

Storytelling for Lawyers

Philip Meyer

OXFORD
UNIVERSITY PRESS
USA 2014

Table of Contents

Chapter 1

- Introduction 1
- I. Lawyers are Storytellers 1
- II. Legal Arguments are Stories in Disguise 3
- III. The Parts of a Story 4
- IV. Movies and Closing Arguments 6

Chapter 2

- Plotting I: The Basics 11
- I. What is Plot? 11
- II. Plot Structure in Two Movies 28

Chapter 3

- Plotting II: Plot Structure in a Closing Argument to a Jury in a Complex Torts Case 44
- I. The II. Annotated Excerpts from Spence's Closing Argument on Behalf of Karen Silkwood 48
- III. Concluding Observations 85

Chapter 4

- Character Lessons: Character, Character Development, and Characterization 110
- I. Introduction: Why Emphasize Movie Characters in Legal Storytelling? 110
- II. What is Character, and Why Is It Important to Legal Storytellers? 113
- III. Flat and Round Characters and Static and Changing Characters-High Noon Revisited 119
- IV. Techniques of Character Development and Characterization-Excerpts from Tobias Wolff's This Boy's Life 131

Chapter 5

- Characters, Character Development, and Characterization in a Closing Argument to a Jury in a Complex Criminal Case 147
- I. The II. Excerpts from the Opening: Act I-" 151
- III. Concluding Observations 173

Chapter 6

- Style Matters: How to Use Voice, Point of View, Details and Images, Rhythms of Language, Scene and Summary, and Quotations and Transcripts in Effective Legal Storytelling 185
- I. Back Story: Grading Law School Examinations 185
- II. Preliminary Note: " 188
- III. Voice and Rhythm: IV. The Use of Scene and Summary: V. Telling in Different Voices 208
- VI. Perspective or Point of View 220
- VII. Several Functions of Perspective: How Does Perspective (Point of View) Work, and What Work Does it Do? 225
- VIII. Concluding Observations 245

Chapter 7

- A Sense of Place: Settings, Descriptions and Environments 252
- I. Introduction 252
- II. Dangerous Territory: Contrasting Settings Evoking Danger and Instability in Joan Didion's
- III. More Dangerous Places Where Bad Things Happen: Use of Physical Descriptions and Factual Details to Create Complex Environments in W.G. Sebald's The Emigrants and the Petitioners' Briefs in Two Coerced Confession Cases 266
- IV. Settings and Environment as Villains and Villainy in the Mitigation Stories of Kathryn Harrison's While They Slept and the Petitioner's Brief in Eddings v. Oklahoma 283
- V. Concluding Observations 298

Chapter 8

- Narrative Time: A Brief Exploration 302
- I. Introduction 302
- II. The Ordering of Discourse Time 305
- III. Concluding Observations 325

Chapter 9

- Final Observations: Beginnings and Endings 330

Philip N. Meyer is Professor of Law at Vermont Law School.