



SLEEPING JUROR



“Caution is the eldest child of wisdom.”

Victor Hugo

An anxious silence hung over the courtroom. The plaintiff's lawyer stood up, squared his shoulders, buttoned his jacket and sauntered towards me. I was testifying as an expert witness for the defense, and I braced myself for a bare-knuckle brawl.

Like a seasoned boxer, he started with soft jabs, then unleashed a volley of hard-hitting questions. But I'd trained for this fight, and I held my own. His questions came faster and louder to try to rattle me, but I was looking intently at the jury. I wanted to make sure they understood my answers. Then, I noticed something. Juror #10 had fallen asleep.

He was sleeping while the fate of a man's livelihood hung in the balance. Hundreds of thousands of dollars and years of legal work had been invested in this man's defense. His family's financial future was at stake. And yet Juror #10 snoozed on, oblivious to the final act of this two-week drama.

This was a legal malpractice case. A lawyer sat at the defense table, looking haggard and forlorn. Behind him sat his worried family. He did estate work for cost-conscious clients, and he had done a serviceable job in crafting his client's estate plan.

After his client died, though, an adult child, hoping for more money, sued the lawyer, accusing him of sloppy work. Typically, companies that provide malpractice insurance settle such cases to avoid costly trials. But this insurer was determined to send a message that it wasn't a pushover.

I had been preparing for this case for several years. Aware of the importance of the verdict to the lawyer and his family, I was nearly exhausted by the time we got to court. So were the legal teams who had

invested long hours and late nights preparing for trial. The only one who wasn't? Juror #10.

My testimony lasted all afternoon. I managed to get a chuckle out of the judge with a bit of humor. I was confident the jurors understood my conclusions. Shortly after I stepped down from the stand, the case went to the jury. In three hours, they had a verdict: not liable.

The moral of this story? To quote Sun Tzu, the Chinese philosopher, the greatest victory is one that requires no battle. In other words, you never want to be sitting at the defense table. Similar dramas go on every day in courtrooms across the nation, and a sleeping juror, sadly, is not an uncommon occurrence. Trials are messy and imperfect, and there's no guarantee justice will be delivered.

My advice? Buy high-quality homeowners' insurance from an insurer with excellent customer service who won't squabble over settling claims. A large umbrella policy is also a must. You and your family deserve to be served by experienced estate planning professionals. They can help keep you out of courtrooms.

