

[Crouch, Touch, Set: Litigating Like a Rugby Player](#)

By [Cordell Parvin](#) on May 17th, 2013

I grew up playing team sports. I believe that experience taught me a lot about winning, losing, practicing, working as a team and more.

I enjoy coaching many lawyers who play sports. Many are still playing. Recently I had a coaching session in Toronto with an IP litigator [David Tait](#). We talked about Rugby and a case he recently tried. I saw a connection and asked him to share it with you. Here are David's thoughts:



You wouldn't think being a patent litigator at [McCarthy Tétrault](#) in Toronto and playing rugby as a forward for the [Bay Street RFC](#) have much in common, would you? I didn't. But, during one of our coaching sessions, Cordell asked me to think about what makes playing rugby and trying cases similar.

Our team (affectionately called the "Pigs") is made up of lawyers, bankers and other downtown professionals. The team recently went on its first tour. Destination: the Caymans. Opponent: the [IRB-ranked](#) Cayman national side.

Unfortunately, I was scheduled to complete the damages phase of a long patent trial and would miss the trip. Fortunately, the trial ended early. I have the sunburn (and bruises) to prove it.



So, given that inspiration, here are the top five ways I can think of litigating like a rugby player – like a gentleman playing a hooligan’s game:

1. Never underestimate the home field advantage. (Trying cases away from home is a challenge).
2. Referees (judges) differ on their interpretation of the laws. Play to the referee, else you’ll might end up in the sin bin (and remember, your interpretation of the laws are not as important as theirs.)
3. It is a battle of attrition. You may lose a scrum or lineout, but you can still win the match. (You may lose the motion or a witness may hurt you, but you still can win.)
4. It’s also a game of positioning – think 2 or 3 phases ahead. (Great trial lawyers are always thinking ahead.)
5. Leave it all on the pitch; don’t take it to the pub. (Leave it in the courtroom.)

Cordell M. Parvin built a national construction practice during his 35 years practicing law. At Jenkins & Gilchrist, Mr. Parvin was the Construction Law Practice Group Leader and was also responsible for the firm’s attorney development practice. While there he taught client development and created a coaching program for junior partners. In 2005, Mr. Parvin left the firm and started Cordell Parvin LLC. He now works with lawyers and law firms on career development and planning and client development. He is the co-author of *Say Ciao to Chow Mein: Conquering Career Burnout* and other books for lawyers. To learn more visit his Web site, www.cordellparvin.com or contact him at cparvin@cordellparvin.com.

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