



The
Lessons of
'Forrest
Gump'

By Daniel E. Cummins



It was in the summer of 1994 when along came a movie by the name of “Forrest Gump,” meandering in and out of our lives ever since like the feather in its opening and closing scenes. In this iconic movie, the story is told of a naïve and simple Southern boy growing up, witnessing and at times even influencing (teaching Elvis a dance!) some of the defining moments of the second half of the 20th century. Along the way Forrest and other characters in the movie drop golden nuggets of quotations that can serve as practical advice to help one get through this thing we call life and even, more particularly, the practice of law.

‘Hello, my name’s Forrest, Forrest Gump.’

“Forrest Gump” teaches each one of us to be proud of his or her name and to state it firmly and with pride whenever asked. Telling others your name, especially when addressing the bench or a jury, in a loud, clear and confident manner lets others know you are present in the moment and self-assured.

Adding a smile to your introductions will serve to add a warm and friendly touch that may carry the rest of your presentation.

‘Stupid is as stupid does.’

Forrest Gump’s mother’s advice is said to have been derived from an old adage, “Handsome is as handsome does,” meaning that being truly handsome has to do with what’s on the inside and not just a handsome face.

Mrs. Gump’s advice to her slow-witted young son amounts to words of encouragement, i.e., stupidity is a matter of dumb deeds, not looks. As in the older phrase, Mrs. Gump is telling her son that people should be judged on how they act, not on how they appear.

In the practice of law, actions speak louder than appearances. For example, an attorney wearing a \$2,000 suit and showing no respect to a court at trial may not do as well for a client as the opponent in a blue blazer and khakis who shows respect to the bench and talks with the jury in a conversational tone rather than speaking down to them.

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who fight for the sake of fighting. Sometimes in the law actions truly speak louder than words in developing one's reputation. Being a pest for the sake of annoying another is so simple and stupid that even an essentially brainless gnat can do it.

Jenny: 'Do you ever dream, Forrest, about who you're gonna be?'

Forrest: 'Aren't I gonna be me?'

When facing a jury in an opening statement or a closing argument there can be no better advice than to be who you are and speak as you normally speak in your daily life.

People, let alone jurors, can quickly and easily pick up when someone is trying to be someone else or trying to speak "like a lawyer." Stories and arguments are better told to a jury if told in the same comfortable manner of speaking one would use when making the same assertions to a friend or a spouse. Such presentations will flow naturally and comfortably. The more comfortable one is in his or her presentation to a jury, the more confident and credible one will sound in laying out a client's version of the case.

To assist you in being comfortable with a presentation to a jury it may be beneficial to use a PowerPoint presentation to take the attention from yourself and place it on the screen. PowerPoint slides can also serve as cue cards to guide you in your address to

the jury and free you from rigid reliance on a script on a legal pad.

Moreover, the members of a jury, already bored by two to three days of trial, will likely perk up and pay better attention if they have visuals on the screen to review instead of more talking heads.

So be yourself in front of a jury, and if you are somewhat different in your presentation than others might be, so be it. As Mrs. Gump once asked Forrest, "What's normal anyways?"



'Life is like a box of chocolates. You never know what you're gonna get.'

This quote brings to mind the crapshoot process of selecting a jury at trial. When that pool of jurors is brought into a courtroom you never know what you're gonna get, and more often than not there aren't too many sweet choices to pick from.

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Under the time constraints imposed by courts for jury selection there is little or no time to research the background of jurors, and counsel and their clients usually have to work from general, untested rules of thumb (strike cops, nurses, EMTs, etc.) and gut feelings in picking a jury.

Savvy attorneys may take advantage of a recent American Bar Association formal ethics opinion indicating that it is permissible to research a potential juror's public social-media activity online to get a better feel for that person. Again, however, time constraints and technological limitations in the courthouse may prevent the use of this tool.

In the end, with jury selection attorneys generally have to do the best they can with what little they have and hope for the best.

'Run, Forrest! Run!'

There's no shame in scrambling away from a troublesome spot, even in the practice of law. Like former pro football quarterback Fran Tarkenton scrambling in and out of the pocket for the Minnesota Vikings, controlled running around in your mind during a difficult situation, such as one that might arise when fielding a question from the court during an oral argument, can be viewed as a skill rather than a flaw.

Sometimes at trial that piece of paper we need to show to a jury is as elusive as a jumbo shrimp in the waters off the shores of Alabama. But remaining calm, cool and collected and taking a breath before restarting a purposeful run through the papers on your trial desk often results in the nugget of information being found so that it can be presented to the jury.

'You've got to put the past behind you before you can move on.'

In the world of litigation you win some arguments and you lose some arguments; you win some trials and you lose some trials.

Dwelling on and lamenting over past losses or even continually reveling in past victories, for that matter, does nothing to advance one's skill as an attorney. In order to move forward to become a better attorney it is best to try to learn from your wins and your losses in order to improve your craft and skills in an effort to secure better results for your clients in the future. After

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each trial it may help to add notes to a notebook or a computer file for your future reference on what worked and what didn't. This will help to ensure that you don't make the same mistakes again.

the difference takes a certain amount of wisdom and restraint in both the practice of law and life in general. Those who at times can tell this difference may have an easier and more fulfilling time as they meander along through a life of chance.

And so there you have it. As Forrest Gump would say, "That's all I have to say about that." ¶

'I don't know if we
each have a destiny,
or if we're all just
floating around
accidental-like on
a breeze, but ...
maybe it's both.'



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If you would like to comment on this article for publication in our next issue, please send an email to editor@pabar.org.

As Forrest realizes, there are some things in this life that we can control and some things that we can't. The ability to tell

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