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Words matter

THERE IS MAGIC WHEN TELLING A LOVE STORY

I struggle with writing this month's column. On the one hand, it's the beginning of the New Year, and I want to write a positive article. I want to be kind and talk about the importance of civility and one's reputation. How civility is strength and power in dealing with opposing counsel and the courts. How it takes years to earn a good reputation and to be respected, but how a good reputation can be destroyed in minutes. I want to focus on issues facing the legal community because after all, this message is coming from the president of the plaintiff's bar. But there are so many pressing issues that we are facing as trial lawyers and a nation that it compels me to talk about something else.

As I write this, it is barely three weeks into 2023, and there have been two mass shootings within the last three days in California alone. These last two shootings hit home as they target the Asian-American Pacific-Islander community as we celebrate the Lunar New Year, aka Chinese New Year.

The Lunar New Year is supposed to be a time of joy, celebration, and festivities...the washing of the old, and the welcoming of the new. Families gather together dressed in traditional "ao dai" (Vietnamese traditional dress) or "qipao" (Chinese robe) to feast and observe traditions. Adults hand out red envelopes with money to children as a symbol of good-luck and good-fortune. Children run and laugh. The elders pass down wisdom to the next generation.

It's hard however, to be happy and joyous when there is so much destruction that is going on. Something is terribly wrong with our society when you have to question whether it is wise to come together because it could mean your family may be among the next mass-shooting victims. We need to come up with sensible solutions to the gun

violence. Too many innocent lives are lost each year. But proposing sensible gun controls is not what I am going to offer here. The solution is beyond what we trial lawyers can do and certainly not in a 1,000-word article.

Words matter

What we can do is be sensitive and attuned to our use of words. Words matter. We need to be kind to one another, even when we vehemently disagree. Lawyers should be able to have civil discourse without denigrating our adversary or dissolving into name-calling. This means we must spend time thinking about who we are, how we behave, and how we respond in certain situations. By planning ahead, we do not fly by the seat of our pants. There needs to be thought and insight into how we behave. We must visualize the person we want to be and then become that person. Be better today than yesterday.

Undoubtedly, we will stumble. When we do, we need to acknowledge our mistake, make amends, apologize, learn, and move on.

Being considerate and kind is hard. It takes work. It takes practice. But like the professional basketball player who takes 10,000 shots to perfect his form, we too must take 10,000 shots at being kind. Return that missed call. Stop and talk to each other. DM an old friend. Call opposing counsel and work it out. Grant that extension. Compromise. Be compassionate.

We need to let go of our egos. How often do we insert ourselves into our clients' cases? "Let me try that. I'll get X dollars!" Cases are not about us. Cases are about our clients who have come to us for help. For the personal-injury lawyer, that means our client or our client's family member has been injured. They are human beings who are in pain. They

need help. They are seeking justice to help pay medical expenses, lost wages, and to be compensated for physical pain, mental suffering, and loss of quality of life. Cases are about them. We need to remove ourselves from their story and simply tell their story.

Every client has a story to tell

Every one of our clients has a beautiful story to tell; more often than not, a love story. We just need to find that story and tell it in a compelling way. How often do we judge our clients based upon how their lives fit into our narrative? We need to stop doing that. We need to see the beauty of their story and tell it as such. We cannot tell a story that we do not believe in. So, get to know the human beings we call clients. Do not treat them like the insurance industry does: as a faceless file number.

It is our duty to tell the human story. Who are they? Where do they come from? What struggles have they overcome? Why should the reader care about them? What are their values? What are their beliefs? What's important to them? What has been taken away? What are they left with? How can we make them whole again? If we cannot make them whole again, how do we make up for what was taken away? Why should we care?

There is magic when telling a love story. There are heroes, villains, and a story usually surrounding a betrayal. There is redemption and justice. If we can find the goodness in our clients' story, we will be able to tell a winning story. We will be able to focus on the goodness and kindness of people. We will be better human beings. We will practice our craft and in turn, we will make the world a better place. If each of us listens more, then we'll learn more. We'll be better advocates. And in turn, we'll leave the world a little better than we found it.