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The Power of Narrative in the Legal Profession

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The Power of Narrative in the Legal Profession



An attorney presents his client's case to members of the jury. http://abrowninglaw.blogspot.com/2015/10/7-things-lawyers-cant-tell-jurors.html

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Senior Capstone
Pre-Law
Internship
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Division of Humanities and Communications
Spring 2017

The Power of Narrative in the Legal Profession



An attorney presents his client's case to members of the jury. http://abrowninglaw.blogspot.com/2015/10/7-things-lawyers-cant-tell-jurors.html

> Christian Wick HCOM 475: Senior Capstone Christian Wick

Acknowledgements

Dedicated to my late father, Brian Wick

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Capstone Project Proposal

Christian Wick, HCOM with an emphasis in Pre-Law

For my internship, I will be working at Legal Services for Seniors in Seaside. My duties at this site will be to perform case reviews and understand the senior citizens that I will be working with. I will assist the attorneys in making sure that the clients have all of their needs met and that they have access to whatever assistance they may need.

This internship will align with my classes theme of storytelling through my getting to know of our clients. These people all come to seek legal aid and each one of them have a story behind them. As an attorney or a worker, it is essential that one knows each individuals story so that they can give them the best legal assistance possible.

For my site that I selected, I was intrigued by its ties to the legal world. As a Pre-Law student who has been accepted and will be attending law school at the Santa Clara University School of Law next year, I had a natural interest in the field. Additionally, I was brought in by the fact that I would be working with real people and learning their stories and helping them through the legal process. I believe that as someone who foresees themselves in the field of law in the future, it is important to help those who may not know of all their legal rights and this internship will give me the ability to do so.

Goals that I hope to achieve during my internship are as follows: I would like to see that I have made a difference in at least one person's life through my help in their legal struggles. I would like to further see the link between stories and how stories are important in the field of law. Third, I would like to understand how a law office works in great detail. Next, I would like to understand some of the legal problems that people face in their lives so that I can learn more

about those issues. Lastly, I would like to build relationships with people in the field of law so that I may have more people to look to whenever I may need guidance.

My site supervisor is Kellie Morgantini and she is an attorney with Legal Services for Seniors. Her email is: kellie@lssmc.net and her phone number is: (831) 899 0492.

The title for my Capstone Project is "The Stories of the People of Legal Services for Seniors".

My project will focus on the stories of both the clients that the law office serves and the people who work in the office. When working in law, it is important that the attorney or representative understands the story of whoever they are representing. I will draw light onto these stories and show how they affect the cases that are being worked on and how each person's story has gotten them to where they are. In the courtroom, what often sticks with a jury is not raw statistics, but the story that they are told and I will show my readers that stories and narratives have a place within law.

To complete my project, I will perform at least 40 hours of service at the site after making sure that all the appropriate paperwork has been signed by both myself, the site supervisor, and my professor. While at the site I will work diligently to make myself of the upmost use. Furthermore, after each day of interning, I will keep a journal of what I did, what I learned, and how it correlates to my project and ensure that my journal is up to date so that I will be able to review it with my professor periodically. I will take care to make good notes of the stories of the people that I encounter and why that was important. At the end of my time of interning I will give my site supervisor the proper paperwork to give me an accurate review of myself and my contributions. Lastly, I will complete my analytical paper, ensuring that I

connect it between my internship site and experiences that I had there, my Capstone Course theme, and the readings prescribed within my course.

As of now, I am meeting with my site supervisor in the near future to have all of my paperwork signed and to find days and times that will work best for both parties for my presence at the site. Once I have figured those details out, I will begin to intern and follow the steps that I have stated above.

Reflective Journal

Beginning this semester, I had an idea of what I wanted to do following my time at CSUMB. I would be attending Santa Clara University School of Law. I had always had an interest in the field of law and believed that no matter what, the route that I had chosen for my future career was the perfect one for me and I would not sway from that. One piece that was missing from this puzzle however, was any experience working within that field. For my Capstone class, I was offered that experience. As an intern at Legal Services for Seniors of Monterey County, I received the type of hands-on experience that I had previously thought was not possible for a student of my age and experience. It tapped into my natural interest in law. I was able to get a taste of my future by working closely with clients and doing research regarding laws to assist them. As one of my goals for the semester, I wanted to further myself in experience in the field of law, and I am happy to say that without a doubt, I have accomplished that. Furthermore, I wanted to learn more about law in a general sense, and given access to all the resources at the law office, I have been able to do so. Any of my down time, I find myself picking up one of the many books pertaining to a specific sort of law and reading it or looking at our online database of cases and reviewing the case. With this raw interest and volition, I knew that I had found my passion. I had never experienced something that I had such a natural interest in and I found myself excited to go in for the next day of my internship.

When it came to the course's shared area of inquiry, I was at first skeptical of the whole idea of the power of narrative or stories. However, after being exposed to some of the coursework and especially with the experience that I gained at my service site. Once at my service site, I realized that every case I was tasked with handling was different. From that, I found that it was essential that I learned each person's individual story. Once I had learned their

story, I was better able to understand what their needs were and what the problems that they were suffering from. I also noticed that I was able to remember much more information when I heard the full story from the person. Lastly, I found that in nearly all cases the clients found it most natural to give me a narrative about what was occurring rather than simply giving me facts about what was happening. In one instance, there was a client who proceeded to give me what seemed to be their entire life's story. While at the moment it seemed to be pointless information, upon reflection, it served to give me a deeper understanding of that client and their legal needs. In the duration of the course, it was emphasized that often time people can relate closer to stories as opposed to statistics and through the course of my internship, I have found that to be true. I learned that when we hear someone else's story, we can relate on some level, and certainly more so than if we were given raw statistics or facts, which often appear as numbers on a page or statements that have no relation to someone's life.

I believe that my capstone experience and internship aligned nearly perfectly with the standards for assessment and published criteria. While at first I was skeptical at how well I would be able to incorporate story and narrative into my project, I soon learned how important it was from our many class discussions and readings that we had which all focused upon that topic. I found that my internship site was seemingly the perfect place to do my project as I was privy to so much information that was not only of high interest to myself, but also aligned well with the theme of shared inquiry for our class. I was able to hear so many stories from people, it being essential for me understand each individuals story in order to best give each client legal counsel. Through the class and our group discussions, I learned to work collaboratively with others and at my internship site, I worked closely with the other legal advocates and some of the lawyers to not only solve problems, but ensure that what I was taking the correct course of action. With the

readings from Newkirk, I have applied my knowledge of narrative and its power to aid my performance as a legal advocate. Lastly, I have synthesized my insights and used many of my learned skills and abilities at my internship site. From being an HCOM major, I have learned many effective forms of communication, and those have been instrumental of my success as a legal advocate. I used both knowledge that I had held previously like the ability to posture myself during conversation to be professional, yet inviting and knowledge that I have learned in the course such as using stories to better remember details to effectively do my job as well. Overall, I was adequately prepared by my previous studies for such a project and found a location that was excellent for my topic of inquiry.

When one first hears the words "story" or "narrative", their minds quickly and naturally go towards books, children's stories, or even maybe to a grandparent. However, for myself and after my Capstone Project, I realize that these words have a much deeper and important meaning. A meaning that can change the way that someone views an issue, a person's understanding, or even a persuasive tool. Many of us have heard stories, but once we understand their power, that is when one can truly learn to appreciate narrative and its place in both the educational and workplace realm. Through my internship at Legal Services for Seniors of Monterey County, I learned first-hand what the power of narrative could do in a workplace setting. Having this opportunity and being able to work with so many people on a one on one basis made myself privy to so many stories. One may question why stories would play a role in a legal office, as did I at first, but after experiencing an initial contact with a client, any doubts or concerns would drift away as they realized that narrative is the only way to effectively convey their problems and what they need legal assistance with. Never have I seen a client come in with a sheet full of statistics and request for us to help them based on that. With the time spent at both my internship and capstone course, the conclusion that I can come to is that narrative is an important part of any society and that importance extends into the professional aspect of that society in terms of education, the workplace, and in politics due to its ability to allow one to convey information in a meaningful manner, persuade, remember, and play into our natural interest of narrative.

Through the beginning of our capstone course, we were introduced to narrative. This was a topic that I had never given much thought to. Why do stories matter when we have statistics? That was a thought of mine throughout those early class meetings. However, it was through our readings, such as "The Storyteller" which was about two girls who were being unruly on the bus and the aunt attempted to quiet them by way of a story. When the aunt failed due to lack of

effort and involvement, a bachelor who made an interesting story succeeded in garnering their interest and getting them to be quiet (Munro). I realized the power of being able to tell a story then. Using narrative, we must draw our audience in, whether it be through an interesting, relatable, or emotionally grasping story. It is this type of power that makes one able to grab others' attention and make them engaged with what one is saying.

Through my internship, I have met many people, each having their own legal issues. I have worked with over fifteen people over the course of my internship. Even still, I am able to remember each person's particular case and the issues that they were having. Why? Simply due to the fact that when each of those clients came in, they told me a story about them. I often found myself like Mike from Lovers and Other Strangers, constantly looking for the story, so that I would be able to understand all of the different pieces in play and the people involved in the issue (Newkirk 22). It was through this that I was able to soak up all of that information so well, because it didn't come as facts or statistics, it came as a story. It is also through this story that I am able to stay engaged with the client. I akin this idea to what Newkirk refers to as sustained reading (Newkirk 13). Since what I am being told comes in narrative form, I am able to find a sense of plot within it, and it is that plot that gets me hooked into what my client may be saying, allowing me to pay attention on a deeper level and stay engaged for far longer, and being able to pick up on any small details that they might provide.

One particular class discussion that was able to illustrate accurate the type of memory retention that I was able to experience at my internship site due to narrative was the story of Genevieve the Careless Girl (Florence Parry). After reading the short story and during the class discussion, the consensus of the room was that due to the format of the information that we received being in the form of a story, having a plot and relatable characters, we were all able to

better remember the details about the story. During that discussion, a conclusion that I came to was that there is a proper balance that we can find. A balance between that of facts and narrative that can be extremely effective. I applied that thought at my internships, realizing that in order to best assist any of the clients, it would be important for me to synthesize facts with stories. I would have to know specific laws and regulations, however these were much easier to memorize once I had incorporated them into a story that I had heard from a client. For example, in one case, I had a client who was having an issue with her landlord wanting to come and see the property. She claimed that she had to have a 72 hour notice from her landlord, but he was claiming he only needed to give a 24 hour notice before coming in. After I had heard the client's story, I did my research and found that a landlord only needed to give a 24 hour notice and that the 72 hour notice was only for cases in which the landlord was coming to inspect the property when the tenant was moving out. In this scenario, we see a couple of seemingly bland pieces of information, easy to forget. However, now that I associate and incorporate those facts and law with the story of the case of client, I am able to easily retain that information. Within this story, I am able to get a sense of the narrative arc, able to remember the climax to the story and the resolution, as opposed to memorizing raw facts.

Through this experience and gained knowledge of story, I have come to realize the importance of narrative, especially in the classroom. I gained this respect through what it has done for me at my internship. However, as referenced by Cunningham, story and narrative in the educational world is in jeopardy. Cunningham cites that through the rise of standardized tests and the "testing frenzy" that we see in schools, stories are becoming an afterthought. Based on my experience, I heavy disagree with that sentiment. Just as I have learned, and as Newkirk states, we have a predisposition to learn through stories (Newkirk. Therefore, testing students

based on their ability to memorize facts is not playing into the strength of the natural human mind. Furthermore, as argued by Cunningham, this does not allow us to account for the individual stories of the students, for each of whom will have a unique one (Cunningham). This problem gives rise to what Graff explains in his piece: *Hidden Intellectualism*. He brings forth points that state students are told that there are certain areas that it is considered academically beneficial to converse about. However, when it comes to a point of knowledge outside of the realm deemed to be academic, such as cars or sports, we do not put as high of a value on that. He goes on to state that we derive "street smarts" and "book smarts" from that (Graff). This is troubling, as it can serve to outcast students and label them to a certain group that is not valued as highly in the academic world, simply for the fact that their brains retain and are interested in areas which are not valued in academia. Coming from a student who wants to be an attorney in the future and based on what I have seen at my internship, this is a completely incorrect approach. Working closely with attorneys who are some of the most well educated people there are, in terms of what the academic world would label as educated, they are all just as educated or more educated when it comes to street smarts. This is due to the fact that in the office, we deal with problems in the real world, in which one must apply logical thinking and "street knowledge". I believe that the street knowledge is even more important due mostly to that when it comes to being book smart in the office, if one does not know something, they can easily open a book about the topic and refresh themselves or learn from that. That cannot be done when it comes to street knowledge. Given this, it is important that students are educated in all the different facets of life, and while some may be stronger in certain areas than others, all areas must be appreciated.

As referenced in the piece "Negotiating Different Voices and Perspectives" by Dr.

Jennifer Fletcher, there is a portion early on that speaks about empathy and how that is a trait that is often learned through literary texts. Then, this trait is able to be transferred to real world application (Fletcher). At my internship, it is important to develop a level of empathy. When you are attempting to help a client that may not speak English well or is having difficulty understanding or hearing you, it can become easy to get impatient and annoyed with that client. If one gives into those feelings of annoyance and impatience, they will not give the client the proper and best counsel possible. That's where the empathy comes in. You learn to put yourself into the clients' shoes and try to imagine what it may be like for them. They could feel embarrassed, confused, or even intimidated by your presence. By practicing empathy, I am able to better understand how my clients are feeling and be able to assist them in the best way possible for them. Furthermore, once a client begins their story, it becomes increasingly easy to practice this level of relational thinking with them, as it is becomes natural to find common ground and levels of understanding.

I remember during my second day at my internship, we had an elderly lady came in, requesting to have a will done, a relatively common occurrence at our office. As a witness, I was to sit in the room and ensure that she did everything freely and the will was constructed to the best of our abilities to her wishes. About halfway through the will she began to break down and cry, talking about how she did not know who she wanted to leave her assets to because her children seldom spoke or came to visit her. As this was happening, I saw the attorney gain a better understanding of the client, as she had just revealed another part of her story to us and had a level of empathy, talking her through it. In that situation, if the attorney did not have a level of empathy, they may not have been able to understand the client's feelings, why she thought in a

certain manner, or what she actually wanted. Furthermore, the client could have felt embarrassed and not instruct us of her true will, attempting to save any further embarrassment. Since the attorney practiced that level of empathy, I could tell that our client felt comfortable and was able to proceed further, instructing us of her true will. Also, due to the client revealing more of her story, the attorney assisting her was able to counsel her more effectively when it came to properly writing her will.

Over the course of internship, I was able to be present at a few court hearings; during these hearings, I noticed a theme. The common theme was that those who were able to best tell a story to the judge often had more luck when it came to defending their side of the case. I relate this phenomenon to that of what was discussed in the piece from "One Year: Storyteller-in-Chief' by Junot Diaz. In the piece the author speaks about how President Obama failed to effectively tell a story about his presidency while many of his competitors we out, gaining the public's attention by doing so. The author states that even other opponents who were unqualified or unfit were captivating audiences with narrative, Obama was unable to do the same for his followers and thus, unable to give them something to firmly grasp on to and relate to (Diaz). This relates to courtroom in the sense of the competition. Both parties who were involved in the case were attempting to have the judge grasp on to what their story was, find some sort of relation, and be able to understand them. When they were successful in doing so, it seemed that the judge was able to have a clearer sense of what they had done and what their goals were. They also tapped into the narrative arc, and developed a sense of plot, which as stated by Newkirk, is very important when keeping a reader, or in this case, a listener, engaged.

Furthermore, looking at these cases from another perspective, I noticed that many of the people in the courtroom were representing themselves. Based on this, it was their own education

that they put to work. Most of this education would have emanated from the classroom and school for them. As touched on by Graff in Hidden Intellectualism, while school now have developed a very competitive culture, it has done so by way of what he refers to as "high stakes testing". These tests can be seen when looking at standardized tests that students take through elementary, middle, and high school or as the SAT and ACT tests colleges use for weighing students abilities during the admissions process. He goes on to state that this takes away from the argumentative realm of competition and pushes students more towards simply attaining knowledge to then regurgitate onto paper when it comes time for a test (Graff). This was exactly what I noticed occurring inside of the courtroom. People, when attempting to argue their side of the case, liked to spew facts and knowledge about relevant pieces to the case, but never quite took it to the stage of a full argument. They failed to connect points that would have had a far greater impact and left it up to the judge's interpretation to make sense of and connect all of the relevant points that the party made. This also falls in line with what was discussed by Dr. Jennifer Fletcher in her piece titled: Developing and Supporting a Line of Reasoning. Many of the parties failed to create a chain of reasoning and simply piled facts on top on another, as referenced previously, in a regurgitating fashion. It would have served them well not only to form and make those connections between points, but to also have some integrative thinking, thus insuring that the argument is coherent in how it flows from point to point and how it all adds up in the end (Fletcher). Perhaps if these people had been better prepared during their schooling to formulate argument during debate or argumentation, they may have been better prepared to do so in the courtroom.

Through this project, the power of narrative has become apparent. The course readings and class discussions associated when synthesized with my internship paint a clear picture. It is

narrative that allows us to compel those that we are speaking to by way of its relatable nature. It is through the stories that we are told that we are able to remember information due to its narrative arc. Narrative has and always will have a place within our world, on an educational, workplace, and political level. It is used throughout politics to grab the attention of a nation and relate to them. Other forms of communication fail to relate to listeners of readers in the way narrative does. Few have read a statistic and felt a direct connection with that statistic. As stated by Hoggan in *I'm Right and you're an Idiot*, "Weak storytelling skills and over-reliance on facts can have listeners indifferent and apathetic." (Hoggan & Litwin 2016). It is important that as a society we realize this, and begin to facilitate the learning of narrative and story within our education system so that, as shown in the paper, students will be better prepared for the world beyond education. Moving forward based on the knowledge that I now possess, I will be better able to use narrative to my advantage whether it be for school or for work. I will approach narrative and not discredit it against raw facts when considering it. Narrative has a place in our world, it is imperative that as a society we begin to appreciate it, and begin to use it for our advantage and advancement.

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1. Fulfillment of Learning Agreement Goals &	Objectives1	2	1	4	(5)	NA.
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5. Quality of performance of service activities		2	3	4	(3)	NA.
6. Commitment to completing tasks?		2	1	4	(3)	NA.
7. Adoptability to changes (i.e. schoduling, ng)	ency seeds, etc.)	2	3	-4	60	NA:
8. Respect for confidentiality	1	2	3	4	(8)	NA
9. Awareness of agency mission & role is the	constrainty	2	3	63	5	NA
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Final Synthesis

Through this project, I have gained a deeper understanding of the value of narrative that I will carry with me for the rest of life. I came from a place in which I read stories and was privy to a great deal of narrative, but never learned form it or applied its values to my own life. I now am able to understand where narrative fits into my life in terms of both my educational career and, as a student who aspires to be an attorney, the workplace. I found that in the classroom environment, shared learning experiences such as class discussion can be some of the most enlightening, and you converse and learn directly from your peers, as well as the ability to teach your peers through your own input and involvement, I have seen the important in being able to discuss issues amongst peers, be able to identify and distinguish differing viewpoints, and use critical thinking to raise questions regarding narrative. I have been put into situations where it is imperative to work with others as well as times where I have found myself working independently. I have gained as in-depth understanding of our class's theme of narrative and produced a project outlining that understanding. Through this project I have been able to embody and fulfill all of the outcomes requested of me and am now comfortable in applying that knowledge to my life.

Throughout the course we have had student-led class discussions which focused on a specific set of readings which pertained to the wider scope of our course, narrative, and storytelling. Through being an active participant in these discussions, I have been able to raise questions regarding narrative and storytelling. Through this involvement, form myself and my classmates, we have been able to deliberate narrative greatly, myself raising questions of what narrative might not be viewed as valuable and with what parts of life do we feel narrative is

valued and important. Furthermore, I have been one who has let and facilitated a class discussion on the topic of narrative on the topic of narrative and how it related to a specific text. By doing this, I was able to direct and steer the class to conclusions that I have made and invited them to make additional input. From this input I was able to gain further viewpoints and differentiate these views and what factors contribute to them.

Through my internship, I have been thrown into a situation in which I must work with others. First, I muse be able to work with clients, being able to communicate with them effectively and in certain moments, practice levels of empathy. Second, I had to work cooperatively with others in the office. Whether it be assisting someone with finalizing papers or giving input on specific matters and having discussions regarding the best course of action pertaining to a client. Third, I have had to work with classmates. This came in many different forms such as peer reviewing, in which we looked over each other's projects as they were in progress and gave feedback both on paper and through discussion working with them to ensure that they produce the best work possible. In terms of working independently, there was no shortage. At my internship, this came in the form of conducting research through reading the various books pertaining to law or utilizing online databases to find information that I needed. Through the classwork I have independently read the course readings and completed assignments. I have worked though and completed the various drafts of my project.

My projects delved deeply into my course's shared theme of inquiry. I showcase my deeper understanding through applying experiences at my internship site and comparing and

synthesizing those experiences with our class discussions an various readings from the class. From that I am able to draw connections and how real world applications of topics that the readings spoke about and go into great detail about how I was able to not only connect my internship to my course in hindsight, but able to apply what I learned through my coursework to my internship. I was able to take insights that I was learning from the course readings and discussions and apply them at my internship in order to perform better and test the incorporation of my learnings.

Through my project and submissions I have been able to display my expansion of knowledge in relation to my courses shared area of inquiry and additionally other areas of serendipitous findings. This is reflected in my analytical essay through my ability to form a line of reasoning and draw connections from the course and topic of course to the internship and vice versa. Through my internship, I have shown a large development in my professional skills by immersing myself into my internship and learning how to professionally work with clients and how to properly prepare of a client. I have dressed professionally every day for my internship and conducted myself professionally during my time at my internship and while in the classroom during class discussion in terms of contributing to class discussion and be respectful to others thoughts, insights, and ideas. Furthermore, during peer review sessions, when giving any type of criticism, I made sure it was constructive and respectful to the person in question. When it came to any criticism received from others, whether it be from a classmate in peer review or at my internship, I took it properly and adjusted my behavior or pieces of work accordingly. Through this evidence and along with the fact that I have worked closely with other interns and employees at my internship site, I have also demonstrated an ability to work effectively in a group setting.

With my analysis essay, I displayed a deep understanding of the topic and made crucial connections between the course and my internship. I utilized a number of course materials and points from class discussions to further my points. In the synthesis of the paper I included my insights and real world applications and offered a conclusion with ideas for change to further show my understanding and stance.

Through all of this I have shown my contributions, growth, and work ethic to my project. I attacked my project with vigor and sought to not only complete the project but see myself grow intellectually, academically, and professionally throughout. I engaged with the class and was active during class discussions offering my insights while always being respectful to others. I took advantage of every opportunity the professor offered to review and ensure my project was as polish and perfected as possible. Through my paper I was able to utilize critical thinking skills to apply my finding from my internship to my course and analyze the findings. Lastly my project was complete professionally and was well put together so that those interested would be able to read through it with ease and understand my findings and insights so that they may utilize those conclusions to their advantage as well.