Irving Younger was famous. Indeed, he was the closest thing to a rock star our profession has ever seen. We lawyers flocked to his seminars and watched his videotapes (now DVDs and CDs) as avid fans, hungry for the entertaining, enlightening wisdom he was sure to dispense. Despite his enormous celebrity and erudition, though, Irving had the ability to appeal to the interests and sensibilities of ordinary lawyers who tried cases. He was one of us, just another hard-working trial lawyer trying to do his best. We accepted him in that role, and in that role he touched our lives in a rich and meaningful way. We felt like colleagues; we knew him.

Many did know him, literally. Tens of thousands of trial lawyers “met” him at his trial seminars. Thousands more were students in his law school classes. All of these saw him perform—and his performances were eloquent, exquisitely crafted, memorable in every way. Many of those who saw him also talked with him, one-on-one, about their lives and trials, trading stories. Irving loved a good story, especially a trial story, whether he was telling it or listening to it.

Many more of us, especially those who came to the practice after Irving’s untimely death, know him only via The Professional Education Group’s recordings of his popular and timeless seminars. Even now, he reaches out from the screen and somehow tells us that we are special because we are trial lawyers.

Irving loved us. He loved life, as well. He had an amazing appetite for it all—art, theater, sports, history, science, mathematics, music, and, of course, law. His enthusiasm filled his life and lectures. We watched him and listened to him, and his excitement became our own.

With the exception of his family, the one thing that interested him above all others was The Law. Not just the law . . . Lawyers. And not
just any lawyers. Trial Lawyers—those who had the courage to walk into court to try cases to juries. Irving Younger believed, as most of us in the trial business do, that “there is no enterprise a human being can engage in that is more complicated than trying a case” to a jury. He relished the challenge of attempting to manage all of the unmanageable variables trial lawyers face in the courtroom, and he loved those willing to take on that challenge. Irving loved the theater, but his first love was the theater of the courtroom. He built his career around the courtroom and teaching us lawyers to be effective players in the dramas that played out in it.

I had the good fortune to see him once in a courtroom, but I did not have the chance to attend one of his live seminars. Still, he is my partner to this day. Professor Judith T. Younger and The Professional Education Group have granted me the honor of presenting professional development seminars “with” Professor Irving Younger. Although Irving appears at these seminars via video, while I am there in the flesh, we are partners in the continuing endeavor of educating trial lawyers about the complex tools of our trade.

I am humbled by this privilege, and I am grateful it came my way. There is special pleasure in clicking a key on my computer to start a video of a classic Irving Younger clip, thinking “they are going to love this,” then watching the faces of fellow trial lawyers broaden into smiles and often laughter as Professor Younger unleashes one of his “commandments” of trial attorney wisdom.

All of us who have followed in the considerable wake of Irving Younger’s teaching pale in comparison to the master. Younger was captivating packed audiences of hundreds of trial attorneys before anyone even invented the term “continuing legal education.” Irving Younger was the contemporary father of the legal profession’s professional development movement. He was the pioneer who first saw the value of gathering practicing lawyers together to educate us about the real world skills we needed to represent our clients successfully. He was more than just a pioneer. He was also a master of the art form. As Bill Barton of Newport, Oregon, also a legend of the trial bar and the continuing legal
education circuit, likes to put it, "There will never again be a lawyer who can master the platform like Irving did."

As a fan of theater, movies, and opera, Irving Younger knew the importance of the well-turned phrase, the value of the well-timed pause, and the suspense of a story well told. He used all of them to hold his audiences of trial lawyers in the palm of his hand. As one who has seen his videos and taught beside him at seminars across the country, I can report that he still does.

Irving Younger never told a story without a reason. He used stories as vehicles to teach us how to be effective in court, to help drive home a point. Like other master teachers, Professor Younger knew that a story well told made a lesson memorable.

This book has been compiled by the ABA Section of Litigation from The Professional Education Group’s recordings of Professor Irving Younger’s classic continuing legal education programs. In these pages, we are entertained, but also taught. No one taught Irving Younger. He learned in the school of hard knocks and translated his experiences there into his classic lectures. In them, Younger brilliantly passes his wisdom to others.

Those who have never heard of Irving Younger, or whose knowledge of him is only slight and have been educated in the ways of the courtroom by others, will find some of this book familiar. As many younger attorneys have told me at The Professional Education Group seminars where Professor Younger and I teach together, some of Younger’s suggestions have been taught to them without attribution. Thus, they did not know they came originally from Younger. As Molière’s “bourgeois gentleman” learned to his delight, these young lawyers have been speaking Irving Younger’s prose without realizing it.

These lawyers do not realize either that their teachers are themselves disciples of Irving Younger. It was Younger who invented and articulated the Ten Commandments of Cross-Examination that became legend. It was Younger who found a way to explain the labyrinth of hearsay so that we came to understand and internalize it. It was Younger who found ways to make the concepts of judicial notice and even the
FOREWORD

Best Evidence Rule (topics most lawyers would rather avoid) valuable tools in our courtroom tool belts. All of these lessons, and many, many others, are contained in this timeless anthology.

In this new collection, the ABA Section on Litigation provides yet another means for lawyers to learn directly from the incomparable Irving Younger. That alone would be enough to justify its long overdue publication. There is another benefit, however. We who knew Irving when he was alive know very well that the world of trials will never be the same without him. This book will help us now that our hair has gone gray (or left us entirely). It will reinforce the lessons we learned from Younger long ago. We were younger lawyers then. This book reminds us that we are still Younger lawyers now. That is a wonderful thing!

STEPHEN D. EASTON

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