

Judge Curtis A. Kin
LOS ANGELES SUPERIOR COURT

A letter of advice

SHARING LIFE LESSONS WITH MY DAUGHTER AND ANY LAWYERS WHO MIGHT BE INTERESTED

When asked to write an article for the judges' edition of Advocate, I was told I could write about anything under the theory that readers would be interested in hearing from judges on just about any topic. I am not so sure that is true as a general matter, and I am even less confident it applies to this judge specifically. I have been a judge for 13 years and worked as a lawyer for 17 years prior. I am at a point in my life and career where I feel I have accumulated some insights and lessons – of which, some I have learned to apply reasonably well and others I still struggle to follow.

My daughter, who is the child of two lawyers, recently graduated college and appears poised to attend law school and pursue a career in the law. I have wanted to write her a letter to share these insights, because the advice may not be particularly meaningful to her at this point in her life and career, but I want her to have it in some preserved form for the future when I might not be around to give it directly. Because what I have to say is important enough for me to share with the person I love most in this world (well, tied with my wife), I suppose it is good enough to share here with the various members of the plaintiff bar who may find it useful to hear at whatever stages of their lives and legal careers they may be. So here it goes.

I will not dwell long on the obvious – always try your best, strive to achieve, be thorough in your work, and work hard. The practice of law can be difficult, and it takes great time and effort to be good. I learned this early on, right out of law school when clerking for Judge Jed S. Rakoff in the Southern District of New York. He had an incomparable work ethic, and my co-clerks and I could barely keep up with him. To date, that was probably the most I ever worked in one year, but I learned the invaluable lesson of discipline and putting in the work to do things well and pay great attention to detail.

That approach has carried through my legal career at the U.S. Attorney's Office and at the Superior Court, as well as my other activities, including teaching, volunteer work, and various extra-curriculars. I am not sure where she learned it, but my wife has the same work ethic (perhaps greater), which led to many nights and weekends of our daughter spending time as a child at the U.S. Attorney's Office while both parents worked there.

Our daughter has picked up the same habit of working endlessly and tirelessly, which has served her well as she has excelled in school, her activities, and her post-collegiate employment. I am very proud of her achievements and the fact that she earned them through tremendous grit and effort. I have no doubt she will continue to do well and succeed in her legal career if that is what she chooses to do. But, this is why I emphasize below the advice I have learned over the years that is perhaps less obvious than working hard to do one's best, which in some ways is meant to temper any potentially all-consuming drive to work and achieve.

Know your life's closing argument

I have taught trial advocacy for over two decades to law students and mentored numerous AUSAs at trial. I always counsel that they should begin their trial preparation by designing the closing argument they want to make to the jury at the end of the case, which then shapes their trial strategy and what evidence they must elicit to support their closing argument.

By analogy, I think you need to decide how you want to be known and remembered ultimately and live your life accordingly. My life's closing argument was for many years focused on accomplishment – doing well at work, obtaining certain recognition, becoming a judge, etc. That has changed since the passing of my mom and dad in the last three years. When crafting my remarks for their memorial services, I realized that, notwithstanding their many accolades and accomplishments in life, what mattered most to me and the many loved ones and friends in attendance was talking about the love and relationships my parents had with others, the family they built together, and the memories of good times they created.

I am now recalibrating my life to match what I would like for my life's "closing argument." To be sure, I will continue to strive to be a good judge and excel in my career, but I am now trying to make more time and space for creating fond memories with family and friends and engaging in activities that bring joy and fulfillment, including travel, singing, self-care, and greater involvement at church. I have every confidence that my daughter will be successful and accomplish much in life, but my hope for her is that she will be able to create for herself a life story that is both personally and professionally fulfilling.

Are we having fun?

As a young litigation associate at Cravath, Swaine & Moore LLP, I was part of the team assigned to work for partner Robert S. Rifkind. Whenever we would report back to Bob after a deposition, witness interview, court appearance, or other task, he inevitably asked: "Are we having fun?" I used to think he was just being funny or flip, but I came to realize how profound the question was. He wanted us to enjoy ourselves, because he knew that, if you don't like what you are doing, you cannot grow or do a good job. I do not think he meant to suggest that we ought to expect that the job would be fun at all times, but I do think he believed that it was not worth staying at a job that, on balance, we did not enjoy.

Similarly, when I was a law clerk on the Second Circuit for then-Judge Sonia Sotomayor, my co-clerks and I would have

lunch almost daily in Chambers with the judge, and we would be joined occasionally by former law clerks who came by to visit. The judge always took an interest in her clerks' lives and would invariably ask of her former clerks whether they were still growing and learning in whatever job or position they were in at the time. If not, she would say it was time to move on.

As I have kept in touch with now-Justice Sotomayor over the years since my clerkship, she still invariably will ask when I see her whether I am still growing and learning in my job. My answer has always been yes, because it has been engrained in me not to linger or remain if I am no longer learning and growing in whatever I am doing.

As I progressed through my career, I have made it a point to periodically (usually every three to four years) take inventory and ask myself whether I am "having fun" and still growing where I am at. That inquiry has been the touchstone for whether it was time to make a change or move on. Indeed, while I have spent 13 years at both the U.S. Attorney's Office and the Los Angeles County Superior Court, I have several times moved to a new section or discipline so that I could continue to have fun and grow in my career. I will continue to "move on" whenever my growth and development are stagnating and I cease "having fun." You should do so as well.

Make opportunity-creating choices

It is good to have goals and long-term plans, but it is unwise and unhealthy to be singularly focused on them. Over the years, I have seen some colleagues and friends strive but fail to make partner at their firm, obtain a judgeship, or secure a particular professorship, after having made untold sacrifices and calculated choices to obtain those unrealized goals. It was heartbreaking, and it was no way to live a life.

You should have long-term ambitions and dreams, but, consistent with the mantra of "having fun," make sure your path toward such end goals is paved with choices that create opportunities for growth, development, and possibilities in addition to the one goal or position you think you want.

Do not make career choices or select particular activities or paths solely because they may be a stepping stone toward your one goal. Instead, decide what to do with your life and career based on whether such choices will help you develop skills, foster relationships, and increase your enjoyment so that you are well-positioned to pursue and secure a variety of opportunities, including the one goal you have in mind.

I wanted to be a judge ever since I was a law clerk right out of law school, because I saw firsthand the job of a judge and felt it would be a good fit. I made career and life choices to potentially enhance my prospects of becoming a judge, but such choices were primarily designed to make me a better lawyer, member of the community, and person so that I might be eligible and qualified for any other opportunity that might arise.

I went to a large law firm to get training in complex litigation. I sought a second clerkship so I could have both trial and appellate experience with the courts. I worked at the U.S. Attorney's to appear in court regularly and learn how to try cases. It was also profoundly satisfying to pursue justice, serve my country, and work with talented people with similar values.

While there, I switched sections several times to handle different types of cases and became a supervisor to enhance my leadership and managerial skills. I taught at law schools and trained law enforcement agents regularly because I loved teaching and equipping others. I also engaged in a variety of volunteer and bar activities to help others, advance causes in which I believe, and form relationships with colleagues.

Yet, I did not become a judge when I first applied. That was deeply disappointing, but I was not devastated or regretful about my life and career choices, because along the way I had enjoyed myself and felt I could use those gained experiences to pursue other opportunities.

I was actually in the process of pursuing a different opportunity when the Governor's Office called to appoint me after I had applied a second time. I feel blessed that I was given the chance to realize my dream of serving as a judge, but I know that I would have found some other fulfilling opportunity, because the things I did to prepare for becoming a judge also prepared me for other opportunities in the law. Make sure that every career and life choice you make is for the purpose of your personal growth, development, and enjoyment, and not merely in service of some singular goal, achievement, or position.

Practice gratitude

Do not dwell on the positions you did not get or achievements, recognition, and awards that passed you by. It is inevitable that you will not attain everything you want or may deserve. There were good grades and opportunities in law school that eluded me and clerkships I did not get. There were law firms that did not extend me offers and promotions in the U.S. Attorney's Office that went to other people. I have interviewed and applied for many positions for which I was not picked and have been considered for awards and honors I did not receive, including since becoming a judge.

Do not let such things haunt or define you. Instead, delight in and be grateful for what you have done and been given in life. I met some of my closest friends in the world in law school and have a license to practice law, which is the career I wanted since high school. I have always had a job in the law that was meaningful and allowed me to support myself and my family.

I get to serve my community as a judge daily and have had the opportunity to grapple with interesting issues that meaningfully affect the lives of others.

Beyond career, I have my health; a wife and daughter I love dearly; extended family that cares for me; a supportive church community; brilliant, hilarious, and loyal friends; and the best dog in the world. I have also traveled extensively, performed in concerts, shared exquisite meals, and collected priceless memories captured in photobooks I can pull off my shelf at any time to reminisce. I am so grateful for these things, and, when I take a moment to really appreciate their bounty and significance, they dwarf the things I do not have and did not get.

I realize that the things in my life are not always ideal or perfect. Marriage can be hard. Children can be taxing. Friends

can disappoint. The job can be monotonous at times, and the workload crushing. And yet, when I feel and experience difficulties with these things, I engage in the practice of reminding myself to be grateful that I have them, because they are the things in life I always wanted (and still want).

I have been involved in judicial education for many years, which has included teaching New Judges Orientation and serving as faculty for the annual Judicial College for new judicial officers. When teaching new judges about self-care, preventing burnout, and how to avoid losing your judicial demeanor in the moment, we tell them to stop, take a breath, remember why they wanted to become a judge, and appreciate the position they have been given. I acknowledge such advice is more easily given than followed. Nonetheless, I try to be grateful at all times for the career and life with which I have been blessed. Indeed, that same career is what led to the invitation to write this piece for CAALA, and I am grateful for the opportunity. Many thanks.



Honorable Curtis A. Kin was appointed to the California Superior Court, Los Angeles County in 2013 and sits in the Writs and Receivers Department. He is active in judicial education and serves as Associate Dean for California's Judicial College. For over 20 years, he has been an adjunct professor teaching trial advocacy, criminal investigations, and criminal procedure. He worked at the U.S. Attorney's Office in Los Angeles, and was an associate at Cravath, Swaine & Moore in New York. He also served as a law clerk to Hon. Sonia Sotomayor (Second Circuit) and Hon. Jed S. Rakoff (S.D.N.Y). Judge Kin graduated, with distinction, from Stanford Law School, was Managing Board Senior Editor for the Stanford Law Review, and holds a B.A. in International Relations, magna cum laude, from USC.