

# Business & Careers



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## Coming back from defeat

Mental toughness helps lawyers ‘shake it off’ and look forward

### GRANT CAMERON

**M**arcy Segal can still remember how she felt 15 years ago when one of her clients was convicted and received a lengthy sentence for importing a narcotic.

“I recall crying with the client in the cell,” says the criminal defence lawyer, convinced to this day her client was innocent.

“I am not sure I will ever forget the reaction on his face and how crushing it was for him.

“I think about this case less often but it never leaves me.”

With 24 years of experience, Segal is better prepared to deal with courtroom setbacks.

“With experience comes the ability to compartmentalize losses and appreciate that you should learn from them,” she says. “Sometimes the file is just against you so you’ve got to be able to deal with that. As long as you feel every day that you’ve put in 100 per cent you should feel proud of the work you’ve done.”

Losing a criminal or civil trial can be tough on lawyers, who have to find the mental toughness to bounce right back for their next client.

How do lawyers put a loss behind them and live to fight another day?

Jordana Goldlist, a criminal defence lawyer with Edward H. Royle & Associates in Toronto, says lawyers need to put aside their egos, refrain from taking a defeat personally and simply accept the loss — as long as it’s legitimate.

“You have to sort of walk out of court and shake it off,” she says. “At the end of the day there’s always going to be one lawyer who walks out of court unhappy that they lost.

“If you’re not able to shake that off and be at the next trial with a clear, focused strategy then you’re going to end up doing a disservice to your next client.”

Losing is part and parcel of being a lawyer and that has to be accepted, says Goldlist, who practised civil law before moving into criminal law. Instead of brooding over a lost case, she recommends that lawyers step back and assess the evidence and whether or not the judge made the right decision, then learn from it.

“I do my best but at the end of the day there’s only so much you can do with the case you have and you sit back and you reflect on how you might do things differently the next time.”

Jacob Stilman, a criminal defence lawyer at Lo Greco Stilman in Toronto, says lawyers who’ve lost a case must stay focused because they can’t lose sight of the fact that they still must deal with sentencing and possibly work on preserving the right to appeal.

“You can’t be demoralized because your client’s been found guilty when they shouldn’t have been. You still have to deal with the sentence.”

Stilman says he had a disappointing verdict in a jury case in which a woman was convicted in connection with a marijuana grow-op in Toronto. The woman had been in an abusive relationship and was forced to participate in the operation. The Crown sought a four-year prison sentence; Stilman didn’t lose faith and, in the end, the judge delivered a conditional sentence and placed her on house arrest for 12 months.

“We certainly salvaged the situation as much as possible. It would have been better to get the acquittal but at least we were able to take something away from that and avoid a catastrophe.”

## Business & Careers

# Recover: Focus, objectivity essential in career

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The most difficult cases, says Stilman, are those in which an innocent person is sent to jail.

“When the jury has wrongly convicted the client, or the judge has dismissed a legal argument which you know was correct, the only way to deal with it is by maintaining faith in the process.”

Stilman says when a client is wrongfully convicted lawyers should concentrate on the sentencing, as “a lenient sentence in the face of an incorrect verdict will at least mitigate the damage and assist in counsel’s recovery from the initial setback.”

He says criminal lawyers, in particular, must remain focused because there’s a lot at stake during sentencing.

“The mental discipline of getting up off the floor and continuing to go to the job is probably the best therapy one can apply,” he says. “Lawyers need to stay focused on the rest of the job.”

Criminal defence lawyer Segal says learning how to accept a loss comes with experience but she recommends that lawyers keep defeats in perspective, and

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Before you even start working as a lawyer you must acknowledge that you will lose cases, that you will be disappointed, and that you will have clients that are angry and hostile.

**Chuck Gallozzi**

Professional development coach

accept and learn from them.

Lawyers also must stay objective, she says, because if they don’t, and they allow personal feelings to have a bearing on their relationships with clients, a loss in court will be harder to swallow.

“Losing objectivity results in becoming part of the proceedings and you feel this personal need to win.”

On a more personal level, Segal sug-

gests lawyers need to learn how to step away from the desk.

“I have insisted for 25 years on a work-out regime to combat the stress. A lawyer needs to find an outlet to deal with the stresses so they’re able to have balance and walk away and sort of burn off some of the pressure. When I have a really bad day in court working out does wonders.”

Chuck Gallozzi, a Mississauga, Ont.

author and professional development coach, says lawyers have to accept the fact that losses occur. Otherwise they shouldn’t be in the profession.

“Before you even start working as a lawyer you must acknowledge that you will lose cases, that you will be disappointed, and that you will have clients that are angry and hostile.”

After losing a court case, Gallozzi suggests lawyers conduct a post-mortem to see if they’re possibly at fault and, if they are, treat it as a learning experience.

Instead of fretting, Gallozzi says lawyers who represent a difficult client or are dealing with a tough loss should realize it’s a necessary part of the learning curve to help them become better at their job.

“Lawyers should welcome difficult situations because it will help them grow as they overcome hurdles and challenges. Lawyers need tough cases to become a super lawyer.”

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### Ministry of the Attorney General

Requires

Case Management Master

“OPEN”

This is an Order in Council appointment pursuant to s. 86.1 of the *Courts of Justice Act*. You will require legal, adjudicative, mediation and administrative skills. Case Management Masters perform judicial duties in civil actions in the Superior Court of Justice, exercising the jurisdiction assigned to Masters and Case Management Masters by the Rules. At the direction of the Regional Senior Judge you may be assigned to hear motions, carry out case management functions, conduct pre-trial or case conferences and exercise certain trial management functions. You may also be assigned to conduct references under the *Construction Lien Act* and to serve as registrar in bankruptcy under the *Bankruptcy and Insolvency Act*.

**LOCATION: 393 University Avenue, Toronto, Ontario. May involve travel to other regions as assigned.**

#### QUALIFICATIONS

Membership in good standing of the Law Society of Upper Canada for at least ten years; good judgment, creativity, strong interpersonal skills; effective organization and computer skills. The position requires strong knowledge of civil litigation, Alternative Dispute Resolution and case management. Knowledge and experience in matters under the *Bankruptcy and Insolvency Act* is required. Knowledge and experience under the *Construction Lien Act* is an asset.

**POSTING DATE: January 16, 2015**

**CLOSING DATE: January 30, 2015**

**Applications must be received by closing date.**

Ministry of the Attorney General  
Office of the Director of Court Operations for Toronto Region  
Court Services Division  
700 Bay Street, Suite 1601  
Toronto, ON  
M5G 1Z6

Attention: Beverly Leonard

**AREA OF SEARCH:** Within commuting distance of Toronto



### Le ministère du Procureur général

est à la recherche d’une ou d’un

protonotaire chargé(e) de la gestion des causes

« CONCOURS OUVERT »

Ceci est une nomination par décret conformément à l’article 86.1 de la *Loi sur les tribunaux judiciaires*. Vous devez posséder des compétences en droit, en arbitrage, en médiation et en administration. Les protonotaires chargés de la gestion des causes remplissent des fonctions judiciaires dans des causes civiles instruites devant la Cour supérieure de justice, où ils exercent la compétence que les Règles confèrent aux protonotaires et aux protonotaires chargés de la gestion des causes. Sur les directives du juge principal régional, vous pourrez être responsable d’instruire des requêtes, de gérer des causes, d’organiser des conférences préparatoires au procès et d’exercer certaines fonctions de gestion du procès. Vous pourrez aussi devoir effectuer des renvois en vertu de la *Loi sur le privilège dans l’industrie de la construction* et agir à titre de registraire en matière de faillite conformément à la *Loi sur la faillite et l’insolvabilité*.

**LIEU DE TRAVAIL: 393, avenue University, Toronto, Ontario. Selon les affectations, vous aurez peut-être à vous déplacer dans d’autres régions.**

#### EXIGENCES

Être membre en règle du Barreau du Haut-Canada depuis au moins dix (10) ans; avoir un jugement sûr, faire preuve d’ingéniosité, avoir de l’entregent, le sens de l’organisation et des connaissances en informatique. Ce poste nécessite une solide connaissance des procès civils, du règlement extrajudiciaire des différends et de la gestion des causes. Il est également nécessaire de posséder des connaissances et de l’expérience à l’égard d’affaires relevant de la *Loi sur la faillite et l’insolvabilité*. Des connaissances et de l’expérience à l’égard d’affaires relevant de la *Loi sur le privilège dans l’industrie de la construction* seraient un atout.

**DATE DE PUBLICATION : Le 16 janvier 2015**

**DATE DE CLÔTURE : Le 30 janvier 2015**

**Veillez nous faire parvenir votre demande d’ici la date de clôture.**

Ministère du Procureur général  
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Division des services aux tribunaux  
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À l’attention de : Beverly Leonard

**SECTEUR DE RECHERCHE :** Toronto et environs