

Tuesday, July 17, 2007

Happiness is the heart being free.

Relating to my July 15 blog entry, here is an excellent video from a Buddhist monk about the necessity of seeing our happiness as connected to everyone's happiness, since we are all connected (and I believe this connection extends beyond human-to-human relationships to all living beings' relationships with each other, which helps explain why I have remained a strict vegetarian for nineteen years). When something bad happens to one person, it ultimately affects everyone in some way, and vice versa. Tying this into fighting for justice -- including fighting for my criminal defense clients -- fighting in and of itself ordinarily will result in unhappiness for the losing side. If that is so, then let the happy victory rest with the side of justice, which includes the criminal defendant. When fighting for my clients, I do my best to engage in t'ai chi battle, which involves emptying myself of all anger, fear, and desire (other than the desire to neutralize the opponent and to harmonize the conflict to my client's favor); maintaining the wonder, joy, and fearlessness of a well-adjusted child; knowing that sometimes I may lose, but investing the loss into future victories; and using the other side's energy and anger as best I can in battling the opponent, while not over-expending my own energy; focusing on harmonizing a conflicting situation rather than on inflicting damage on the other side; and being ready, when unavoidable, to inflict even profound damage on the opposing side if that is the only way to reach harmony for my client, so long as I adhere to all personal and professional ethics during the fight. Through my experience fighting for well over two thousand litigation clients, I know that my opponents -- like the public at large -- run from decent people who will fight as fairly as possible (unfortunately, even plenty of otherwise decent people sometimes will be tempted to do things that are far from decent) up to heartless people who have little heart, caring or decency to give to others. Therefore, fighting for justice requires never flinching, lest the opponent throws sand in the fighter's eyes and then kicks the fighter where no kicks ever should be directed. T'ai chi battle calls for the fighter not to expect any fairness or decency from the opponent, so as not to be weakened by anger or disappointment when the opponent fights dirty, but to be ready to be pleased when the opponent fights fairly. Certainly, less damage will be suffered by battling parties if they will be open sincerely to try to overlap and harmonize their mutual goals before taking the gloves and sheaths off to go to battle. Such negotiations involve trying to reach maximum mutual advantage while creating a clear, accurate and diplomatically-worded picture of the damage ahead for the opponent if battle should proceed, so that the parties are negotiating not in a vacuum, but with an accurate battle weather forecast staring them in the face while they negotiate. Tying this all back to the above-displayed video, when we all focus away from a self-centered life and towards the happiness of everyone (including ourselves and those with whom we negotiate), less conflict, misery and unhappiness will surround everyone. A trial lawyer can, and should, follow the two-pronged path of focusing on the well-being of all, while giving priority at all times to harmonizing on the side of justice. Jon Katz.

Posted by Jon Katz in Persuasion at 00:00