



Everything you think you know about legal entrepreneurship is backwards

Great filmmakers and lawyers find ways to bring their entrepreneurial investment to life

By SCOTT HERNDON

As plaintiffs' lawyers, we are often asked why we decide to take some cases rather than others. The answer to this question is rarely simple, and varies by each law firm's expertise, practice areas, and missions. Each of us comes to our profession with values, bedrock beliefs about the cases we want to analyze, handle, and take to trial. I want to take this time to discuss my own perspective, and challenge my colleagues to consider this approach in their own practice.

Prior to becoming a lawyer, I built my career on reading and writing fiction, screenplays for motion pictures, poetry, and philosophy. For the first ten or so years of my professional life, I taught writing at New York University, Stanford, and the University of California, among others. Often, my writing and teaching focused on how the cinematic lens, or the narrator's voice, impacts the way audiences value the lives of characters unfolding on the screen. In short, I wanted to understand how *the camera's context of sight* teaches us how and what to feel.

How does a filmmaker decide which stories to tell? A novelist? The answers to these questions are surprisingly similar to those that trial lawyers will give, when they are asked what kinds of cases they take. It is too cynical to say that the answer is always money. Of course, money plays an undeniable role in each of these choices: films cost millions to make, novels take years to write, and law firms spend both money and staff resources to take cases to trial.

Money never drove my pursuit of storytelling and teaching, however. I only wanted to find, read, and tell stories that mattered to me. I wanted to experience life more fully through what I read, dreaming of forests I had never seen, living through the eyes of people I did

not know. I wanted to give life to other people, too, through the details of what I had seen and felt in my own, humble life, which started in a farm town in Central California.

When I started my own law firm, I began asking my clients questions about their lives that allowed me to feel their experiences, as if through the lens of a filmmaker's camera. These questions allowed me to imagine not only the things they had experienced, but also how they experienced them, the details that only show up in the background of a still image from a film. I spent time at my clients' homes, sharing a meal, or watching the way they looked at their children. I saw things that moved me: A former football player struggling to open a jar of peanut butter without his wife's help. The way a young girl wiped her sick mother's chin after a sip of juice. Truth in the eyes of men and women who were kind enough to let me see them.

I began to understand that what I saw and felt, and what I could show, was my entrepreneurial frame. I started looking for clients in places where I cared, which was often where other law firms don't advertise or look for clients. And the lives of my clients, like characters in a film, started to come to life.

Because details drive storytelling, our cases develop with the knowledge that we must uncover every fact at hand, especially those facts that establish the mood and context of the stories we will tell for strangers, at trial and in mediation.

People often deride storytelling as fabrication. They look down on the work of plaintiffs' counsel. But this derision, this negative inference, is a protective mechanism. Some lawyers are often afraid of emotions, and they protect themselves from feeling them in their practice. But the great writer, or lawyer, knows that this protective mechanism comes from a place of importance.

Show someone that they are emotionally invested, and you will show that they care about something important. If we can hold that person's attention just long enough for their emotions to take shape, we can walk them through this shared life, and they can begin to feel the shoes of our clients, the streets in which they live.

Why do people pay money to watch sad movies? Why do some cases capture the minds of juries and the public? It is because the grief we experience in the cinema, and the lives of our clients, are *valuable*.

In this sense, everything we know about entrepreneurship, storytelling, and the law is backwards. The real entrepreneurs are the folks who *want* to grow by experiencing these stories and lives, in movie theaters and in the jury boxes. Great storytellers and lawyers find ways to bring this entrepreneurial investment to life.

It's a daily challenge: Finding those little, overlooked details in this age of speed and oversaturation. Asking the camera to zoom in, the pace to slow down, the focus to settle on two strong hands, struggling to open a jar of peanut butter. Let those hands struggle a bit, to shape your case.

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