

Published June 6, 2024. Editor's Headline: "Writing Like a Lawyer"

[https://www.thecheyennepost.com/opinion/columnists/writing-like-a-lawyer/article\\_1b4d4912-2445-11ef-8ce3-4b0acec1a8c1.html](https://www.thecheyennepost.com/opinion/columnists/writing-like-a-lawyer/article_1b4d4912-2445-11ef-8ce3-4b0acec1a8c1.html)

In an earlier column about this year's Wyoming Writers conference, I mentioned recommending Rodger McDaniel as faculty. McDaniel is a former Wyoming lawyer, a one-time Wyoming State Senator and a Wyoming State Representative, and he earned a Master in Divinity.

In response to the Wyoming Writers Inc. Facebook page that published the names of conference faculty, a former participant wrote, "Because of Mr. McDaniel's views I will not be attending." Some board members wondered what they'd gotten themselves into with my recommendation. Suffice to say, the conference was well attended.

McDaniel offered two writing workshops: "A Recovering Lawyer's Guide to Nonfiction Storytelling," and "A Theologian's Guide to Nonfiction Storytelling."

Here are some quotes and paraphrases of McDaniel's insights.

It is daunting, says McDaniel, "to expose my thoughts to other writers." He is not alone; the accomplished William Styron confessed misgivings far worse than McDaniel's. Styron drank quantities of alcohol before he could get himself to share on the page what was on his mind. One day his body refused to tolerate the imbibing any longer. When the writer found himself bereft of his crutch, he fell into a serious depression. It's what he confessed in his short memoir, "Darkness Visible."

Back to McDaniel. After seeing the human struggle from the angles of his various careers—holding political office, practicing law, working in child protection and poverty programs, administering mental health and substance abuse services, and preaching progressive Christianity—his writing has become grounded in a sense that all honest stories should include a discourse on how the most vulnerable among us have been treated, while honoring those who courageously stood with them.

He had retired from his full-time job but preaching part-time at a Presbyterian church in Cheyenne while writing weekly newspaper columns, "when I got a Facebook Friend request from Senator Lester Hunt's son, Buddy Hunt."

Then McDaniel gave us his "Cliff's Notes Version" of Senator Hunt's story and that of his son Buddy. Hunt was a US Senator elected in Wyoming in 1948; he'd been a governor before that. Buddy asked, "How could my father have been blackmailed?"

When he began researching his book, says McDaniel, it became "what trial lawyers call a search for the truth and a quest for justice." He quoted the Wyoming lawyer Gerry Spence: "Lawyers need to demonstrate an understanding of human traits, the ability to care, the courage to fight, the will to win, a concern for the human condition, and a passion for justice. . . the traits of the good lawyer."

These are also the traits of a good writer, says McDaniel.

“So it made sense to me as a former trial lawyer to write a book in much the same way I would prepare for a jury trial. . . . a process that tells a persuasive story to a jury, a process that helped me write a book to get justice for Lester Hunt and his son Buddy.”

As an attorney he learned to begin trial prep with jury instructions. Once you have an idea of how the judge frames the case for a jury, then you know what you have to prove. You begin what trial lawyers call “discovery,” that is, conducting research and learning what the witnesses and documents will say, and what other evidence proves.

The trial lawyer then prepares the questions he or she will use to examine and cross-examine the witnesses. For a writer, this is where you outline the flow of the story. Just as a good attorney never asks a question without knowing the answer, a writer outlines the story knowing that his or her research has decided the path of the story.

Now is the time for the lawyer to write the opening statement and the closing argument. For writers, this is when you write your book, says McDaniel.

Jury instructions, the guidelines provided by a judge to the jury, are the key to a successful trial and, for writers, the key to an authentic book or story. The instructions outline the relevant law and the principles a jury must apply when deliberating a case. They provide guardrails within which a jury can decide the case. They tell the jury what the prosecutor must prove in order to earn a conviction.

“A writer should develop a preliminary statement of his or her premise: What is it you do to win over your jury, i.e., the reader? In the case of the suicide of Lester Hunt, I realized early on that Senator Hunt did not kill himself because of anything Buddy did; the Senator did so in response to the efforts of three colleagues to coerce him into resigning,” says McDaniel.

“I determined that my biography of Senator Hunt would set out to ‘convict’ these three politicians for Senator Hunt’s death: Senator Joseph McCarthy of Wisconsin, Senator Styles Bridges of New Hampshire—the powerful President pro tempore of the Senate—and Senator Herman Welker of Idaho.

“At the start, I reviewed the instructions a judge would give a jury in a criminal extortion case. Applied to the story I wanted to tell, the instructions would read something like this.

“To prove the crime of extortion, the prosecutor (or a biographer) must prove the following elements beyond a reasonable doubt:

- 1.** Senators McCarthy, Bridges, and Welker engaged in communications intended to harm Senator Hunt and his son;

2. The communications included threats to cause Lester Hunt political and personal harm by exposing the fact that his son was convicted of a crime viewed in those times as heinous\*
3. That Senator McCarthy threatened to conduct a public hearing falsely accusing Senator Hunt of bribing a law enforcement officer to drop the charges against his son;
4. Through a variety of intentional acts, Senators McCarthy, Bridges, and Welker threatened to expose Senator Hunt and his son to disgrace;
5. These threats and the conduct of the three Senators was made with the intent to extort Senator Hunt to resign from the United States Senate.

\*Buddy's "crime" was his attempt to elicit a homosexual response, unaware that the man who gave him the eye was an undercover agent.

"Establishing the jury instructions at the outset gives your research a road map. Once I drafted jury instructions for my story, I knew what I was looking for. I waded through boxes of primary documents at the American Heritage Center, in Senator Bridges' files at the New Hampshire archives, the GLBT Historical Society collection, and a massive stack of books, contemporary newspapers, and other secondary sources. I prepared to tell a story coherent and believable for the reader.

"In the metaphorical case Hunt vs. McCarthy, Bridges, and Welker, my book "Dying for Joe McCarthy's Sins," actually succeeded in bringing justice to Buddy Hunt and his sister Elise. Buddy lived for 60 years (from the time of his arrest until the date this book was completed) thinking that the cruelty visited on his father was because of what he did that night in Lafayette Park. Elise had accepted the family lore that Senator Hunt took his life rather than face costly and painful cancer treatment.

"After she read the book, Elise, then in her late 80s, called me to say thank you for telling her the truth about her father. She asked me for 20 copies because she wanted to let the truth be known throughout her family.

"What did justice look like for Buddy Hunt?

1. He told me the book resolved six decades of guilt over his father's suicide. He lived another 7 years knowing the truth.
2. When a Wyoming Episcopalian clergy called the book to the attention of the dean of the Episcopal Theological School that had expelled Buddy in 1954, Buddy received an apology for his expulsion; and

3. Citing this book, New Hampshire's most influential newspaper, the Manchester Union Leader, called for the condemnation of the previously popular Senator Bridges and the renaming of buildings that carried his name."

Why do I write? McDaniel answers the question with "Just as for a trial lawyer, a jury trial is a search for truth. So it is for a writer. The process of writing should be, as Grace Paley said, 'for the still small possibility of justice'."

"A Recovering Lawyer's Guide to Nonfiction Storytelling" conveys how writers may start their search for the truth with an outline similar to the instruction a judge gives to the jury in his courtroom. My next column will dwell on McDaniel's "A Theologian's Guide to Nonfiction Storytelling."