

ourselves up and be willing to again face the fear of losing. To quote John Wayne: “Courage is being scared to death, but saddling up anyway.”

Theodore Roosevelt was a man of courage. He knew that in spite of the pain of defeat, it’s better to try than not try. He put it this way: “It’s hard to fail, but it’s worse never to have tried to succeed.” His most famous quote on the topic is from a speech he gave: “Far better it is to dare mighty things, to win glorious triumphs even though checkered by failure, than to rank with those poor spirits who neither enjoy nor suffer much because they live in the gray twilight that knows neither victory nor defeat.”

And from Alfred Tennyson’s poems: “Tis better to have loved and lost than

never to have loved at all.”

In the end, we learn from defeat the truth of the proverb: “The hottest fire makes the strongest sword.”

Besides, as Euripides said: “Waste not fresh tears over old griefs.”

And the motivational writer Og Mandino advised us to try to learn from the experience: “Whenever you make a mistake or get knocked down by life, don’t look back at it too long. Mistakes are life’s way of teaching you. Your capacity for occasional blunders is inseparable from your capacity to reach your goals.”

But, in the end, the greatest lesson we need to learn is to put the loss in perspective. In the great scheme of things, what is the real significance? Astronomer Carl Sagan painted the correct picture for us to use

in evaluating our defeats when he wrote: “Who are we? We find that we live on an insignificant planet of a humdrum star lost in a galaxy tucked away in some forgotten corner of a universe in which there are far more galaxies than people.”

So there you have it. When you suffer the loss of a case, stop, step back, put the loss in perspective and try to learn from the experience. Then you pick yourself up, dust yourself off, and go to work on the next case. ♦

This article was originally published in the July 2007 issue of Bar News. Due to its clear relevance to new lawyers, De Novo is pleased to reprint the piece from this long-time Bar News contributor.

Escaping the Daily Grind: Reading for Pleasure on a BlackBerry

by Mary Jo Newhouse

My biggest fear in fighting everyday downtime idleness is to be caught without something productive to do. It most likely results from my Calvinistic upbringing, teaching that productivity is next to godliness, hands are never idle, and all that. This might explain why I took up knitting until I had to put it down — literally, before I dropped it — because it so relaxed me that I fell asleep whenever I picked up the needles.

I rationalize my acquisition of various technological toys as installments on a grand program to prevent Alzheimer’s or some mental deficiency related to an idle mind. So it makes sense that I was intrigued by, and had to download, the Nook electronic book reader for my BlackBerry. It was free and a book would be literally at my fingertips if I grew weary of playing Brick Breaker at a CLE or Word Mole while flying (if I could only figure out how to turn off the part of the BlackBerry that violates FAA rules).

I downloaded Pat Conroy’s latest book, *South of Broad*, to see if reading on a BlackBerry screen was practical. The downloading was efficient, easy, and required only an account with Barnes and Noble and a credit card.

The book is a sprawling, sloppy, decades-long epic about the best of high-

school friends who all married each other (more or less), and develops a broad array of story lines. These include orphans, suicide, familial dysfunction, Catholic devotion, movie stardom, HIV, unrequited love, tragic love, Hurricane Hugo, drama, and mental illness. Portions of the book read as a love song dedicated to the city of Charleston.

It is a wide-ranging, tear-jerking, vintage Pat Conroy novel: the story of Leo King, whose mother is a former nun and current high-school principal, as well as a Joyce scholar (she named Leo after James Joyce’s Leopold Bloom). The tenor of the book is set in the first pages by the unexplained suicide of his perfect older brother — the brother Leo had found dead in the bathtub. The suicide notably lacked explanation, which is eventually revealed in a sequence of events and coincidences toward the end of the book. The tense relationship with his mother, his gentle father, and their frequently difficult exchanges lead Leo to conclude: “We played hard at looking the part of a happy family, and as far as I knew we succeeded admirably. Only three people in the world knew of our deep and hopeless despair in the company of one another.”

The high-school friends become adults and travel to San Francisco to rescue another friend. There are some suspect twists of plot used to arrive at resolution —



story points where unlikely serendipitous sequence of events resolve magnificent gaps in plot. I refer to this technique as “falling off the edge of the earth.” The author then scrambles back up over the edge of the world to regain a foothold and carry on with the story.

The book was riveting enough in the Pat Conroy mode to entice me to read it using only the BlackBerry. My eyes hurt, my contact lenses dried out, but I kept reading. When I finished it, I downloaded two more books to have on reserve as “preventive medicine.” (The unexpected benefit is that my husband found reading a book on a BlackBerry so pitiable that he bought me a Kindle.)

Even if you do not feel my compulsive need to play with technical toys, multitask, or download Conroy’s latest book to your BlackBerry, finding ways to read can still

be an asset in the practice of this profession — or any other.

Reading has kept me grounded, both personally and professionally. At times it also provides much-needed mental and psychological escape. When I use reading as an escape, my preference is fiction, and not necessarily high-quality fiction. Any sentence or blurb that grabs my interest is often adequate to suck me in long enough to begin the process and, should the initial creativity prove short-lasting, then the sheer desire to finish the story kicks in.

I prefer a happy ending. Life and law have too many sad, unknown, or unresolved threads. A happy ending does not mean that the story is bereft of drama and character development and grief. Of course, we all know that the story (as well as the lawsuit) ends where it ends, and if it went on, there would be more drama, joy, tragedy, and sorrow. I mostly avoid books that focus on major family dysfunction. A little dysfunction is reasonable; major dysfunction becomes tedious and predictable in its unpredictability.

My tastes have become a little more discriminating with increasing maturity. When I was younger, I read whatever was within eyeshot. The absence of a plot was not a barrier — that might explain why reading court opinions seemed a natural progression. The back of a shampoo bottle or a cereal box could serve my reading need, should I require a momentary escape. Now, my preferences lean more toward plot (and less toward dry-goods ingredients), but legal decisions are still within the realm of interesting.

My reading habits annoyed my family at times and caused some resentment. My sisters complain today that I was exempt from household chores — dusting, cooking, and toilet-bowl scrubbing — because

my mother told them to not bother me: I was reading. I was clueless about the claimed “special treatment” because I was completely absorbed in whatever it was that I was reading. It still surprises me today when it is mentioned. Siblings hold enduring grudges. My kids roll their eyes because I read books, such as Michael Dirda’s *Bound to Please*, to find more books to read.

Reading is an outlet, as well as provider of information, which helps avoid single-mindedness and myopia in my professional life. The term “balance” is intentionally omitted. Many years ago, raising three young children separated by fewer than four years in age while practicing law part time, I concluded that balance in life is a fiction. There is no balance in all our varied life roles. One does what needs to be done at whatever particular phase or age one is at and then one moves on to the next task and does whatever it takes to get through that with as much grace, insight, and elegance as possible. At times there may be amazingly little grace and elegance, and that is when one relies solely on humor, because there is little else left.

Through it all, reading has kept me centered. It provides an escape that allows me to put deadlines (household or court-ordered) on hold. Upon returning to reality after the psychological and emotional rest that reading provides, energy and interest are renewed and perspective is — more or less — maintained. ♦

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Sixteen randomly selected members received Amazon.com gift certificates for completing the November WYLD survey.

Congratulations to:

- Luke Hansen (\$100 Grand Prize Winner)
- Robert Allen
- Jessica Cohen
- Sonia Cook
- Alexandra Cruz
- Kelsey Endres
- Geoffrey Enns
- Alex Fox
- Travis Nye
- Suzanna Shaub
- Alexander Straub
- Heather Straub
- Elizabeth Tutmarc
- Robert Wood
- Karen Zehnder-Wood
- Anonymous

De Novo’s First Annual Legal Fiction Contest

Deadline: April 1, 2010

Ever dreamed of writing the great American novel? If so, we have the contest for you! In preparation for the June Writing Issue of *De Novo*, we are putting out a call for short stories written by lawyers. The winning short story will be published. Lawyers of all ages and years of practice are encouraged to submit. Law students are also welcome to enter.



Send entries to wyl@wsba.org with the subject line “Legal Fiction Contest.”