

## “A Lawyer’s Regret”

By James McMaster

Persuasive Narrative

March 19, 2022

How could I have been so stupid?!

This was the only thought rattling around my mind as I paced back and forth along the corridor outside of the courtroom. Jury deliberations had just begun and I was a wreck. I stared around and wondered how it was I had gotten here. The hallway was wide and high, lined with arches adorned in a style I could not quite place. Was it Greco-Roman? Art Deco? It didn’t matter. Nothing else mattered at this moment except the blunder that may have cost my client their case. My eyes wandered up to the spaces between the hallway arches, to the great wrought iron light fixtures that illuminated the grand hallway, vestiges of a bygone era. I wonder how many failures have sulked under their comforting glow? How many have contemplated what if, during every waking thought under their aged gaze? Too many to count, for certain. So, I paced. I paced trying to find a way to convince myself it wasn’t that bad of a mistake. But it was. My mistake may send my client to prison for a crime they did not commit. So, I paced.

Let’s let that sink in for a moment. On the sliding scale of calamities being caused by user error, this one might top the scale. I may be responsible for my client losing their freedom. Something I failed to do may very well send them to prison. I hope you now understand my anxiety. I know what you are thinking. What in the world could I have done that would be so

detrimental to my client's case that their very freedom now hangs in the balance? Put simply, I tried to defend my client, and looking back, made a tremendous mistake.

Some background information is in order. My client stands accused of a brutal assault and battery during a botched robbery attempt on the night of July 17, 2021. The robbery was aborted because a witness who allegedly saw my client commit the crimes in question, startled the attacker and prevented them from running off with the victim's belongings, which included a backpack and purse. Since the night of the attack, the victim has been in a hospital in a coma. The coma has made it impossible to get a statement of what happened from the victim. The prosecution's case rides on the eye witnesses' testimony, the victim's prior relationship with my client that ended badly, and the fact that my client does not have an alibi for the night in question. My client was unable to afford a lawyer of his own, so that is where I come in, a public defender.

My pacing remained steady in the hallway of the courthouse. Back and forth between the bench just next to the courtroom's door and a water fountain, placed on the opposite wall, perhaps 10 feet away from the bench. Men's and woman's restrooms adorned either side of the fountain as scores of people dashed in and out of the restrooms and scurried down the cavernous corridor, hurriedly heading to wherever it was they needed to go. Oh, how I wish I had somewhere else to go. Something else to do. Something else to dwell on. But I didn't. So, I paced. I paced back and forth, back and forth, asking myself, what have I done? What have I done? My client should have had a better attorney, a more competent attorney. What was I thinking, that I had the ability to properly try this case? My head began to spin. Bile burned the back of my throat. My stomach tied in knots. Perspiration began to dot my forehead as I paced.

I had just begun my ninth month working for the public defender's office when this present case was handed to me. I had built a bit of a reputation as one who would look to quickly plead a case out rather than going to trial. I was a deal maker, routinely getting prosecutors to lower or drop charges to get the best plea deals for my clients. I was supremely confident in myself. Surely, I could again work my magic to get the best possible deal for my client. Unfortunately, in this case I now had two rather large obstacles ahead of me. First, the victim of the alleged robbery, while in a coma, had died due to complications rising from the injuries sustained during the attack. The prosecutor was now charging my client with felony murder. This alone would make any thought of negotiation seem impossible. Now, couple that with my second obstacle, I had a client who refused to deal, you can see how my job became one I had not anticipated when originally given this case. My client plead their innocence, and I believed them. I was wholly unprepared for this situation. What was I going to do? With no alibi for my client, this was a battle I was ill prepared to fight. I actually began to feel sick to my stomach.

Here I am, in the courthouse restroom, locked away in a stall, heaving, heaving up the remnants of this morning's breakfast. My unsettled mind has now unsettled my body. Pacing no more, my legs felt like jelly beneath me. I rocked forward and back, trying to settle myself, salivating profusely, just waiting for the second round of breakfast revisited. Nothing came. I took three deep, steadying breaths, grabbed the top of the stall for balance, and pulled myself straight. I pressed the front of my suit coat, shirt, and tie straight, turned and exited the stall, making a straight line to the bank of sinks on the far wall at the entrance of the restroom. At the sink, I drank some water from the tap and gargled, trying to get the taste of vomit and bile out of my mouth. I then splashed water on my face once, twice, trying to right myself in front of the

mirror. I dried my hands and face with paper towels, took one more deep breath while gazing in the mirror, and turned to head back out into the hallway.

As soon as I left the restroom, my phone began to ring. I retrieved the phone from my inner jacket pocket, answered, acknowledged that it was indeed myself who was speaking, and listened intently to what I was being told. I answered affirmatively that I understood what I was being told and thanked them for the call. I hung up the phone, and placed it back into my jacket pocket. I glanced at my watch. Fifteen minutes. Fifteen minutes. I hung my head. The jury had been out, fifteen minutes. In that moment I felt the weight of my ineptitude crash down upon me like a demolished building. I walked to the courtroom doors, shoulders slumped, head hung low, and stopped in front of the great chambers passage. I swallowed hard, lifted my head and shoulders up, took one last deep breath, and steeled my gaze forward. I pushed the doors and walked over the threshold, bracing for what came next.