Monday, July 7. 2008

Balancing Zappa and Norman Vincent Peale.

Â At first blush, a criminal defense colleague whom I admire very much comes across as laid back in a powerful and relaxed way. I remarked how I find this inspiring in my lifetime movement towards harmony and away from the imbalance of intensity and much disharmony. My friend quickly dispelled the notion that he always is fullyÂ laid back; it takes him much work to get there from many of the same frustrations I often feelÂ when some clients remainÂ in stratospheric left field justÂ one day before trial, and when so much of the criminal justice system is soÂ unjust.Â Â Daily, I work to bridge the gap between the harmony that is essential to being powerful and feeling fulfilled on the one hand, and the turmoil that surrounds me in the form of war, inhumanity, indifference towards the plight of other humans and non-humans, an excessively unjust criminal justice system, and opposing lawyers and witnesses who would think nothing of stabbing me in the back if there were no countervailing repercussions for doing so. Â I write more hereÂ about achieving a more harmonized approach to life, not out of embracing any new age concept, but out of necessity. Applying this approach to the practice of criminal defense, I think of the below-described imperfect parallel to Freud's id, ego, and superego, where the ego balances the id and superego. I call it the trio of Zappa, my above-described laidback friend, and the man with the flies. Â Frank Zappa inspires me tremendously, not only as a creative genius,Â but also as an important example of how it is possible to be a caring and nurturing parent -- including requiring that a minor child's homework be finished before going to the movies with a friend -- without surrendering to mainstream society, American Idol, America's Top 40, and Barney.Â Zappa was passionate against the mediocrity that permeates society, said CNN confirmed the correctness of his not liking people very much, and told Alan Thicke he was ready to tell a bunch of academic composers to stop in their tracks and get real estate licenses. (See Zappa's Thicke interviewÂ covering his foregoing views, with his being civil with Casey Kasem, the very instigator of America's Top 40.) Â As the great Daniel Schorr eulogized Zappa: "He was also contrary. Talk about his success, and he would say he was a failure. Talk about his popularity, and he said he was lonely. Maybe he was. Maybe the world around him was too crass, too mediocre, too homogenized. So he cursed it with dirty words, and went back to his music synthesizer, searching for new musical meanings. And ways of serving kids. His own, and the world's."Â Zappa's very critical and cynical approach to life, music and art may have served him well as a musician, but does not serve me in shedding concerns about the extent of mediocrity and fallibility while trying to inspire, motivate and persuade a jury to my client's side, particularly when my jury might include fans of American Idol, America's Top 40, and Barney.Â The other end of the Zappa spectrum is the above-displayed video of a meditating man battling flies with his sword, and somehow ultimately experiencing the flies as beautiful flower petals, where the video begins with Norman Vincent Peale's quote "Change your thoughts and you change your world."Â For me, an important balance of Zappa's cynicism and intensity on the one hand and the above Norman Vincent Peale-inspired video is found in trial lawyer colleagues who -- like I -- know how unjustly brutal the criminal justice system is, but refuse to turn their backs on the systemÂ lest they are left to seek justice only from outside that system. My above-described laidback criminal defense lawyer friend is one of those inspirations. Gerry Spence is another. It goes without saying that SunWolf is on the top of that list. Â I have not included my trial practice guru Steve Rench in the above list, because he seems to have transcended long ago feeling any tension with the injustices of the criminal justice system as he focuses on victory. Steve applies the basic, and effective, lesson of the magic mirror. If a judge knows s/he has a poor reputation with lawyers, that presents all the more a reason for the lawyer to empty the mind of any such thoughts, and to give the judge a clean slate that day. Oversimplistically, it is like trying to find the thorn in the lion's sole and to pull it out, rather than trying to slay the lion. I aspire ultimatelyÂ to reach Steve's level of optimism. Â What do you do to reach power by balancing between healthy (and even unhealthy) cynicism and overoptimism? Jon Katz.Â Â ADDENDUM I: Thanks to karmatube for posting the above-displayed video. Â ADDENDUM II: Off topic: Who was Frank Zappa if he was willing, even momentarily, to trade places with the Monkees' Mike Nesmith?Â

Posted by Jon Katz in Persuasion at 00:05

the Zappa tribute show is ultimately a collaborative affair. It takes stellar musicians to handle the hairpin turns on wild instrumentals such as "G-Spot Tornado" without going off the road. The big ensemble â€" drummer Joe Travers, vibraphonist-percussionist Billy Hulting, multi-instrumentalist Scheila Gonzalez, guitarist Jamie Kime and bassist Pete Griffin â€" were more than able.
Anonymous on Jul 24 2008, 01:55