully defend a criminal defense client? Moreover, I must find a way to care about each client, because if I do not, why will the judge, jury, or prosecutor care? This is all easier to write about on a Sunday when I am not being bombarded with court battles, phone calls, humdinger arguments in opposing counsels' court filings, staff needs, and a slew of other demands on my time, and sometimes on my patience and calmness. This is easier to write about when I am not dealing with people who do not care -- or at least do not seem to care -- about truth, about covering each others' backs, or about true justice. As I do so many times, I can summon up the calming voice and caring of my friend and mentor Jun Yasuda when the day gets chaotic and when I deal with seemingly hostile and dangerous prosecutors, cops and opposing civilian witnesses, but she acknowledges that even she gets angry at times. Consequently, each day that passes with me staying calm in the face of challenges to my becoming angry, is an accomplishment, sort of like the accomplishment an alcoholic reaches upon finishing another day sober. It is folly to believe one can act out in anger and then have that anger just disappear. If somebody sees me being angry and does not know the context of that anger, the person might think I am being a hothead, a nutball, a whackjob, or worse. If my son sees me acting out in anger, it does not give him harmony, and does not help him learn by example to achieve a life of non-anger. If I lose my cool, my client can suffer. Conversely, when I live with non-anger, even some of my opponents may wish to work more harmoniously with me, as some of them try to absorb the good karma of the non-anger and harmony. Living a life of non-anger is not a new-age, namby-pamby ideal for me. It is a necessity that I did not recognize sufficiently until I was well into adulthood. I have no other choice, nor do you. Jon Katz. **ADDENDUM:** Thanks to David Tarrell for his posting on non-anger, including words of wisdom from Fred Rogers, of all people.

Posted by Jon Katz in Persuasion at 00:00

This is very poetic and even more revealing when playing with a toddler.

When you take a moment to realize everyone you represent or interact with was once as innocent as a 2 year old it certainly gives you pause.

Terrific post.

Anonymous on Aug 4 2008, 21:47

Thanks, Susan, for your supportive comment, and the image of the two-year-old. Take care. Jon

Anonymous on Aug 7 2008, 07:03