The Journal Of The Section Of Litigation American Bar Association

Litigation online

From Litigator to Writer: Lessons Along the Way

by Stephanie Kane

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From Litigator to Writer: Lessons Along the Way

by Stephanie Kane

The road from lawyer to writer is marked by potholes and detours; there are few signposts, and there is no way to tell that you have arrived. Is it worth the trip? As a corporate attorney who jumped to criminal defense work and then to writing, I do know that spending time in the courtroom can make the difference between getting published and falling by the wayside. Writing a legal thriller has all the structure, nuance, and complexity of a trial—as well as the incomparable but short-lived highs of a favorable verdict and the annihilating lows of defeat.

Why did I leave law to write fiction? Was I tired of clients, of being stuck with facts? Writers certainly have the freedom to create their own witnesses and put words in their mouths—and they stay the way they are written. Or, was it the big "what if": Could I turn my love of storytelling into the fame and fortune of a successful novelist?

The truth is both more profound and more mundane. Writing was the next step in overcoming a lifelong fear of failure that had kept me on the path of least resistance. Once I started, my ambition was such that I could not stop until I was published. As with most such endeavors, had I known what I was getting into, I might not have taken the initial step.

Leaving law to write novels was not the first time I stepped off the tightrope. I zipped through college and law school with the grades and honors that ensured an offer from a large firm. With the financial and intellectual rewards of corporate practice came isolation and a perverse diminution of self-confidence. The straitjacket only tightened with partnership. Almost immediately after making partner, I knew I had to break free. In short, I wanted to live. Inspired by friends who had AIDS and my desire to make a difference on a human level, I resigned from my law firm to apply to medical school.

This foray necessitated a return to college to take the very courses I'd avoided the first time around: the physics, algebra, and chemistry that drive so many otherwise bright students to law school. My partners predicted failure—that no medical school would want to take a female lawyer pushing 40, that in exchange for giving up personal and professional security, I would fall on my face. They were right.

I returned to law flat broke. In an economic downturn, a corporate lawyer sans portable billables is a professional leper, but one firm did have some banking work. Before we could discuss terms, however, I was interviewed by a criminal defense lawyer who made it clear I would be of no use to him unless I could function in court. Wouldn't my humiliation be for naught if I returned to my old ways? I never called the other firm back. Instead, I shed that first skin of fear and entered the courtroom. In coming alive as a lawyer, I learned the first lesson about writing: Success is impossible without risk, and risk requires personal exposure. As with all risks—and trials—things never turn out the way one expects.

What do trial law and fiction writing have in common? Presenting a case at trial *is* telling a story, and just as no two lawyers approach the same problem in identical fashion, bringing to each case the sum of their life experiences, so are there an unlimited number of ways to tell the same tale. On the grittier side, both endeavors are increasingly ruled by the bottom line. Litigation and writing also share a major goal and demand the same basic skill: the ability to communicate simply, clearly, and in a way that captures the heart as well as the mind.

Litigators are communicators, but is a love of storytelling enough? Forget the easy life. The investment in craft required to write a publishable novel equals or exceeds what it takes to become competent at trial. For me, the two professions are inextricably linked, and switching from one to the other has had surprising rewards. Just as my experiences as a lawyer have been the grist for stories, so has writing given me a new appreciation for the law.

My first trial came while I was still a corporate lawyer representing banks. The client had sold property out of foreclosure to buyers who wanted to open a karate studio. The buy-

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ers so antagonized a neighboring church that it conducted a survey, as a result of which it erected a fence that bisected the karate studio's parking lot, leaving spaces three feet long for cars. When the bank refused to rescind the sale, the buyers claimed it had misrepresented the boundary lines and sued for fraud. The plaintiffs' key witness to the alleged misrepresentations was a retired lawyer who had been their broker in the sale. I took his deposition. He was a nice enough fellow and apparently honest.

As second chair at trial, I was assigned to handle several uneventful direct examinations, and because no one expected to get anything out of the lawyer, I also conducted his cross. I relied largely on his deposition, allowing him a chance to replay his testimony in the courtroom. Not knowing how else to end it, I asked him rather plaintively if he was sure he was telling the truth. Imagine my shock when he said no, he had lied! What? I asked. He reiterated that he lied in his deposition. I turned to the partner with me and whispered, What do I do now? Shut up and sit down! he advised. We won the case.

So, too, in writing, things occasionally break one's way. The right person reads the manuscript at the right moment and decides she can sell it. The right editor buys it for a six-figure advance, and the rest is history. This happens with approximately the same frequency as a witness's admitting he previously lied under oath in response to a bumbling cross. As with law, success is almost always a product of endless preparation and grueling work.

The first advice every aspiring writer receives is "write what you know." Scott Turow is living proof of the wisdom of that adage. *See* Jeffrey Cole, "An Interview with Scott Turow: Some Reflections on Law and Life and Other Things That Matter," Vol. 29 No. 2 **Litigation** at 8 (Winter 2003). Litigators—at least those who represent human clients—are students of the human condition. Clients come to us in extremis. We see them at their worst, and occasionally they bring out the worst in us, resulting in the rich brew of conflicts that is the lifeblood of fiction. (Personal conflicts mean something quite different to a writer than to a lawyer—a desirable state of affairs rather than occasion to notify the malpractice carrier.)

Thus, the first serious decision the lawyer-turned-writer faces: What sort of thriller do I want to write? A glorified chase scene or a story that actually has something to do with the practice of law? Another way to pose the question is, who will the hero or heroine be? A guy dodging bullets with his briefcase, who might as well work at an investment bank? Or that rarer bird: a flesh-and-blood lawyer who knows what it means to go to the ends of the earth for the client? The thrills I decided to write about come from the moral dilemmas and tortured relationships between lawyer and client; for me, the drama in a courtroom lies in the psychology of trying to convince 12 strangers of facts that lack objective truth.

This decision has far-reaching implications. Which type of thriller is more "commercial," i.e., more likely to net the writer a fat contract (or any contract at all)? Anyone who reads the bestseller lists knows the answer. The question then becomes, for whom is the writer writing? And how much rejection is the writer prepared to take?

Rejection is a way of life for both litigator and writer. For the writer, however, it is always more personal than losing a case. The writer is hanging out there alone and cannot hide behind the psychological shield of advocating for a client or the excuse of being stuck with witnesses and facts. The less formulaic the plot and the more real the characters, the more the novel is animated by one's fantasies, his or her deepest fears and dreams. When a manuscript is rejected by a publisher or panned by a critic, "kill the reviewer" lacks the ring of "the facts were against me" or "blame it on the judge." But is any exhilaration quite so sweet as that which comes from having done it *your* way?

Lawyers always ask about my daily schedule—how many hours do I work, do I sit at a desk? I work at least as hard as I did when I practiced law; the main difference is that completing a manuscript does not bring with it a sense of reprieve. Rather, it marks the beginning of a new phase in a never-ending marathon. If the book is successful enough to be published, there is the dog-and-pony show of publicizing it, generally without the publisher's support. The pressure at all stages is entirely internal: Is the world holding its breath for my next work?

The financial rewards are at best slim and always unassured. Like many business people, publishers relish having a lawyer at their mercy. The mildest questioning of the status quo can earn the tag "difficult author," and the civility and responsiveness of even the most disagreeable of adversaries starts to look pretty good. Add to that the unexpected pain of the loss of identity when you see yourself described in the publisher's catalog as a "former lawyer," rubbing in that you left something you were good enough at to earn a living for an arena where the competition is greater every day and you are starting at the bottom. It's enough to send you running back to the courtroom.

The writer works in solitude, creating his or her own framework and deadlines. You learn to be an observer instead of a participant, to steal lines and names and snatches of dialogue. Qualms about exploiting relatives for the most intimate of family secrets fall by the wayside. Most difficult of all for a trial lawyer, the writer learns the discipline of pouring emotion onto the page rather than squandering it in talk. And those are the good times—once the manuscript is completed, everything is out of your control.

All writers start out writing about themselves. What else would lead them to write? The prototypical first attempt has been likened to Drano, that caustic fluid that forces sludge through sewage pipes so water can flow clear. Mine was no exception.

My first manuscript was written in a thinly veiled semi-autobiographical vein. It was a coming-of-age novel starring—guess who?—a woman who goes to law school. It had a snappy beginning, a flabby middle, and no end. Like a Greek chorus, or a referendum on my life, it was also written in 10 alternating first-person voices. Each chapter featured someone different, and I expected the reader to know the characters without identifying them. Although that manuscript attracted an agent, it never sold. To add insult to injury, no one except my immediate family could relate to my heroine—who was me. Talk about rejection.

Not having fully learned my lesson, I wrote a second opus

that starred a naive young associate in a white-shoe firm that destroyed its client by churning his case. (A non-bleeding liability policy was a key player.) Although this manuscript never sold either, it did make the rounds of publishers. This time the rejections were more pointed: they loved the characters but thought the story needed a good murder. Apparently, destroying a client through activity many have come to expect from the legal profession simply wasn't violent enough.

These early experiences taught me two lessons. First, most writers lack the distance and objectivity to bring themselves alive on the page. It is far easier to start with an invented character who can be endowed with attributes about which the writer need not feel self-conscious. Second, if there is a lawyer anywhere in the book, the reading public expects to see blood on the floor.

I broke free of the autobiographical trap by switching to a first-person male voice. My third manuscript starred a criminal defense lawyer who used method acting (Stanislavski's technique) to get into his clients' skins in order to project them to a jury. Naturally, he climbs into the wrong client's skin and has trouble getting out. Although the voice worked and the story contained not just one murder but two, that novel was never published either. In short, publishers loathed my hero because he was a lawyer who succeeded by doing precisely what successful trial lawyers do. This excessively dark view of the legal process was not salable.

Determined to depict a heroine who bore some resemblance to reality without backsliding into bathos or an autobiographical morass, I resolved to give it one last shot. To distance myself from my fictional lawyer, I needed to endow her with both a challenge and an advantage I'd never had. I tried to imagine what skill I, as a lawyer—in any incarnation—could not have functioned without. What about the ability to read? When I thought back to my time in the courtroom, I realized the best trial lawyers use no notes because jotting down what just occurred puts them a beat behind the action.

In a fit of perversity and frustration was born the heroine of my first published thriller, *Blind Spot*: a criminal defense lawyer who is a closet dyslexic. Her name, Jackie Flowers, came from a throwaway character in my second rejected manuscript. She has since taken on a life of her own.

Mastering Craft

At its most basic level, writing comes down to putting words on a page. Despite years of drafting documents and briefs, when I set out to write fiction, I found it unexpectedly difficult to handle language. Because trial lawyers spend a great deal of time listening to people talk, dialogue came more easily to me than description. Good writing is a product of clear thought. Clear thought requires the ability to experience, process, and articulate ideas. My problem was retraining my eye and ear to experience sensory details—the stuff law trains you to discard as irrelevant. I recall walking through a park that first spring and struggling to find words beyond "green" and "round" to describe a leaf.

To make matters worse, after refurbishing my vocabulary I had to simplify it. Here the writer faces the same challenge as the trial lawyer: Both must master the complexity of the subject matter before reducing it to its starkest terms. To skip that critical first step in either endeavor is to risk being a hack.

The writer's craft most directly parallels that of the trial lawyer in structuring a plot. All satisfying stories have a well-defined form. What litigator would deliver an opening statement without knowing what he or she expects to argue at closing? The lawyer hopes what comes in between is what was promised at the outset and will add up to what he argued at the end, but any case is a moving target; above all, the lawyer must be nimble enough to adapt to the changing circumstances of the courtroom. Although some writers follow an "organic" process in which the story just grows like Topsy, once they come to the end, they are virtually assured of having to rewrite the beginning—and everything leading up to the last sentence. Litigators, of course, get no second chances.

The time spent in court represents a fraction of the work in preparing a case. So, too, is fiction writing front-end loaded. I spend the vast majority of my time troubleshooting, researching, and outlining a concept—tasks familiar to any investigator—before writing a word. Nor is an outline a script for the book, any more than trial preparation is designed to provide a playbook for trial. The purpose of preparation is to create the optimal circumstances for a miracle to occur. Miracles happen only in the well of the court and when words hit the page.

Research has many values for the writer. First and foremost, it enables me to anchor my stories in concrete detail. The best material is drawn from real life. In preparation for every book, I return to the courtroom to soak up details through the eyes of a writer. Writing also carries the thrill of having to master a new subject, just as the trial lawyer must; if a story does not require me to learn something new, I cannot sustain the interest to complete it.

The difference between the investigation I used to do and the research I now perform as a fiction writer recently became clear when I spent an evening barhopping with a newspaper reporter. He wanted to strike up conversations with the patrons, to ask them what their lives were like. I wanted to use the ambiance to feed my imagination. Setting and subject matter must be accurate to the smallest detail, and the characters' emotions must be real; the rest comes from the writer's head.

My experiences in court inspire my novels in two ways. I lend my heroine devices I have used in cases and, in a more fundamental way, the courtroom created Jackie Flowers.

When I switched to criminal law, I quickly learned how different it was from civil practice. There are no depositions to rely on; indeed, the lawyer I practiced with eschewed all forms of paper. My first trial with him was a date-rape case. Our client was black, the girl was white, the venue a college town that prided itself on being liberal. Retired sociology professors were second only to crises counselors in the jury pool, and not a single face was black.

As prospective jurors were summoned to the dock, the bailiff handed counsel blank forms with the jury box inked in. I feverishly jotted down every scrap of information the DA elicited in voir dire while my boss just listened. My notes soon overran the boxes; by the time the defense was called, I couldn't even attach names to the faces. My boss didn't skip

a beat. Rising without so much as a scrap of paper in hand, he conversed with each of the jurors as if he had spent the past hour in their living rooms. Nor did he stop where the DA did; he asked the tough questions and followed through until it was clear to the last juror that what he cared about was a fair trial. That case ended in a hung jury. It inspired Jackie Flowers's unique style of voir dire.

Because Jackie is dyslexic, she does not rely on notes. She does, however, memorialize information in graphic form. And because her disability is closeted, she is never without a legal pad. The difference is, hers is blank; indeed, she uses it as a prop rather than a crutch. Witness the contrast in the way DA Duncan Pratt and Jackie conduct voir dire in *Blind Spot*:

> "Two children, did you say? Miss, er—"
>
> Fumbling with notes and seating chart, Duncan Pratt looked reproachfully at the assistant who'd fed him the wrong page. Jurors filled out questionnaires before being summoned to the box, but his staff's review had gone for naught. The cases Pratt didn't settle were normally delegated to deputies who could keep a dozen names straight.
>
> Jackie doodled in the boxes on her chart: a fruit with pebbled skin and two pits for the mother of twins; for the electrician employed by the sub who wired Coors Stadium, a light bulb inside a pennant.
>
> "—Lemons," Pratt finished. "Are you married, ma'am?"
>
> The woman's smile vanished and her shoulders stiffened. Forgetting her name was bad enough, but bastardizing her children was unforgivable. Now Pratt would have to waste one of his free strikes bouncing her off the jury. As Jackie watched the DA maul juror after juror in an attempt to ferret out bright, liberal thinkers—otherwise known as kooks—from those who believed the seven deadly sins were interchangeable, she kept her face impassive. Pratt might be a bumbler, but he was far from stupid, and trials were a ball game: once the opening pitch was thrown, the outcome was anyone's guess.
>
> *****
>
> Leaving her yellow pad at the counsel table, Jackie strode to the center of the courtroom. With one hand draped over the wooden ledge of the lectern, she waited until the whispers in the gallery subsided and the last juror had stopped squirming in his seat. When she owned the space, she began.
>
> "Ms. Lemons, tell me the names and ages of your two children."
>
> While the woman Pratt had offended seized the opportunity to redeem herself in her fellow jurors' eyes, Jackie focused on themes. Like all human beings, these people wanted to know who to blame and had to be conditioned from the very start.
>
> "As the mother of ten-year-old twins," Jackie continued, "you know there's two sides to every story. Right?"
>
> "Absolutely." Pratt had made the woman nervous, and she kept running her hand through her hair as if it had once been longer.
>
> "And the first to say his version may not tell you all the facts…."
>
> "There's always more than meets the eye," she agreed.
>
> "In fact, that first version may not resemble what happened at all. Sometimes the one who cries loudest does so because deep down he knows he's to blame."
>
> Lemons sighed theatrically. "You got that right."
>
> The beautician and the teacher exchanged sympathetic smiles. A pity Pratt would strike Lemons, but the other two would not forget Jackie's gallantry. As she watched, the research chemist from Beller Labs glanced from the seating chart still on the defense table to her empty hands. Having redeemed Lemons in their eyes and elicited her agreement to the crux of the defense, Jackie could have moved on, but she had a final point to make.
>
> "And when one twin tells one story, and your other boy another, how do you decide which to believe?"
>
> "I look at the one that fits all the facts."
>
> "Exactly."
>
> With one hand still on the lectern, Jackie moved a half-step to the left. Negotiating that wooden stand was an art in itself—Judge Worrell required lawyers to remain behind it, and jurors feared above all else being touched. But Jackie sensed the jury could now tolerate the smallest invasion of their space. She turned to the chemist, whose hair was a half-inch too long around the ears—an eccentric? Pratt would want him because of his profession, but there might be something in it for the defense….
>
> *****

Jackie moves on to a cable company executive:

> "Mr. Wiest, does your job require you to review financial statements?"
>
> "On occasion." From his pained expression Jackie knew he already considered himself on the DA's team. Not surprising—with his rotund physique, he could have been Pratt's body double.
>
> "Is it fair to say what's *not* in a statement can be more important than what is?"
>
> "I don't understand."
>
> His self-righteous tone was a warning.
>
> "Not financial statements *your* company might generate, of course. But have you had occasion to review balance sheets of a competitor, or someone else in your industry, where certain assets or liabilities may not be reflected?"
>
> "Well, yes. I can't go into details—"
>
> "I understand. But if you later discovered that was the case, would those line items be more likely to have been significant or not?"
>
> "If you're asking whether I'd be more prone to make a decision based on what's missing, I'd have to say yes."
>
> From balance sheets to bed sheets—Wiest had no idea at that moment that Jackie was alluding to the absence of blood on Rae Malone's linen, but he'd be the first to make the connection when the proper time arose.

Stratagems I used in the courtroom also have a way of finding themselves in Jackie Flowers' arsenal. Here is one example.

The legalization of gambling in Colorado's mining towns a

decade ago was followed by a real estate boom, triggering in turn a record number of rescission suits as greed got the better of many sellers who saw their property under contract rise precipitously in value before closing. One set of sellers sued our client, the buyer, for fraud when he refused to renege on the deal. A key defense witness was the client's money man—a non-practicing lawyer charitably described as "a loose cannon." His counterpart was another retired lawyer, an equally unappealing character who was married to one of the plaintiffs and who also had attended the closing where the alleged misrepresentations were made. To give our client an upside, we filed a counter-claim.

The trial took place in an old courthouse in the mountain town. It was a snowy November, and the daily commute from Denver was treacherous. The courtroom was poorly heated, and there was no jury box, not even a railing between the defense table and the row of chairs in which the jurors sat. (The jurors were equally divided between those who had been thrown out of work by gaming and those who had profited from it.) In his opening statement, the plaintiffs' counsel played up his anticipated cross of our key witness. The only problem was he neglected to subpoena the witness himself. We certainly didn't encourage our witness to attend—not in that weather. We won on our counter-claim.

I underestimated how a transactional lawyer will avoid admitting her own carelessness under oath.

Jackie Flowers employs a similar strategy in *Blind Spot* for her client, Aaron Best. Aaron's alibi witness is his brother. She notifies the prosecution of the alibi defense and where the brother can be reached. The alibi itself is distasteful: At the time of the murder for which Aaron was charged, he and his brother were shooting mustangs on federally owned land. Jackie stays away from the alibi in her opening and at the last minute decides not to call the brother so the case can go to the jury before the weekend. The DA, who has been counting on cross-examining the brother and putting on rebuttal witnesses, cries foul—to no avail. As the judge points out, he could have endorsed the witness himself.

The centerpiece of the defense in *Blind Spot* is an expert witness, Dr. Richard Hanna. Hanna is a psychiatrist who scoffs at the FBI's methodology and is prepared to opine that Aaron does not fit the standard profile of a serial killer. Every litigator knows that to call an expert is to put the client's life in the expert's hands, and Jackie's expert is nothing if not independent. What Hanna does to her on the stand was inspired by two experiences I had defending the former president of a savings and loan that failed with a loss to the public in excess of $1 billion.

Among other counts, the client in this case was charged with making a false statement to a federally insured institution. The false statement was based on a single certification in a promissory note designed for a consumer transaction, not the type of loan in question. The government's key witness was an FBI agent/accountant who had traced the use of the proceeds in an effort to establish the character of the loan. The loan was only the latest in a series of refinances, however, and on cross it became clear the agent did not go far enough back. (I am told that in the heat of the moment he asked my permission to take a sip of water, but I have no recollection of that.) After I called an expert on the Uniform Consumer Credit Code, the author of a treatise I had used in corporate practice, to testify as to the meaning of the certification, the judge granted a judgment of acquittal on that count. The client was acquitted on the remaining counts after four hours of deliberation—one hour for each year it had taken the government to build its case. Isn't that the way it's supposed to go? That victory is not, however, what inspired the courtroom climax of *Blind Spot*.

Recovering banking lawyer that I was, in preparation for trial I had flown to Lincoln, Nebraska, and driven a rental car from the airport in a white-out blizzard to a small agricultural college in Peru, where the former head of the Federal Home Loan Bank of Topeka was ensconced. (When I landed and asked if there was a bus, the folks at the airport just laughed.) The government had endorsed him as a witness, and he had no interest in speaking to me. Not only that, but the college was closed because of the weather. After I wheedled my way in to see him (I'd driven all that way in the snow), he agreed to talk and made certain helpful admissions. On the stand a month later, he denied every one of them. That was my first real taste of just what skills a good cross requires and how far I had to go to learn them.

In that same case, I interviewed another quasi-expert adverse witness, the attorney at a large firm who had drafted the promissory note. (Why do lawyers dog me?) One look at her timesheets convinced me I knew what had happened: In preparation for a chaotic closing involving multiple transactions, grabbing a consumer form is a mistake anyone can make. What I underestimated was the intransigence with which a transactional lawyer will avoid admitting her own carelessness under oath. Again I got nowhere. That sickening feeling, shared by most litigators at some point in their careers, is the same frustration writers experience every day: the gap between what you know and what you are able to prove or express.

When Dr. Richard Hanna turns on her in *Blind Spot*, Jackie Flowers fares much better. The qualification proceeds smoothly:

> "—American Board of Forensic Psychiatry."
>
> Richard Hanna's clear voice filled the well of the court. Pratt had offered to stipulate to his credentials, but Jackie would have none of that. With a client accused of brutally beheading a woman, she needed an expert who walked on water. Or at least arrived on time.
>
> In his lightweight tweed sport coat and paisley tie, Richard had breezed into court three minutes before the

morning session convened, apologizing for missing their meeting. He said he'd been tied up with an emergency. Jackie had advised him only to dress for comfort, but his instincts were unerring: every woman on the jury wanted to redress him, and the men sympathized with his having to wear a tie. Liking him was the first step to accepting his opinion, and she concealed her anxiety.

"Do you belong to any professional organizations?" she asked.

Using the pointer, Richard gestured to the curriculum vitae Jackie had projected on a screen. "The American Medical Association, American Psychiatric Association, American Academy of Forensic Science…"

Although Jackie used visual aids to vary her tempo and keep the jury awake, she was no fan of technology in the courtroom. If Pratt's job was to banish her client from the campfire, hers was to bring Aaron back to civilization by demonstrating that the accused's humanity was no different from their own. Mechanical apparatuses tended to interfere with that, plus she didn't know how to operate them. The one exception she made was in the case of an expert with an impeccable list of credentials….

*****

"Do you accept private patients?" Jackie asked as Richard relinquished the pointer and returned to the witness box. Today she was wearing a fawn-colored suit with a silk blouse in a blush tone—neutrals, but with a nod to her fans in the ladies' room. Unlike in cross, on direct examination her witness took center stage.

"A small number, most of them through court referrals."

"Speaking of courts, have you testified before?"

"On more than a hundred occasions. Civil and criminal cases."

Stepping away from the lectern, Jackie positioned herself by the jury box so Richard could remain in their line of sight while answering.

"Let's stick with criminal. In what areas have you rendered opinions?"

"Mainly regarding a defendant's fitness to stand trial, or the appropriateness of an insanity defense." As he responded, Richard scanned the jury, missing no one. He hadn't needed to be told.

"Has Mr. Pratt's office ever retained you in either regard?"

"On fitness for trial, at least a dozen times."

"And your opinion was…?"

"Each of those defendants was fit."

"Has Mr. Pratt ever retained you to render an opinion as to sanity?"

"Yes. On more of those occasions than any other."

"And you opined…?"

"None of the defendants was insane."

Jackie paused, as if perplexed.

"Dr. Hanna, how many times in your career have you agreed to testify for the defense?"

"This is the first." He shrugged diffidently. "With my record, maybe they're afraid to ask."

The first surprise occurs when DA Pratt starts to cross the expert on his qualifications:

> "Dr. Hanna, you testified you based your opinion on interviewing Mr. Best."
>
> "In part."
>
> Pratt had begun his cross-examination cautiously, almost as if he were afraid to offend the witness. He'd made the mistake of having Richard review his CV again just to establish there were no standard practices or supervisory agencies in the field of profiling—a matter with which Richard readily agreed. Jackie was finding it difficult to concentrate. She knew where Pratt was going. He'd finished laying the groundwork for the argument that Richard's access to Aaron was insufficient to plumb the depths of his psyche with a long series of questions about how many minutes were in the therapeutic hour, the number of visits per week, and the average length of time patients spent in treatment. Now he was preparing to deliver his coup de grâce.
>
> "And how many hours did you spend with Mr. Best? Two? Two and a half?"
>
> "Approximately 14 months."
>
> Jackie's stomach flipped, but she told herself to remain calm. Not even blink. Beside her, she felt Aaron's quick intake of breath.

Blind Spot's heroine has her work cut out for her on redirect.

The legal process continues to educate and inspire me. It is no coincidence that the most humbling experience I have had as a writer came in a courtroom, after I left the practice. I had just completed a first draft of *Extreme Indifference*, the sequel to *Blind Spot*, and set that manuscript aside to travel to Colorado's Western Slope with my husband, a federal judge who was presiding over a case there.

In its bid to enforce a covenant not to compete, the plaintiff sought to enjoin its former employee and his new employer from soliciting old customers. Just before the court ruled on the motion, the plaintiff and the new employer settled the case out from under the clueless employee. I will never forget the look on that man's face as he finally realized that the price of the settlement was his livelihood. When I returned to Denver, I consigned 90 percent of my manuscript to an "outtake file," never to be seen again.

What was the problem? Even a legal thriller must be rooted in reality. The antagonist in my first draft performed suitably clever and villainous acts, but his outrage at the world was no match for the raw betrayal I had witnessed in that defendant. It provided the basis for a much better story—and certainly a more honest one.

Successful lawyers-turned-writers are more than accomplished storytellers. They have the discipline to learn and polish their craft and the fortitude to roll with the punches. They are willing to persevere. Above all, they are risk takers who accept that they must expose parts of themselves to connect with readers, just as with a jury, and that to expect readers to take a leap of faith on their work, they must first bet on themselves.