Should Lawyers Write Memoirs —or Not?

BY JACQUELINE ST. JOAN



Having just found a publisher for my own memoir, I was haunted by an internal debate over whether to encourage my fellow lawyers and judges to write their own memoirs, or caution them against it. The argument began to ring in my brain like an old tune I couldn't shake. How do we honestly, and within ethical boundaries, tell the story, not of our client, but of our own participation in the law? What happens when the question becomes, "What did it mean to *me* that this happened?" rather than the one we usually ask our clients: "What happened?"

Lawyers *Should* Write Memoirs

Lawyers spend our professional lives immersed in narrative: listening to clients, constructing arguments, identifying omissions, and trying to make meaning from conflict. From that perspective, lawyers would seem ideally suited to storytelling, yet serious ethical and artistic objections arise the moment a lawyer turns from telling other people's stories to telling their own.

The argument in favor of writing memoir is strong. Few professions offer such sustained exposure to the complexity of human experience. Judges, prosecutors, public defenders, family lawyers, and advocates of every kind occupy rare vantage points on the emotional and moral life of a community. We witness marriages disintegrate, children protected or endangered, reputations shattered, freedoms defended, and institutions tested. We witness history forming, bit by bit.

Memoir can also transform that accumulated personal and professional experience into something larger than anecdote: perhaps a public reflection on justice, power, fallibility, and the human beings caught inside legal systems. And it can do so through a different kind of process than the one offered by our profession, which emphasizes analysis, decisiveness, and emotional restraint. Memoir asks for something nearly opposite: uncertainty, reflection, vulnerability, and self-scrutiny. For lawyers who have spent years exercising power by speaking in the controlled language of law, memoir can become a way of recovering (and exposing) the human self beneath the professional persona.

Lawyers *Should Not* Write Memoirs

Reading this, a well-trained lawyer may be squirming because the opposing argument is equally compelling. Confidentiality is foundational to legal practice, as clients entrust lawyers with painful, intimate, sometimes devastating information. Even if names are changed, clients have died, or events are public record, ethical obligations may remain even with the most compelling story. There may be liability to consider.

Nor is confidentiality the only concern. Advocacy can easily become self-exoneration, which is where memoir fails as literature if it turns into an extended closing argument or a score-settling disguised as reflection. Finally, professionally dramatic experiences do not automatically make for literary truth. As much as we all may enjoy a detective TV series, memoir readers care less about the procedural intrigue of a hearing than about what changed inside the writer. Are you willing to disclose the full truth of what happened within you?

Finding the Right Balance for Your Story and Situation

So, should lawyers write memoirs or not? The fact is that lawyers have always done so—Louis Nizer, F. Lee Bailey, Bryan Stevenson, Johnnie Cochran, to name just a few. Is there a reasonable middle ground in this debate? A mediation? I assert that yes, there is—but only if we understand the ethical and artistic obligations that memoir requires.

My own memoir, *Your Verdict: A Judge's Reckoning With Law and Loss*, attempts to navigate precisely this terrain. Of course, I acknowledge this may be easier for a judge than for a lawyer. I did not write about my years defending clients or protecting their confidentiality, as the book includes only public controversies from my years on the Denver bench—anti-abortion protest cases, domestic violence proceedings involving public figures, and moments when legal decisions unfolded under intense media and political pressure. Remember that a memoir is not a catalog of cases, nor an attempt to relitigate outcomes. My memoir is not about confidential client revelations, nor does it expose private communications entrusted to me through professional duty. Instead, it focuses on what was ethically mine to examine: the public role, the emotional burden of judging, the collision between professional authority and private life, and the moral ambiguities that may linger.

Public record may provide the exterior scaffolding, but the memoir's true subject is inward. There is a distinction between the public record and coming to terms with it in the context of our own lives. Lawyers who write memoir responsibly must ask hard questions: Is this story legally mine to tell? Have I protected confidences not merely technically, but in spirit? Am I writing to illuminate, or to justify? Have I granted complexity to others, or only to myself?

The legal profession needs thoughtful public voices, especially at a moment when law itself is under scrutiny. Lawyers should write memoirs only when they are willing to let go of being advocates and instead become honest witnesses to their own lives and willing to share that with the world within the boundaries of professional obligations. CL



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