

Editor's Perspective



By Seth L. Thompson, Esquire

DSBA: Storytellers

“So I have this guy...” a co-worker of mine often says, prior to launching into a factual scenario of a client. The description of characters and events takes a few minutes and occasionally a rough sketch on a legal pad. We then brainstorm legal theories and potential courses of action in an effort to come to an efficient, equitable resolution. These “sounding board” sessions provide some of my favorite moments in the office.

On occasion, when the scenario lends itself to a case of mistaken identity, I hear in my head: “This here’s the story of Hurricane, the man the authorities came to blame, for something that he never done...” In “Hurricane,” Bob Dylan tells the tale of Ruben “Hurricane” Carter and his “pig-circus” of a trial for murder. The song is a cry for justice, similar to Dylan’s “The Lonesome Death of Hattie Carroll,” the story of a ridiculously light sentence handed to the son of wealthy parents for the murder of a kitchen maid. In “Percy’s Song,” Dylan writes and sings, “I walked down the hallway and I heard [the Judge’s] door slam. I walked down the courthouse stairs and I did not understand. Turn, turn to the rain and the wind.”

With those and others in a vast, ranging catalogue, Bob Dylan occupies a spot in the pantheon of American artists. I marvel to think how he managed to accomplish this feat with a voice that occasionally conjures up images of a life-long smoker talking into a fan. Perhaps that delivery adds some element of sincerity or veracity, or perhaps the material is just that good. His songs often provoke consideration of troubling or revolutionary themes and ideas, unlike

much of today’s popular music, with its mind-numbing mass appeal, often to the lowest common denominator. Artists who use their craft as a vehicle for broader concepts catch my ear, and the words just sound important when they come from Bob Dylan’s lips. Of course, most of his messages are inferred, since Bob Dylan was, first and foremost, a storyteller. “Percy’s Song” involves a tale of a man’s journey to help a friend who has been sentenced to ninety-nine years for manslaughter charges stemming from a car crash. Ultimately, the narrator could not comprehend why a post-sentencing meeting with the Judge in chambers could not affect his friend’s plight, and Dylan’s voice seems to convey a resulting hopelessness. If the narrator had consulted an attorney beforehand, the song should have ended differently, at least for the narrator.

Like Dylan, lawyers are storytellers. Dinners with my dad and the accompanying tales of daily life as a JAG officer are why I became a lawyer, why the cover of this article’s publication reads *In Re*: and not *Inside Sports*. One night, the conversation would involve a hijacked moving truck. The next day a high ranking officer might have adamantly denied an infantryman’s claim of a bite suffered at the jaws of the officer’s dog, only to then reluctantly admit his dog’s name was, in fact, Savage.

Every day is different in this profession, which creates some ambivalence, as uncertainty and excitement intertwine. There are new characters, new developments, and new plot twists with each case. The lawyer’s role is to shape the evidence and tell the story, whether to the judge, jury, opposing counsel, or

the client, who needs to hear all of the possible endings. There are very few professions—performance arts come to mind as another—in which personal perspective plays such a role in shaping the final product, that conclusion. Unlike a movie or a play, however, these are real clients who must live with real consequences.

My preferred approach is that of problem-solver. This role requires equal parts zealous advocate, realistic prognosticator, and personal counselor. A goal defined by the client is also a prerequisite. For the client to define that goal within a realistic range, the full factual context must be conveyed by the client and understood by the attorney. Note: this may require some prompting on counsel’s part. In turn, the attorney must convey to the client the procedural and evidentiary context. If both sides tell the full story, no answers should be left blowing in the wind. ☞

