

Maybe there is a way

By Sharon J. Arkin



In Trumpland, things are black or white, right or wrong, the truth or outright lies. We, as attorneys and advocates, tend to view things that way. And when I say “we,” I mean me. But I think it’s a very common experience in our profession: Our client is right, the defense is wrong. We pretty much have to think that way in order to muster the courage to take their cases and go before a jury. Although we are always careful to strategize about the defenses our opponents will raise, it’s not because we believe they have merit, but because we need to be able to challenge them.

That attitude has, of course, become pervasive in our current political climate where the two parties are growing ever further apart and compromise is considered a dirty word. Trump still holds on to the hearts and minds of nearly a third of the voting population, although that percentage is slowly (oh, so slowly) shrinking.

It seems that all we have to look forward to is more conflict, more divisiveness, more anger, more contentiousness.

And yet. And yet, there may be another way.

Comedian Sarah Silverman’s new talk show on Hulu, *I Love You America*, which is just concluding its first season, was a conscious effort to reach across the aisle and to try to actually *understand* people on the other side of the political divide. She asserts (correctly, according to social scientists) “that yelling facts and poll numbers at each other doesn’t change minds. People dig in deeper to what they believe, whether it’s fact or a house of cards thing you can believe as fact.” (See <http://uproxx.com/tv/sarah-silverman-interview-i-love-you-america/>.)

She admits that her show is sometimes “aggressively dumb and silly.” (*Ibid.*) But she also has segments where she simply talks to people from the other side of the spectrum, exploring what they think and why, without challenging their beliefs. I don’t know how she does it, but she brings some of them around. She’s changing hearts and minds, one person at a time. Just by being open, thoughtful and caring.

It’s just magic.

Her approach was exemplified by a twitter exchange she had with a guy who her called her the c-word in response to one of her tweets. Part of their exchange is available at <https://www.yahoo.com/entertainment/amazing-exchange-between-sarah-silverman-183428026.html>. Despite the guy’s obvious misogyny, she looked beyond that and reached out to him from a place of compassion – and the results were nothing short of amazing.

I’m not sure I could do what she does. But I think we all need to try.

Interestingly, another article, the same day, talked about Ezra Klein’s interview with Joe Trippi, the political strategist who ran Doug Jones’ successful media campaign in Alabama. (<https://www.vox.com/policy-and-politics/2017/12/26/16810116/doug-jones-alabama-polls-roy-moore>.) Trippi confirmed that being anti-Trump and divisive – at least in the Southern states – was not what voters wanted. They don’t want more rancor and chaos; they want less. And the campaign they ran was one of “common ground” – developing a way to move our country forward together, without abandoning our principles. A tough sell, but it worked.

Maybe things have gotten bad enough that, instead of tearing ourselves apart, we can find a way to hang together. Our country survived the Civil War. Perhaps we can survive this, too. ■

Calendar of Events

FEBRUARY

- 7 What’s New in Tort & Trial – Ontario
- 8 What’s New in Tort & Trial – Burlingame
- 27 What’s New in Tort & Trial – Alameda

MARCH

- 16-17 Sonoma Seminar – Sonoma
- 17 Board of Governors Meeting – Sonoma

APRIL

- 24 Justice Day 2018 – Sacramento

MAY

- 4-6 Palm Springs Seminar – Rancho Mirage

JULY

- 21 Board of Governors Meeting – Berkeley

SEPTEMBER

- 15 Board of Governors Meeting – Newport Beach

NOVEMBER

- 15 Board of Governors Meeting – San Francisco
- 15-18 Annual Convention – San Francisco
- 24-1 Annual Hawaii Seminar – Maui, HI

www.caoc.org/events

Sharon J. Arkin is principal in The Arkin Law Firm, specializing in plaintiff appeals. She is a former president of CAOC and is Editor-in-Chief of the Forum. She is also a 2010 recipient of the CLAY award in appellate law. www.arkinlawfirm.com