

Legal Storytelling:

Character, Conflict and Arc

BY MARK KITRICK AND MARK LEWIS

Recall the last time you were swept away by a story. Was it an adventure movie, a romantic novel or simply listening to a loved one recount the day's events around the kitchen table? What you likely remember most is a *feeling*.

Whether joy, fear, sadness or surprise, you were pulled by this feeling to your emotional center, where your moral and intuitive core resides. This is where stories live in each of us, the place from which meaning, empathy and understanding most often arise.

As lawyers, we are too often separated from our emotions by legal reasoning and abstraction. But we cannot live on rules and reason alone. We need stories, too; ones

that embrace our imaginations, our feelings and our values. Such emotional wellsprings are vital to our wellbeing because law is far more than a set of rules and doctrines to guide social order. Law is a way of life. It is our calling.

In this series of articles about Law and Literature, also known as "Law-Lit," we seek to find our way back to our emotional core by looking at and through the multi-colored emotive and humanistic prism of stories and storytelling traditions. From great literature we can learn the most practical lessons about reading, writing and ethics – the tools of our legal trade. Likewise, Law-Lit makes us more ethically attuned to the *sturm and drang* of daily practice. We also learn the art of crafting meaningful, true stories. In short, through Law-Lit we become better storytellers who honor truth-telling without sacrificing the joy of a finely spun narrative.

Just think, for example, how much we might improve our legal writing. No longer just a technical way to solve problems, advocate or communicate in law practice, legal writing through the art of storytelling can also become a medium to properly move our readers emotionally, imaginatively and ethically. After all, legal stories are built on the same tools of narrative technique that have served authors, screenwriters and campfire orators for millennia; Homer to Christopher Nolan; Shakespeare to Stephen Spielberg; Jane Austen to J.K. Rowling. They all rely on the three titans of story art: *character, conflict and arc*.

“ While truth, candor and ethics must hold sway over whatever storytelling impulses move us, there is much room for storytelling in our legal writing. ”





We know that our favorite characters come alive through vivid detail, purposeful action and inner conflict. It is much the same internal conflict that drives characters to strive for external goals and to transform their lives, often in surprising ways. The most convincing characters also change as the story's narrative arc leads us through the plot's cause and effect. There is no story without change, consequence and struggle. Whether Ebenezer Scrooge or Han Solo, the most enduring characters follow much the same story arc to change.

So, how can fundamental story ideas improve our legal writing? For starters, most readers – including your legal audience – understand information better when conveyed through story that reveals a compelling character caught in an empathetic struggle to change. Whether enmeshed in the conflicts of Hamlet or Shrek, we come to understand and relate to dilemmas

through story, not through dry facts or chronological recitations.

Unfortunately, most legal writing still relies too heavily on abstractions and jargon. The “law” becomes the character, rather than the client or an actual person. Because we relate better to people than ideas, focusing on characters or even learning to bring the “law” itself alive as a character serves our readers well.

Our same readers will naturally appreciate story as a means to reach conclusions. We know from cognitive science that people, in this case readers, resist being told what to think or do. Stories guard against this reaction while still persuading us. We come to our own conclusions when reading a story;

with the narrative naturally leading us to the decision. Think how we all inevitably predict and expect the ending to well-told stories. That is the inherent persuasive power of stories.

In this first Law-Lit article, we leave you with practical advice drawing on the concepts of character, conflict and arc. In your next legal writing project,



approach your task as a storyteller who asks these three questions:

1. Who is my main character and what do they want above all else?

This could entail both external and internal goals. In other words, they seek to achieve some change in the world and perhaps also within themselves. We relate best to such characters.

2. What conflict stands in their way?

This might be another character, law or fact that stands in direct opposition to them. Consider also the moral values at stake in resolving this conflict. Align, as best you can, your character's goals and the resolution of the story obstacles with values your reader is likely to hold.

3. What actions might they take to overcome those obstacles, leading by cause and effect to the ending that affirms her actions or the values they imply?

This is the essence of narrative arc, the story sets into forward motion cause and effect that leads to change.

In future Law-Lit articles, we will develop these story principles and how best to use them in your legal writing. For now, as you put these initial three questions to the test, fight the urge to think in legalisms or conventional lawyerly ways. Think instead as a storyteller creating artistic solutions to character, conflict and arc. After arriving at those story solutions, write and solve your legal problem as a technically savvy lawyer should, using all the tools of legal reason. Those tools and norms should, of course, govern any urge to run away with the story, as we must always remain mindful of the special constraints we face as legal storytellers. While truth, candor and ethics must hold sway over whatever storytelling impulses move us, there is much room for storytelling in our legal writing. Until then, enjoy reading and writing your legal stories.

Mark M. Kitrick, Esq.
Kitrick, Lewis, & Harris, Co., LPA
mkitrick@kitricklaw.com



Mark D. Lewis, Esq.
Kitrick, Lewis, & Harris, Co., LPA
mlewis@klhlaw.com

