



APRIL 2008



Bust of Bernie Witkin  
by Ed Marouk  
Photograph by Howard K. Watkins  
www.watkinsphotoarchive.com

# ART and LAW:

## Is there a connection?

### DONNA BADER

Perhaps because we are busy with our law practices, artistic endeavors are often put on the back burner while we concern ourselves with helping others. Neglecting our artistic side might hurt us more than we know. If we pursued that artistic side, we might actually benefit as lawyers. As said by Leonardo da Vinci, "Art is never finished, only abandoned."

While one does not ordinarily think of Albert Einstein as an artist, he obviously considered himself one: "I am enough of an artist to draw freely upon my imagination. Imagination is more important than knowledge. Knowledge is limited. Imagination encircles the world." Ralph Waldo Emerson agreed, when he said, "In art the hand can never execute anything higher than the heart can inspire."

Oscar Wilde also had strong opinions about the importance of art, "Art is the most intense mode of individualism that the world has known." (But then again, he also noted that "One should either be a work of art, or wear a work of art.")



Spence

### Gerry Spence and the Trial Lawyer's College

Gerry Spence's connection to art began with his earliest memories. "I became interested in art from the day I was born. I felt an artistic need and I knew I had to do art." He described a time in his 40s when he felt that the law had become "empty and meaningless" for

him. He was living in Riverton, Wyoming, and sold everything he possessed so he could study for a Master's Degree in Fine Art at the San Francisco Art Institute. Admitted to the Institute based solely on his portfolio, he soon met the same disillusionment. "After a few days, I realized what they had to offer was empty as well. The program was overtaken with a power structure that had no connection with human beings. To me, it was as empty as the law," says Spence. He returned to practice law with a new vigor.

Spence could not ascribe a particular meaning to art. "It has no meaning as such, but it is what I need to do and what I find fulfilling for my growth. Not everyone can paint or play an instrument well, and not many people can write a poem, but everyone has an artistic need, so whatever is creative is my definition of art."

From the very beginning, Spence included art in the curriculum of the Trial Lawyer's College. "Attorneys often pretend not to have a heart or



"Cabin Above Ranch Nude" by Gerry Spence



APRIL 2008

emotional side. I would tell them to paint me your soul or heart. It was amazing to me to see people cry when telling others about their art. It was an awakening of dead places. As lawyers, we often kill the most valuable parts of ourselves – the ability to feel and create.”

Executive Director Joane Garcia-Colson explains that art helps attorneys discover who they are. “If you don’t know your story, you can’t tell your client’s story. For example, a closing argument shouldn’t be a nonstop bombardment of words. You need white space, like you might find in a painting or a poem, to allow for texture, depth and rhythm. Art can help you put your argument together.”

Staff member and lawyer James J. Nugent first attended the Trial Lawyer’s College in Dubois, Wyoming, in 1998. Upon his arrival, Jim was surprised. Rather than focusing on the principles of trial advocacy, the first few days were devoted to self-exploration. “I had no idea of the depths to which I would travel to discover myself,” he says. “We were given exercises in painting and drawing. Here I was coming from the Northeast, where we are taught to suppress our emotions, traveling to Wyoming – in the middle of nowhere – to paint. I just didn’t realize how important art is to a trial attorney.”

The connection between law and art appears to be one of inner passion. Jim explains, “Passion is necessary for creativity. The more passionate I became, the more creativity I have. And the better my art in the courtroom.” Nugent’s comments made perfect sense. If one is passionate about art, about life, then such passion and the creativity that results from it cannot be compartmentalized into one area of an attorney’s life. It simply cannot be harnessed and overflows to all areas that make up that person.

This was the first time I had heard anyone characterize trial practice as an

art form. Jim agreed. “Gerry told us that the first words spoken in the courtroom become the first stroke of the brush across a virgin canvas. When you paint, you have to know when to stop. The same principle applies in the courtroom; you have to know when to stop talking. That is when the art, or the trial attorney’s presentation, must stand on its own.”

Jim was so impressed by his experiences that he joined the staff at the Trial Lawyer’s College. As an instructor, he continues to paint and draw. When lawyers first arrive, Jim says it is not unusual to hear them say that they haven’t painted since they were children. Jim believes the absence of art or play is part of the dehumanization we experience in traditional schools, and even later in law schools. In time, attorneys learn to ignore and suppress these playful and creative urges.

As Jim observes these new students, he gains a deeper appreciation of the exercises and understands the enormous impact of art on the trial lawyer’s life. “It’s an epiphany when people get it, as most do at the College, but it’s really impossible to put into words to describe how important a simple drawing on a white canvas is for them. No words can explain the changes.”

“It’s simple,” says Spence. “If we are not creative, then we are dead. If you are dead inside, then you are ineffective. As lawyers, we need to be creative. We need to be able to tell a story during every part of a trial.”

### **The State Bar’s Bench and Bar Exhibit**

Theresa Raglen, the Meetings and Event Administrator at the California State Bar, is also very much aware of the importance of art to attorneys. During its Annual Convention, the State Bar spon-

sors the Bench and Bar Art Exhibit and awards prizes in a number of categories. Attorneys from all over the state arrive at the convention carrying sculpture, oil paintings, pen and ink drawings, and photography. Why do they bother?

The Bench & Bar Art Exhibit was started by Lee Potter and her husband. It relies heavily on a committee of judges and volunteers (including the artists). Raglen quite simply says, “We won’t give it up! It’s a great addition to the convention. The attorneys love it; the people love it. And it’s not a big expense. It shows that attorneys are not just attorneys but they also have interesting hobbies.”

She explains that the attorneys to the exhibit enjoy seeing another side to their colleagues. “It’s grown so much, and when the visitors see it, I think they are encouraged to get into art. It gives the convention a little color. In fact, some attorneys attend just to enter the art show.”



Guilford

### **Judge Andrew J. Guilford, United States District Court, Santa Ana, California**

Even though he was sworn in as a United States District Court Judge in 2006, Judge

Andrew J. Guilford still finds time to devote to artistic endeavors. A former president of the State Bar of California (1999-2000) and the Orange County Bar Association (1991), Guilford was an associate, then partner, with Sheppard, Mullin, Richter & Hampton for over 31 years.

About the time he started his law career, Guilford’s wife, Loreen, gave him a small Olympus camera, and he was hooked. “Once I began using the camera, I started to notice lights, colors, texture and shapes,” he says. “Not only did



APRIL 2008



Noon Day Rain  
by Andrew Guilford



Alas, Poor Women  
by Andrew Guilford

I smell the roses, but with a camera, I could actually see them. Once I really started observing shapes, colors and the beauty in the world, I could also see metaphors. Photography to me was like a stairway to human nature."

Guilford believes that his pursuit of photography has helped his work as an attorney and now as a judge. "The ability to observe is very important for attorneys," he says. "It has certainly helped

me understand human nature and to see the connections between people and nature. It's an important skill for attorneys. Attorneys and judges need to understand and touch the human condition."

The camera has also helped Guilford reach out to people. "In the past, I've shied away from having people in my photographs. I wasn't sure how to approach people to take their photographs. When I was traveling in India, I noticed so many interesting faces. Not necessarily beautiful faces, but interesting. But how could I tell someone that I wanted to take a photo because I found their wrinkles to be fascinating?"

His comfort level increased when he realized some of the people were only too happy to have him take their photographs in exchange for a few rupees. Guilford found that his camera was a great tool for starting conversations, and ultimately, many people wanted their pictures taken and even asked for copies.

Guilford has entered the Bench and Bar Art Exhibit since the 1980s. He was also active in fighting for the art exhibit when there were proposals to cut it. "We had a crisis at the State Bar, and we were looking for ways to cut expenses. Some thought that cutting out the art exhibit would save money but we were able to show that the State Bar earned revenue from exhibitors, who wanted to see traffic, and the art exhibit brought traffic." The art exhibits remain a part of the Annual State Bar Convention.

"Sometimes you need to do something without expecting something in return," says Guilford. "I think it's important that we are able to show that attorneys are more than one-dimensional. The enjoyment of art, in my opinion, makes us better people who are alive with our surroundings. I can measure the quality of my life by the time I can devote to my art," adds Guilford.



Wyrick

**Jeri Wyrick,  
San Francisco,  
California**

Jeri Wyrick received a B.A. in American Studies from Cal State University at Fullerton with a minor in art. Before she became an attorney, Jeri worked

as a claims examiner and a hearing representative. She hadn't thought of law school, but after a few years, she wondered, "how hard could it be?" It was not until law school, especially as she studied for the Bar, that she became interested in painting and drawing.



"Kylie" by Jeri Wyrick

"Law school made me want to paint," Wyrick says. She found her law studies "tedious and mind-numbing" and wanted to escape the discipline of "regurgitating facts back in essay form." She yearned for something that was completely different. As a result, Wyrick started to take classes at the San Francisco Art Institute (www.sfai.com) and continues to take classes through the UC Berkeley Extension.

Even though Wyrick now works in Workers' Compensation defense, she insists that she needs art and could not contemplate a life of just practicing law. (When she asked why she would be included in a magazine devoted to plain-



APRIL 2008

tiff's attorneys, we explained that it was important to highlight the fact that even *defense* attorneys can be creative.) Wyrick says, "It helps me escape, like a mini-vacation. I consider it a part of stress reduction. You can get far away in painting."

Wyrick has been a participant at the State Bar Convention's Art Exhibit for many years. Last year, she won a first place prize in Drawing/Watercolor and third place in Oil/Acrylic-Representational.



"Nova II" acrylic, 2006 by Gail Gresham



**Gail Gresham, Fresno, California**

While one might easily conclude that art can be important for stress reduction, other attorneys reject the role of art for this purpose. Gail Gresham

was a nurse before becoming a lawyer and now finds herself advocating for disability rights. She was preparing for a Masters Degree in Mental Health and Community Nursing from the University of California and taught mental health law. Her interest in disability rights inspired her to continue her education.

"It was a challenge," she says. "I was a new mother in my last year of law school and worked either full or part-time. I was paying my way through school."

Gresham now works in the Office of Clients' Rights for Protection and Advocacy, Inc., a nonprofit organization that advocates for services to the disabled in Sacramento (www.pai-ca.org and www.ocra-ca.org). She advocates and represents individuals with developmental disabilities including autism, cerebral palsy, epilepsy, mental retardation and other conditions. She finds her work ful-

filling. "I can't think of work that's more satisfying," she says. Her relationship with art comes from her family. "My mother and twin brother are artists. I've always sort of dabbled with it."

The State Bar Convention Bench and Bar Art Exhibit gave her the incentive to go beyond mere dabbling. When asked what art means to her, Gresham could not find an easy explanation. "There are so many aspects to it. Like law, it involves a constant search for a creative spark. For me, there are so many parallels between art and the law. Both allow me the freedom to think creatively and to take a risk. After all, you are putting yourself out there. In law, your work is subject to review and scrutiny. The same thing is true of a piece of art. People examine your work and are free to comment and criticize it."

For Gresham, it was the law that prompted her to get back to art. "My work is so satisfying that I feel balanced over the long term. With art, it is a time when I can reflect and feel free to create in ways that are satisfying for me. Picking up a paint brush and working on an abstract piece is very different from getting on the computer and drafting a brief. Still, there are parallels. Both require technical skill and creativity."

Gresham also credits her daughter, Alexis Ortega, a young attorney in Fresno, with challenging her to show her art. For the 2007 Bench and Bar Art Exhibit, both she and her daughter submitted entries. Gresham won first, second and third place ribbons in the 2006 and 2007 art exhibits in ceramics, acrylics non-objective and black and white photography.



Marouk

**Ed Marouk, Fresno, California**

Attorney Ed Marouk of Fresno, California, may have retired from the law but that hasn't stopped his career as a sculptor. He was admitted

to the Bar in 1958, starting out in the District Attorney's Office, then in criminal defense, and finally in plaintiff's litigation. He also worked in Beverly Hills and Eureka before settling down in Fresno. He was in trial all the time. "I loved it," Ed says, "but when I was in my 50s, with a wife and children, I found myself coming home tense and irritable. I was irritated



Sculpture by Ed Marouk



APRIL 2008

when the judge overruled my objections and the other attorney was being an asshole.”

Ed's wife, Alison, wanted to take a night class in sketching and asked him to drive her. “I agreed, of course. I didn't think I had any talent. I'd doodle sometimes during phone conversations and think I was pretty terrible,” he says. “I sketched with my wife and the teacher came over and said she thought I was pretty good. After that, my wife suggested I take some lessons.”

After reading in the Sacramento Bee about a sculpture class being offered at a local museum, he decided to give it a try. “When I first got my hands in the clay, it was like magic!” Marouk saw a picture of Bernie Witkin and made a bust, which is now exhibited next to the Witkin Room in the Frank J. Creede Public Law Library (see photo of the artist with Bernie Witkin and the bust of Witkin on our cover).

The Court of Appeal in Fresno displays several pieces by Marouk, including a new casting of the Witkin bust. He was also asked to make a sculpture of retired Federal Judge Robert Coyle for the federal courthouse in Fresno.

The discovery of this artistic side of his life made a huge difference. “I tried everything to get away from the tension

and pressure of trial. I tried golf, squash and tennis. I even tried drinking. Nothing worked! At first I was concerned that if I took off time to sculpt, even for one day a week, I might lose money or my practice might suffer. It was exactly the opposite. I was happier. I made more money. My wife and children were also happier.”

When asked if his art had an impact on his trial work, he readily agreed. “I was less reactive. I had a broader perspective of what was going on. I was calmer, as if I were looking down from above rather than being in the pit of the action.”

Marouk feels quite fortunate to have developed a passion for art. “I recently got a call from a friend of mine who retired about a year ago. He doesn't know what to do with himself. Even young attorneys – *please* tell them to find a hobby or interest now rather than waiting until after they retire. Tell them to do something they love, something that will sustain them after trial is over or they retire,” he says.

For over 20 years, Marouk has been an exhibitor at the State Bar's Art Show. Last year he won first place for his sculpture. “I love it. I think it is good for the Bar.”

Marouk's wife passed away nine years ago, and he stopped practicing law

about five years ago. Has that slowed him down? Not on your life. Marouk, now 82, is finishing up his Master's Degree in Art from Fresno State College and is going full speed into art. He says he got up at 3:00 a.m. the morning of our interview to work on a piece. “You know, it was a great feeling to win at trial but it didn't last that long. Now my joy is ongoing. I am happier now than I have ever been in my life.”

The importance of art for an attorney goes far beyond being a second career. For some it is an outlet from a world filled with pressure. For others, it is a drive that is as strong and basic as the need to sleep and eat. But for all, art helped teach skills that are invaluable in

the legal world and nourishing to the soul of an attorney.



Bader

*Donna Bader is a certified specialist in appellate law and is the editor of Plaintiff magazine. She has started a blog, “An Appeal to Reason,” to alert trial attorneys to tips and cases that will help them in the appellate process. Join her at [www.anappealtoreason.com](http://www.anappealtoreason.com).*

