HARNESS THE POWER OF F.E.A.R.

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Thank you. Sorry guys, got to put up with me a second time.

It was six months after I passed the bar, first year associate, worked at the same firm for two years as an intern, so I kind of knew my way around a little bit. I really wanted to get into doing something more than pushing paper. So, I was on my mentor/boss's butt about letting me get into the deposition room. I think I bugged him enough [that] he finally said yes. So, one morning, and it wasn't like, "Hey Jason, you want to take the deposition next week?" It was, "Hey, why don't you take this one this morning? It's going to be an easy one." That's always, you know, a red flag. I said, "Awesome. I'm so excited to take the easy one. Let's do it."

It's an older woman; she's in her late sixties. We were a medical malpractice firm, plaintiff firm, and her husband had died in a wrongful death situation with a botched surgery. [My mentor] said, "Skim the records, make sure you know the op note, look at the discharge summaries, just make sure you know it." I went over those very quickly [and] met with her that morning. Now picture this: I'm twenty-six years old; I'm brand new out of law school, my tie is probably messed up, I'm wrinkled all over the place, and this old woman who could be my grandma comes in and she's nervous as all can be—as she should be—this is her husband's wrongful death case. This is a very significant event in her life from the death of her husband. I think they've been married for almost 40 years. He died very tragically. She meets with me, not the senior partner that she signed up with, not even the second guy on the letterhead, not even the third guy on the letterhead, but she meets with the brand-new twenty-six-year-old associate.

Her fear showed it, and frankly, my fear probably showed it back there. Once I realized kind of what I was getting into, I kind of felt like I was way out of my league. So, we go into deposition. I prepped her the same way I had watched my mentor prep many people in the previous two years. It was pretty basic. It was listen to the question. It was if you get asked what time you get up in the morning, don't say I had breakfast, I had a shower, and then it was 6:00 a.m.; say just 6:00 a.m. Listen to the question—and as I was going through this, and I said it much kinder than that, but as I was going through this, I could just see her confidence dwindle. Anyways, we got into the

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* This transcript has been edited and refined for readability.

deposition, and it dwindled further. She just kind of melted apart, and I felt awful.

Side note, this is going into ethics. Side note, and we get into a break, and the defense lawyer, which by the way, the defense lawyer who's always the number one guy on the paper, he's the one always taking the plaintiff deposition. I learned that there's a reason for that. Anyways, defense lawyer, long-time lawyer that was very respected in Southern California, he said, "Hey, you know, junior, let's go take a break." So, I walked over, wasn't sure what he was really doing. He said, "Jason, have you looked at the visit that your client's husband had on such and such date?" And of course, you know, I kind of play it off like, "Oh yeah, well I need to go back and look at that again." He said, "You know, I got it right here." So, he pulled it out and gave it to me, and this husband, who my client was just devastated over, had gone in for a visit five years prior to his surgical event that caused his death for medicine for venereal disease that he had because he was cheating on his wife.

This defense lawyer could have put that in front of my client's nose and destroyed her, and I will never forget as a young lawyer [that] he didn't do that. He pulled me aside and I didn't know that. I looked at the surgical record or the op note; I looked at the discharge summary, but I didn't look at the visits. Why would I look at something five years earlier? I do that now. That's the ethical side of this. I'm so thankful he didn't do that. I went back in; we finished the deposition. I told him, I said, "Please don't put that in front of her; it's going to absolutely destroy her." He didn't.

I took it to the boss at the end, showed him; he wasn't aware of it either. That case ultimately ended up resolving, but probably not nearly what it should have resolved for [and] much, much later.

That was my intro to what it must be like for individuals who are in this highly intense circumstance emotionally. They've never been in this environment, and they get one shot, and that's the deposition. Some cases, if it's criminal, it's taking, you know, the chair in the trial testimony. They get one shot, and unlike us who get to go to trial advocacy class and we get to go watch our partners do it, and we get to go see other people do it and hang out in the courtroom, we kind of have a sense of what's going on; our client doesn't. Yet they're expected to somehow deliver in a scenario where they are not familiar with it, and they're not comfortable with it. If they don't deliver, they know their case is in the tank.

About four years later, I think it was four or five years later. I'd done a little bit more of this, but I hadn't really figured out how this was going to work in terms of dealing with my clients' fear. I think I was twenty-nine and I had a gentleman come in; he was twenty-eight. So, we're like the same age. He just reminded me of me. [He] had had a rough life, and he came in for

deposition preparation. He was very stressed out, and I'd gotten to know him a little bit before the case got started. I mean, this wasn't the first time I met him, like it was for the old lady. He came in, he was so nervous, and he was so vulnerable with me, and he was just like, "Oh, I'm so nervous." He's like, "Last time I was this nervous, I almost killed myself."

I wasn't sure if he was being for real or just being dramatic. But anyway, I sat down with him; I wanted to calm him down, I wanted to get him talking. I had to ask because these things kind of sometimes come up in deposition. What do you mean you almost killed yourself?

He's like, "Yeah, you know, when I was twenty-three, I lived in San Francisco, life's not good, and I almost threw myself in front of the train two different times in the subway. I couldn't do it either time. So, it's like, not only am I a loser, not only am I incapable, [but I] can't even manage to kill myself. So, on the third time, I was going to get it done. So, I went and got real drunk at a bar, and I headed to the subway. And this time it was going to happen. I remember walking up to the platform, and I remember hearing the subway coming, and I remember hearing the wave of air that you can feel when it's coming, and I knew this was it. I'm done. [When] all of a sudden I heard this, 'Excuse me!' I turned around and the subway flies by." And this girl, he said, nineteen years old, twenty, crazy pink hair, big old pink glasses, was like, "Can you take a picture of me? I've never been in San Francisco."

And he's like, "Okay," so he grabs the phone, and she starts standing up and doing all these poses, and he takes all these pictures, and then she gets off, says thank you, gives him a hug and a kiss on the cheek. That changed his life. He claimed later that it must have been an angel sent from God. Why am I sharing that story? Because it's stuck with me that I have a responsibility with my clients to help them through this extremely extraordinary time that they're going through.

In my world, these are catastrophic events. They are wrongful deaths. They're men that can't work anymore and provide for their family. People who've lost their children I mean, it doesn't get much worse. So, I had to figure out how to harness the power of fear, and by the way, as I went through this, it wasn't just helping them harness their power of fear. It was helping me. Because as I stepped into the ring with these people, I could feel the fear too. So, let's talk about it. Let's define fear first.

Fear is the root and beginning of nearly all mental health struggles. Particularly anxiety, depression, and attempted suicide. If fear has the power to change one's moment, one's hour, one's day, or even one's year, or cause one to end their life, then fear has power. If fear has the power that can destroy, then why can't that same power be harnessed? And instead of destroy, to make one great. I believe that, and I think I've cracked the code.

Anybody ever heard of Viktor Frankl? If you haven't read *Man's Search for Meaning*, it's a phenomenal book. Viktor Frankl was an Auschwitz survivor. The first half of his book is his recollection of surviving Auschwitz. He went into Auschwitz as a psychologist, and what he learned being in Auschwitz, he then practiced once he got out of Auschwitz with many, many different people who had all sorts of struggles. It's a phenomenal book.

What are my goals today, and what are my goals when I sit down with a client and go through this process? First, renewed mindset towards fear. We're going to change how we think about fear. I'm going to provide tools to tackle fear not only for today and for the deposition but for tomorrow and for the rest of one's life. Yes, it's possible. Then I'm going to inspire others to help others help others, and I want to inspire you to help others.

This is what my experience was as a young associate. This is my client deteriorating at a deposition when they get emotional. It's hard to think when I get emotional. It's hard to articulate oneself. What's really hard is to remember when you get emotional. And you [have] to be able to remember when you're on the witness stand, when you're at the deposition room.

It was time. I had to find a way to prevent fear from crippling the very people that needed justice most, and that was my clients. If I wasn't prepared to help them, then they weren't going to be prepared. So not only was it for my clients, but it was for me too. I will tell you, many of you students, you're going to be entering a very scary time when you exit law school. That's natural. It's completely natural. If you're considering going into the courtroom, if you're considering doing high-stakes stuff, if you're considering dealing with clients in difficult situations, you're going to find yourself feeling a little out of sorts. That's perfectly normal, and it's perfectly natural.

The case that changed everything for me. As I said, I had to figure out what we were going to do. This was when I was early in starting my office, starting my practice, [like] 2014. I am thirty-four years old, and a twenty-three-year-old young woman comes into my office and hires me for a medical malpractice case.

She was a mess. She was so timid; she was incredibly emotional, and it was so difficult for me to even find out initially what the case was about because she was just so emotional [about] it. And I understood once I learned what the case was about, I understood. I became practically emotional myself listening to her. Here's the quick case.

She was a single mother. I found out later about her family, which there was no real family around. Father was out of the picture. She had had a little boy. This was like two years before she met me, a little less than two years. This was in rural Wyoming. This is her first kid. She didn't have mom around to ask her questions; she didn't have an aunt around to ask her questions, but she knew her little boy wasn't doing good one night.

So, she took her little boy, I think he was like eight months at the time, to the GP (General Practitioner) in town. There was no pediatrician. Small town, rural Wyoming. I'm sure it's similar in North Dakota. Sometimes all you got is a GP. This GP is like your grandpa. Friendly guy, a little overweight, could sit down with anybody in this room and have a great conversation and you'd like him, but he wasn't on top of the literature. He thought the baby was having some inflammation and just needed some steroids. So, [he] gave her a little bit of steroids and told her it's okay, he's going to get better. Might get worse before he gets better, but he's going to get better.

She comes back the next day. He's like, "Now, you're not giving this a chance." Because the baby wasn't better. He's like, "No, I didn't mean like, you know, an hour or two. I mean it's going to take a couple days for him to recover." She comes back a couple days later; baby is getting worse. He's like, "Yeah, okay, we'll give him, let's give him a little higher dose of steroids." Steroids reduce inflammation. Steroids eliminate your body's own fighting mechanisms. So usually when one gets steroids, you also get antibiotics to protect yourself because if something happens, you need some fighting mechanism in there to protect yourself. He wasn't doing that.

She didn't know. She was twenty-three years old. She had a high school diploma and had never gone to college. She wouldn't know any of that. He gave the boy more steroids and ultimately she ends up on an 180-mile drive to the nearest hospital, and her baby dies in the back from a horrible infection. Horrible infection that never would have killed this baby had the doctor just done nothing.

So, she is in the worst condition you can imagine, and just think for a moment of what she thinks about herself as a mother when she enters my office. Just think about that for a moment. So, we get the deposition. We filed the case. We've done some discovery. I've got the medical records, what little there were, from the GP. They're not really helpful; he didn't document much. So, what I really have is her story. Her story's going to be critical at the deposition. She knows that. I don't tell her that. She already knows it. She doesn't need to be reminded of that.

This is the question she's worried about: "Why did you continue to go to the GP for two months while your child wasn't getting any better?"

This is what she heard: "What kind of a mother are you?"

This was the next question she was worried about: "Why didn't you just take your child to the hospital?"

This is what she heard: "What a horrible mother you are."

"Why would you wait 60 days when your baby isn't getting better ma'am?"

This is what she heard: "You're an awful mother."

That's what she heard, and that's what she believed.

So, it was my job—how was I going to change that fear? How was I going to get her to a different place? Because if I don't get her to a different place, you know what a defense lawyer is going to do with her? He's going to tear her apart. She's going to come away from it even more emotionally damaged, and her case is going to be down the tubes when she has a really good case.

This is how she shows up for meeting one. This isn't her, but I grabbed a picture of someone that was similar. Meeting one, she shows up anxious, very emotional, unkempt, disheveled. Looked like she hadn't showered for a couple days. Hair was all over the place. I mean, and her dark red eyes. She looked awful, okay? I had to get her to this place, and I had to do it relatively quickly.

We can overcome fear. We can do it, and we can do it in relatively short order. Let me tell you how. First, F: We [have] to find the lie. This is what I do with my clients. I sit down with them. We [have] to find the lie that they're believing because the lie that you're believing is the fuel that provides fear. That fuels fear. If you can figure out the lie, you can start to transform fear. I don't sit here and tell this to my client. This is what I do with my client. We [have] to find the lie that they're believing. Fear is entirely parasitic; it feeds on falsehoods. When you strip away the lies, fear starves and loses all its power. It is true, I promise you.

We had to unpack her fears, and we do it just like this. By the way, I literally do it just like this. What's not between us? An office, or excuse me, a desk. I don't want any barriers between me and her, or me and him, or whoever my client is. I don't want any barriers. Barriers create symbolism that we don't need right now. I need people open and vulnerable.

So, think about that for a moment. Prepping a plaintiff for their deposition is a huge undertaking, or it should be. If you are not doing that, and we're not preparing the plaintiff for her deposition or his deposition and spending the time it deserves, then we're not doing them the justice they deserve. My boss, my old boss, I love him to death. He's a good guy, but he was a horrible preparer. He was horrible at prepping plaintiffs.

I have them write down their fears. I say, you're going to sit down before you come to my office, and you're going to write down your fears. So, we can go over them together. I don't care what they are; there's no fear that I don't want you to write down. You bring them to me.

This was her first fear: Everyone is going to know I'm a horrible mother.

I knew that was going to be a fear. So, we had to unpack that fear. And by the way, she has to unpack it, or the client has to unpack it. I'm a rudder on a sailboat. They're the sailboat. I'll help move them, but they're the sailboat.

My son would be alive today if I was a good mother. She believed that. She believed that truth to the deepest part of her soul.

I should have known he was a horrible doctor. If I had gone to the hospital earlier, he would still be alive today.

Let's take a break for a moment. This is for the lawyers in the room. Billie Jean King, anybody heard of her? Famous tennis player. A long time ago, though, so younger folks might not have heard of her. Considered the winningest professional athlete of all time. Did you know that? More than Tom Brady, more than Wayne Gretzky, all those folks. Billie Jean puts them to, you know, they all look pathetic next to Billie Jean. Billie Jean was phenomenal. They asked her, how do you, game after game, day after day, deal with the pressure of the expectation to win each and every time? I mean, think about that. She got to a point where it was just expected she was going to win every single time, and she did. Every single time. That's pressure. After a while, if you're just expected to always win, I mean, imagine being a trial lawyer and you're just expected to win every single time. Every single time. This pressure's going to get to you, presumably.

"How do you deal with it?" They asked her.

"I viewed pressure as a privilege. I found it to be a privilege to be up here and be in a position where I could be great."

This is for the lawyers and the students in the room. View pressure as a privilege. You have a privilege to represent and honor these people in the courtroom.

Let's go back.

Fears we all believe. These are fears I've believed at certain points in my career. I'm afraid to fail. Definitely. I'm afraid to disappoint my parents. Yeah, a lot of you students, when I was in your shoes, I was afraid of that. I'm afraid to take a risk like that. I don't know, man. Do I really want to step in front of a jury and say, "I'm going to ask you at the end of this case for ten million dollars?" What is everybody thinking of me in the courtroom? What are these jurors going to think? Ah, this ambulance chaser guy. Ten million dollars?

That's a risk, especially as a trial lawyer, and a risk that I think you got to take. Afraid of what others might think. Yeah, that's a great example. What are the jurors going to think of me? And of course, I'm afraid of the unknown. These are all normal fears, and I promise you, there are ways to overcome them. Don't run from them, embrace them. Find the lie that you're believing, acknowledge the lie. You [have] to say it out loud and you [have] to write it down. Then you own it. Write it out, say it out loud, write it down, then you own it.

Let's go back to the mother. What's number two? E: Erase the lie with the truth. How do we get there? This is the magic that occurs between you and your client. By the way, this was a deposition, but this happens before trial

testimony too. So, I sat down with her, and now I have this big, huge whiteboard. I write lies at the top, and a huge line here, and I write truths. Now she has to come up with the truths, not me. Not you. You have to let her; you direct her, you let her come to it. So, we go through her lies.

Number one. I got a paper right here. I forgot to tell you this. The other thing I have them bring with them on the piece of paper is: tell me one thing that you're most proud of overcoming. I have them write that down and I'll come back to that later. You'll see what I do with that later.

I want all the lies, all the things you're worried about, all the things you're scared about, and I want one thing on there you're really proud of that you overcame in your life.

Lie number one. Everyone is going to think I'm a horrible mother. This is where I start being the rudder. Everyone.

"Okay, tell me who everyone is." You know what she said? "The jury."

I said, "Samantha," I'm going to call her Samantha, I said, "Samantha, this is a deposition, and I should have told you how the deposition works. It's going to be you, and by the way, I [will] be sitting right next to you the whole time. I'm never going to leave your side. There's going to be a table. You're going to have the defense lawyer over here and a court reporter. Nobody else."

"That's it?"

"Yes, that's it." All of a sudden, her shoulders dropped just a bit. That fear is gone. Fear is gone.

"Who else is everyone?"

"The judge."

"Samantha, I should have told you this." I now tell people ahead of time. "There's no judge. You're worried about the judge; there's no judge there. Again, it's just me. It's just going to be you; the court reporter won't even say anything. She'll just be typing everything down, and the defense lawyer will be there. There'll be no judge." Those shoulders? Boom. All of a sudden, I'm starting to see some transformation. Exactly what I'm looking for. She's calming down just a little bit. This is all meeting one.

I ask her, "Anybody else?"

"No, I guess that was it."

"Okay, let's move on then. Horrible mother. Why do you think everyone is going to think you're a horrible mother?" And I just want her to talk now. I want her to get out every single thing she can think of.

"I should have known the doctor didn't know what he was doing."

What's my response? "Tell me more."

"I knew my baby wasn't getting better."

What's my response? "Tell me more."

She continues, and she continues, and she continues until she says, "That's it. I think that's it." You [have] to get him or her to a place where they're exhausted. We literally call it exhaust them. When they are exhausted, that's when you have the magic moment. You ask her the tough question.

"Why did you keep returning to the GP?" You go for it. I already know; she's already provided me all the bad reasons for her [being a] horrible mother. She can't come up with anything more. She's not going to repeat herself. This is what she told me.

"He was a doctor and I trusted him." Boom.

Our first truth. We erase the lie and replace it with the truth. So, I go up on the whiteboard. Lies, horrible mother. It's a lie you're believing. What's the truth? He was a doctor and I trusted him. Now things are changing. We go through that same process with each and every lie. Again, it's not a truth; it's not her truth unless she comes to it herself. So, I can't come up with the truth. I may know the truth, but she has to come to it on [her own,] and if she comes to it herself, she owns it. We write it down just like we do the lies. We write it down, we say it out loud, and we repeat it. It's her truth, and we go through that the entire time.

Again, Viktor Frankl. The guy's amazing. Just marinate on that for a moment. Those who have a why can bear with almost any how. A lot of times what we do in the courtroom, or what we do with clients, is help them find their why. If we can get them to a why, I truly believe they can overcome any how.

Here's the secret. The truth erases the lie. Then the truth becomes your fuel, rather than the lie being fuel for fear. Okay, so now her truth during deposition, critical deposition, a circumstance that she has never found herself in and a process that's going to be completely foreign to her, she now has her truth, and that truth will guide her, and it will buttress her for every single question.

The truth is a key that starts the engine, and by starting the engine one is ready to act. Meeting two. This is how she shows up to my office in meeting two. She walks in, cleaned up, confident, prepared, put together, ready. I mean, the moment she walked in, I saw a completely different person, and I knew it had worked. I knew that had worked the day before. She was ready. She was confident. She knew what her truth was. She no longer had fear about what people thought of her. She knew what her truth was. She was ready to go.

A: Act on your truth. We find the lie. We erase the lie and replace it with the truth, but then you [have] to act on the truth. Watch, here's the deposition extract, and when I told her that the truth has to guide you through the deposition. I said, "Samantha, what can I say that will change your truth?" She couldn't come up with anything. I said, "Well, you're going to have a

really smart Ivy League defense lawyer on the other side of you." Samantha's a high school graduate. "I mean, he's, Samantha, he's really smart, and he's been doing this a long time. He's been in it for like 30 years. That's all he does is defense medical malpractice. He is a smart guy, and he goes through all the records, and he's going to be hammering you with questions. I mean, come on. He's kind of a scary guy. How are you going to deal with that?" And I mean, it didn't even touch her. She knew her truth, and she knew that me, not I, not a scary defense lawyer, not the judge, not the jury, nobody else was going to change her truth. She owned it at this point. So now she had to act on it. Watch this, I took this verbatim out of [the deposition transcript] except I changed the doctor's name.

Question: "And can you tell me why after five visits with Dr. Beam you continued to take your son to Dr. Beam and not simply go to the hospital?" By the way, some might say, you know, what a jerk for a defense lawyer going after her like that. They're doing their job. I've been to CLEs where, on both sides, they teach you to try to take advantage of a deponent's emotional vulnerabilities. It happens. So rather than being upset about it, I figured I just [had] to figure out how to fight back. It happens. They're going after her. I knew it; she knew it. They were going to go after her emotional vulnerabilities.

"And can you tell me why after five visits with Dr. Beam you continued to take your son back to Dr. Beam and not simply go to the hospital?" Horrible mother.

Answer: "Because I trusted Dr. Beam."

You think he's done with her yet? No. He's not done with her yet. "Why would you watch your son deteriorate this way and not take him to the hospital?" He's going for the second jab.

Answer: "Because each time I saw Dr. Beam, he told me that my son would initially get worse before he got better, and I believed him."

Truth is her buttress. You think he quit there? Nah, no defense attorney's going to quit there. "And you didn't question him?" You horrible mother? "You didn't question him?"

"I didn't."

"Why?" That's where he screwed up.

"Because he was a doctor and I trusted him." Beautiful, I mean, exactly what the case required of her. She nailed it and knocked it out of the park. And she only did that because it was her truth, and she owned it, and she let that truth guide her.

It was phenomenal; just think for a moment, you're on a jury. Because this is so impactful when we're prepping clients as well for trial. You do the same thing all over again, and we remind them [of] their truths; we go through their lies, we go through it all again. But imagine if you're a juror

and the cross-examination on mom is, "Can you tell me why, after five visits with Dr. Beam you continued to take your son back to Dr. Beam, not simply go to the hospital?"

"I was nervous. I kept thinking he was going to get better. I didn't, I just, I don't know. I just, he kept getting worse." I mean, you're a juror listening to that and you're kind of believing it. You're kind of buying into this thing. But you're not. When that's her answer. Then you're starting to shift, and you're like, I'm on her side because I can kind of see me in that same situation. I'm not a doctor. That's why I go to a doctor.

"And he told me that he was going to get worse before he got better. And he was giving him medications, steroids. I didn't know what steroids did. I thought they were meds that could make him better." You start to pick a side.

So, when you prepare a client, you want to prepare them in a way that the jury is going to pick their side. Now, a phenomenal plaintiff deposition, this is going to dovetail back to my talk this morning, is going to increase the value of your cases. Any plaintiff deposition, first of all, the senior partner should be defending the plaintiff deposition. Period. In your firms, it should be the senior partner. They should have that plaintiff ready to go through this process, have them impenetrable at the time of cross-examination at deposition. I promise you that the value of that case is going up. And isn't that what we're required to do, represent them zealously, maximize the value of their case? Because justice in the civil world, the only justice is money.

That's it. There's no other justice. That's the only way we can provide them justice. So, if that's the only way we can provide them justice, we [have] to prepare them so we can maximize that amount of money for them. Money also screams accountability. There's accountability at $10, and there's accountability at $100,000. Two different types of accountabilities.

Inaction breeds doubt and fear. That's why you [have] to act on the truth. Action breeds confidence and courage. If you want to conquer fear, do not sit home and think about it; go out and get busy. So, for those of you who are students who will be heading into the lion's den next year. Embrace it. Seek it out. Every opportunity that you get to go into the lion's den, take it. The more often you're in the lion's den, the easier it is to go in there after a while. It'll never get completely easy [and] it shouldn't. I mean, I've been in this twenty-one years [and] I had a huge appellate argument six months ago and I practically vomited all over the place before as I was walking into the courthouse. I went through this process. I did it to myself. And I was just fine, but I had to find the lie I was believing. I had to erase it with the truth. I had to use that truth to step up in front of the podium and speak to the judges. Then the next part. The truth really will set you free.

Let me tell you another case that I had where this process was invaluable. Young woman, she was twenty-one years old. She had just gotten engaged

with her husband, or her soon-to-be husband. They had very little money. When they went on vacation, it was like camping, but they were going to go big this time, and they went to one of the smaller towns in Wyoming and were able to get a hotel room for eighty bucks. At one of these hotels that has a small restaurant and bar in it. They were going to go celebrate. These were good people.

They went and celebrated and had dinner that night and then, you know, dinner turned into a pool game, and a pool game turned into quite a bit of drinking. There was a group of guys there that were also drinking and they ended up kind of mingling a little bit together, not really, but kind of a little bit. She was tiny. She was like five foot four and weighed ninety pounds soaking wet. Tiny little girl. He was a big guy. He must have been six foot two and probably weighed two hundred and twenty pounds. Big guy. Real friendly guy. She drank way too much and at some point, like passes out in the chair, and he literally picks her up and takes her back to the hotel room, leaves her there, and goes back to the bar.

We have all this on video. The guys who were hanging out at the pool table were checking this girl out the whole time. We could see it and there was one in particular that was kind of creepy about it. He then leaves when [her] boyfriend comes back; he disappears, and we got another camera of him going to the bartender, because when you checked into this place, you got a free coupon for a drink, and the free coupon had your room number on it.

And he was like, "Hey, you know, I'm kind of worried about that girl. Um, do you have her room number?" So, she pulled the coupon. "Yeah, it's 110." So, he then goes to the front office [and he] says, "Hey, I lost my key. I need to get into 110." You think they looked at his ID? No. "Oh yeah, here, okay, here you go." And he gets into her room and rapes her.

She was very similar to the mom in the medical malpractice case. She felt she was responsible for that because she had drank way too much that night. She had a lot of alcohol. She blamed her boyfriend for leaving her. Their soon-to-be marriage, I'm not even sure [if] they ever got married, but she felt incredibly responsible for what happened. We had to go through the same process. We had to find the lie. We went through those lies and I said, "Why did you drink so much that night?"

She said, "We were celebrating."

"Okay, any other reasons?"

"Well, I thought my boyfriend would protect me."

"Okay, any other reasons?"

"I mean, we had gone to our room at a hotel, and we were going to have a good night that night and just spend time together, okay?"

"Do you remember when your boyfriend dropped you in that room?"

"Yeah, I actually do."

"What do you remember?"

"He was like, 'Do you want me to stay or go back and get a drink?' I remember him saying that."

I said, "Well, tell me more about that."

"I told him to go get a drink."

I said, "You weren't worried?"

"No."

"Why weren't you worried?"

"Because I was in a hotel room. It was locked."

"Well, didn't he have a key?"

"Yeah, my boyfriend had a key, but nobody else did."

"Did you think you were safe?"

"Yes."

"Why?"

"Because I knew they wouldn't give a key out to somebody who wasn't my boyfriend."

We just kept going that way and before you knew it, she was at a place where, in spite of the alcohol, in spite of the fact that she had nothing to do with this guy who got access to her room and did the things he did, she was able to get to a place where she trusted that the hotel would protect her. That they wouldn't give out the key.

That became her truth through deposition, and she was phenomenal. Phenomenal. It was no longer about how much I had to drink. It was no longer about my boyfriend did this or should have done this. "I trusted that they wouldn't give out a key to somebody who didn't deserve it or shouldn't have it." She was phenomenal. She was so good in her deposition. I was so worried about her.

Let's go back to what I said a moment ago. I said, when you write down your fears, write down for me something that you've overcome that you're proud of. Remember. I remind them of that. For the young woman who was in the medical malpractice case, she wrote down that she had survived on her own since sixteen. She was twenty-three.

I asked her about that. Her mom had died; her dad was never involved in her family. Somehow this young, no college degree girl had survived and done great and provided for herself. I'm just amazed. She couch-surfed for a while with friends, and then she went and got a job at a local deli, and she was doing great. That's what she was so proud of, and she should have been. It was phenomenal.

When you can remember that you've overcome pressures, that you've overcome anxiety, fear in the past, you can utilize that for fuel in the future. I tell them, remember your victories. Remember your triumphs. Remember you've been here before. I'm not here to make a political statement, but when

Obama spoke his inaugural address, it was an enormous number of people. I mean, enormous. Let's just acknowledge he was the first black man ever voted in.

They asked him. He didn't seem nervous when he gave his inaugural address. You can see how many people are there. It was just unbelievable. They asked him later after that, they said, "What was it like? Was it, were you just nervous?" He said, "No, why?" "What do you mean no?" He said, "I had given this speech so many times already." Meaning he imagined himself doing it. He imagined himself doing it. So even if you can't tap in with a client to something they can remember, tell them to imagine themselves in their deposition. Tell them to imagine themselves getting a big verdict. Tell them to imagine themselves on the witness stand not being penetrable.

It's the same thing as overcoming, I believe, in real life. Arnold Schwarzenegger, they said, "Were you nervous when you won the World Bodybuilding Championship?" He said, "No, I've been there many times and won it before on multiple occasions." This was his first time. He imagined himself winning it. The power of imagination, the power of remembering, overcoming triumphs is tremendous. It has so much power behind it.

The strength you seek is not a new discovery. We're not coming up with something brand new. It is a recollection. Look back at the mountains you've already moved, the storms you've weathered, and the pressure you transformed into progress. That same unconquerable spirit is already within you. It's just waiting to be called into the next great battle. Each one of us in this room today has overcome something tremendous, multiple things that are tremendous. Maybe you've overcome a death in your family, you've overcome hardship, you've overcome difficult parents, you've overcome tragedy in your life.

You have done it. You have done it, and you've already got the power to succeed. We don't need to find some special secret sauce over here when we already have what we have built in us. Let the undefeated champion of your past inspire the victory of your future. We are going to be in multiple positions of influence as lawyers. Okay, and most of the time we think of it in the context of clients. But we're going to be in positions of influence with our employees. Be in positions of huge influence with your kids one day. Huge influence with your spouse one day. Huge influence with your parents when they start getting older, kind of shifts to us.

I want to encourage you. I'm going to inspire you to embrace that influence, that opportunity. Life is short. When you look back, I mean, you think, I don't know if I want to be at the DA's office for five years. Five years goes by very quick. It goes by very quick. Time goes by very quick. Embrace

the influence. Embrace the power that you already possess. Don't look for something new; rely on what you've already accomplished in the past.

In prepping clients for deposition, we take four hours for meeting one minimum. Four hours for meeting two. Then I do a meeting three. My deposition process in the firm that I started with is about half an hour. Period. That was it. And it was [the] boss calling, talking the whole time. Client talks all the time with me.

The third go-round, you know what I do? I put them through a nasty deposition in my office. I'm the bad guy. I don't do it for hours on end. I go straight to the heart of the case, straight to the issues that I know are going to go, and I'm going after my client. I'm mean, I'm ugly, and I'm not apologetic. But you know what I am? I'm going to be far worse than the defense lawyer on the other side's ever going to be to her or ever going to be to him. So, if they can survive me, which they always do, they're going to have no problem tomorrow at the deposition.

The final thing that I tell them, just to give them a little extra oomph. I say, "When you come in tomorrow morning, we're just going to touch base, make sure you're familiar with everything." The final thing I say is, "You know what, Samantha? If I don't think you're ready when you come in tomorrow morning, we're going to cancel the deposition. Okay, we'll reschedule it. It's not going to be a big deal. But if I think you're ready, we're going to do this. And we're going to do it together." I'll tell you what, man, that meek, little, weak, young woman was such a strong, formidable opponent of that defense lawyer who could not penetrate her. At one point in the deposition, I kid you not, at one point I reached over to her, and I said, "I'm going to use the restroom real quick." The defense lawyer was like, "Do we need to take a break?" I said, "No. She's just fine." I did it on purpose. I didn't need to use the restroom. I wanted her to know that I trusted her, and I knew she was going to kill it. I knew she was going to kill it because she had done so phenomenal on meeting three when I went after her. She was totally untouchable.

So, what's the takeaway? By the way, I'm a plaintiff lawyer. This works with your defense defendants too. It is what it is. I'm going to share this because it's a humanity thing. It helps our clients, so it works on both sides. I'm obviously talking more about the plaintiffs because that's what I do for a living. These are very stressful times for plaintiffs that we don't always appreciate as lawyers. Help them understand that you appreciate how stressful this is for them. That you appreciate that this is uncomfortable. Put them at ease, but go after them. On meeting three, go after them, and you will build their confidence when they're ready for the deposition or the trial testimony, whatever it is the next day.

Questions? Thoughts? Answers? Anything? All right. You guys have been awesome. Thank you so much.