

# WHY DO I WRITE: A disheveled, unpredictable mess

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The day foretold nothing out of the ordinary. The sky did not paint an overlay on the edges of the horizon foretelling an anticipated mood change. The moon's fullness was not expected for another week. The seagulls circled, not in a foreboding manner; forever scavenging, squawking, soaring, but surely not foreboding. The setting was a common one, the third day of trial with enough evidence having had flowed from the mouths of others allowing the court to assess the case's progress. The jurors had yet to reveal signs of wear – still listening, anticipating – remaining in the same seats where they were placed when the oath was administered and instructions given prior to the trial beginning. The exercise was a familiar one, having participated in same hundreds of times. I had noticed that some panel, whether controlled by personalities, the moon, or an unforeseen hand, unless told to remain in their initial seating arrangement, demonstrated a streak of independence and changed seats at every break. In contrast, others were seemingly controlled by lesser gods (who had eons ago been assigned the role of dealing with such matters of propriety), remaining in their seats, as if moving would subject them to the gods' contempt.

"Where are we?"

Her Honor's inquiry was not all that unusual; the inquiry was just that – an inquiry. In most of life's interactions most inquiries can have multiple meanings. In the trial setting, the inquiry can represent a heavy-handed hint from the court that the trial is starting to drag, taking longer than "you promised in the pretrial conference." At times the inquiry is delivered on

Zeus' thunder, a command, surely not a question, nary an inquiry with the instruction to the jurors reflecting the court's contempt, "We are taking a short break, and I promise we will no longer waste your time." On most occasions, the inquiry was just an inquiry, as was the same on that rather usual day.

## Act One

*I believe we can complete the Plaintiff's case on today's date, maybe after lunch,* was my thought. While standing, I scanned the courtroom, thinking a thousand other thoughts. However, before I could answer Her Honor's inquiry an unanticipated event occurred. No, the particular client sitting next to me didn't reach up and pull on my coat. A previous client did. She changed her mind, "I want to plea." The previous client was a prostitute, accused of robbing her John. Tears flowed, her voice broke - a sullen cloud appeared, casting her anxieties and fears outward and downward. Those ears were accompanied by a refusal to talk about the change of heart; a mere hour and fifteen minutes after the jurors' selection. This new found avoidance was coupled with the repeating the same limiting and restricting words. "I have to ... I have to ... I just have to." I should have anticipated the sea-change when the deputy tapped me on my shoulder when he entered the courtroom after the lunch break. He told, as if not wanting to be a part of what he saw - but somehow still wanting to, having to tell. He whispered with a purpose; then moving away quickly.

"They met with your client over the lunch hour."

"They who...?"

The deputy's refusal to answer should have served as a clue, but I have never been good at cross-word puzzles, board games and all matters containing the words "trivial", "jeopardy", or any combination melted with the word, "fortune." The client's tugging was part of life's most

obvious clues, propelling me to my seat. “I cannot continue representing you and surely you don’t think I am going to participate in your plea. Nothing, you have said indicates you are guilty.” When she did plea it was layered with additional tears. I observed from the back of the courtroom as her newly appointed attorney stood by her side assuring the court the plea was a voluntary one. “Guilty, Your Honor.” Years later, my former client called, revealing the truth in the bailiff’s telling. While she talked, I transported myself from the conversation to the jail to observe, wondering the words said by the prosecutor and investigator which were so convincing, so devastating.

## Act Two

No, no, no, no ... on the day I stood before Her Honor that particular client didn’t suddenly remember forgotten facts. Clients remember forgotten events all the time, a human frailty common to us all. What occurred years before was an event one dare not repeat, dare not admit. I repeatedly asked the client about his previous criminal history – “ever arrested, charged, accused, or convicted”, each inquiry followed by his insistent and emphatic answer, “No, no, no... they’re mistaken.”

He was accused of sexual assault. His firm insistence was our defense. A defense structured on the basic and fundamental tenets of sexism. “She wanted me”; “See how she was dressed”; “It was consensual”; “No, meant, Yes.” After we rested our case, three rebuttal witnesses walked in the courtroom, women I had never seen but whom the client clearly had some familiarity. They stood no farther than ten feet from the defense table. One of the woman’s hair and skin tone was the same as the clients – carrot red sprinkled with nutmeg spots throughout. All attempted unsuccessful to control their tears, but were unsuccessful. Their fear and anxiety dominated the courtroom, causing the hair on my arms to stand on end. When they

raised their right hand, affirming their willingness to “tell the whole truth, they wiped the tears which paid them no mind, then with an unsynchronized imprecision, lightly brushed against each other, providing steely support for the other. The client touched my left shoulder, leaning in my direction, his cheek touching mine. Now remembering; magically cured.

“I think I was accused by three, maybe four, women of raping them ... but those accusations occurred in the State of Ohio ... years ago”, he said. “They are three of the women who wrongfully accused me. The one standing to the far left, I was acquitted in her case, the other cases were dismissed, I forgot.” The client’s words did not strike me as the byproduct of a new drug, therapy or an external blessing. His past denials were exercises in simple selective memory sharing; sharing with his lawyer what he wanted his lawyer to know. The client’s sharing was met by my likewise sharing, calling him an audible “lying bastard” in front of the jury. Then promptly standing, as if propelled upward, pulled to the side, then out of the courtroom - pulled by the god of uncontrolled anger. I left the courtroom, escaping to the men’s restroom located across the hall from the courtroom, disappearing behind the empty stall. Sitting, thinking, and wondering - trying to control an uncontrollable anger. The bailiff entered five minutes later.

“Judge told me to check to see whether you were in the restroom.”

“I am.”

“Are you planning on rejoining us in the courtroom?”

“Tell him not if I can help it!”

“Okay.”

Yes, yes, yes ... my conduct was both contemptible and grievable. I assume the bailiff delivered my response. When he returned I remained contemptible, an irascible but firmly

affixed butt, remaining attached to my throne, refusing to budge. When the prosecutor entered he too said he was sent by the judge. His visit was layered with a threat - “I will file a grievance against you if you fail in your duty to finish the trial, you have an obligation!”

Me? - The wayward soul flat out refused again, remaining contemptible from the throne of my newly established kingdom. “I am not stepping foot back into that courtroom and representing that *lying bastard!*”

I said earlier, the events were events one dare not repeat, dare not admit. They were. The defense lawyer taking up residence-in-hiding; the judge doing his best not to put the recalcitrant lawyer jail, and then initiating proceedings to relieve the lawyer of his license, after only two years as a licensed lawyer, and a prosecutor who clearly smelled blood running, flowing from the defense’s table, to the hallway to the restroom, flowing like the Jordan River.

Hide, I did that day. Like Br’er Rabbit hiding from Br’er Fox, hiding compelled by youthful anger, causing my eyes to move to the recesses of my skull. The anger then grabbed my hands, causing my arms to move backward, then upward then outward. “You lying bastard. You lying bastard!” Hiding allowed me to think about life after expulsion from my new profession - *my, my, my ... you were much too loud*. Thinking, thinking, thinking ... from my throne ... I did. *What to do? What to do?* Absolutely, I was required to protect my mentally deficient client who was now fully healed, fully restored to his full mental capacity – all while walking a narrowing and restricting ethical tightrope growing tighter, and more restraining the longer I remained in my imperfect sanctuary daring the prosecutor, the court, and anyone else entering the King’s throne.

## Act Three

My client that day actually remained constant; she didn't grab my coat, didn't pretend to remember events no one would ever forget, nor did she act like another client, in a wrongful death case, who predated her – going to the internet, reading some unknown person's instructions on how best to present herself in the courtroom. A client who became the dream of lawyers' nightmare, wearing the same dress for five days straight, a distant and unresponsive soul citing her internet research. No, the client that day listened; wanting to prove she was discriminated by her employer. She followed instructions throughout the trial and as the Court inquired waited for the Her Honor to finish so she too could take a break.

When I was a child I had a recurring nightmare. Screaming, kicking, and floating coupled to an undefined fear of falling. "Air, air, air" were the words I screamed, as I saw my feet dangle in the darkness – out-of-body. Falling, falling, falling ... an uncontrolled, slow, spiral while voices sought to assure me, "You're not falling." My siblings' reassurances mattered not; my mother grabbing me a placing me in a warm tub once meant nothing; absolutely nothing ... without worth. I was falling.

Her Honor moved from dead center – at least I think she did. I heard her voice. I saw images of her face, but I could not see her face. If Her Honor had put two fingers in the air and asked me to identify how many fingers she had aloft, I wouldn't have been able to tell her, not without guessing. One thousand one – one thousand two- one thousand three – time passed. I bowed my head, held onto the table's edge. One thousand four – one thousand five – one thousand six – my vision came back slowly. After I finally answered Her Honor's inquiry, she, Judge Criss, finished informing the jurors that "we are taking the morning's break." I then fled, as I had fled as a young lawyer, moving down the hallway to the men's restroom - entering,

barricading - hiding. Time pushed against the side of my head as I remained in the confines of the stall counting, wondering, and worrying.

Falling, falling, falling ... *It is time ... time to stop testing fate ... time to listen.* I pushed against the stall's door assuring my security. Day dreaming - not the falling dream. No siblings teasing to hide their concerns, while their feet dangled from the bunk bed.

“He is dreaming again.”

When I dreamt as a child, I remained suspended in darkness for an undefined time, floating and then rapidly falling – awaking before I landed in the undefined space – enveloped in darkness – while screaming, sweating, crying. In the new dream an elderly, disabled man walked in front of me - no more than thirty yards away. He walked in a stooped position, slowly, deliberately, as if measuring and ignoring time with each step. Time had sapped any vestiges of his youthful vigor, while still complimenting each measured steps. A limp was present with each step. His was an image affirming the adage (“time waits for no man”), and the reminder (we not the masters of the ultimate board game). His walk was a reminder of stories to be told. While this stranger walked I followed, always awakening when he started to turn. By the time he turned three quarters around, I always awoke. Sweat and incoherence awaited me when I awoke, sometimes tears. This man approximated my size, maybe a little shorter because of the stoop which now appeared to be permanent. His hair appeared a little whiter, thinner. The melanin in his skin tone was now less intense, as if diluted with a greying cream.

Two weeks to the day of my establishing my new throne the dream reoccurred. I refused to awaken. I waited for him to turn. Fifteen ... thirty ... sixty degrees; seventy five ... a ninety degrees ... enough for me see. He was me. When I awoke I was greeted by the familiar - mumbling incoherent thoughts and tears. My condition allowed me to assure myself I didn't see

what I saw. Sitting on my new throne brought clarity. With eyes closed, head bowed, I counted and waited for time to pass – hoping ... hoping ... hoping ... hoping.

I write because I decided to listen. I exited my metal castle convinced it was time to begin the unpredicted and unanticipated walk to the exit. A walk which has at times taken on the appearance of being painstakingly orderly; at other times it has been a disheveled, unpredictable mess. Either way, so be it, the intent and purpose was clear - all to leave an overly-possessive, self-indulgence, obsessive profession to engage in the overly-possessive, self-indulged, obsessive, observation of life.