

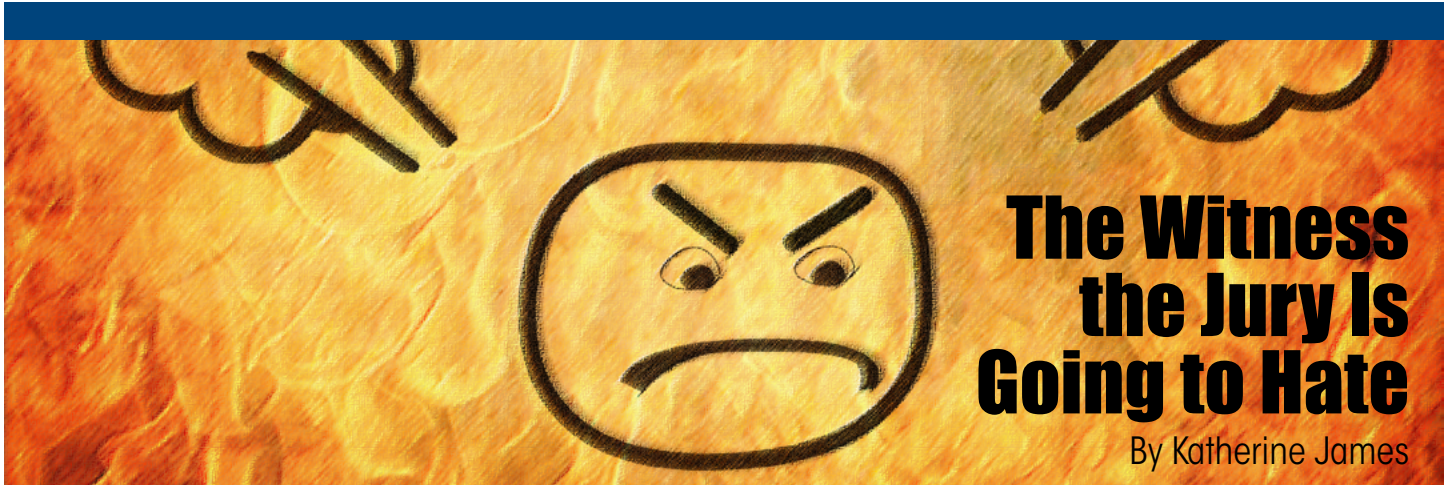


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# EXPERT

*The Art and Science of Litigation Advocacy*

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The PHONE CALL I've had hundreds of times:

ME

*(soothingly)*

What do you see as the problem with the witness?

LAWYER

*(groaning)*

Everyone is going to hate him."

ME

*(gently)*

Why?

LAWYER

*(desperately)*

He has the worst demeanor - the most unattractive personality - of any human being I have ever met.

THE JURY IS GOING TO HATE THIS WITNESS."

ME

*(calmly)*

I have ways of fixing that.

LAWYER

*(exploding)*

Oh, come on - a leopard can't change his spots!

ME

*(in my best Mother Teresa voice)*

True...so let's find the personality in the witness that is a kitten rather than a leopard.

## "The Old Salt" – Part One

Shortly after the phone call I've had hundreds of times I find myself shaking off the raindrops from my hair and casually walking to the elevator of a high-rise office building in a major American city. I press the "up" button. The doors swish open and I glide inside and press "25". As the doors are swishing closed a collapsed umbrella pokes its way through the almost closed elevator doors. It keeps coming and coming because it may be the longest umbrella in the history of umbrellas. This veritable jousting lance is aimed straight at me and I back all the way up and then manage to jump to one side before it literally hits the back wall of the elevator. It is followed by a gnarled and craggy fist grasping the ugly handle. The fist is accompanied by a mate that is grasping the elevator doors and prying them open. I try to push the "open door" button but the umbrella stands as a barrier between me and the side of the elevator with the buttons. The elevator alarm starts to ring. Suddenly the elevator is filled with a tall, gray skinned, scowling, hideous looking old man. He glares at me. The alarm goes silent as the doors swish closed and we start to climb. I say, "I tried to push the open door button, but –" I am silenced by the hate in his eyes and a growl. Silently we climb, climb, climb. He glares at me nonstop. I am convinced he is going to kill me before we reach the 25th floor. How could I have left Alan and the boys at home and ventured forth to this city in another state to work with a witness? I can see the headlines, "Mother Killed – Stabbed By Lunatic With Hideous Umbrella Point 17 Times!" When the doors swish open I begin to move. But instantly, like the descending arm at railroad crossing, the umbrella is down in front of me, barring me from the doors. He pushes his way past me so he can be first out the door. On his way out, he pushes the "close doors" button on the elevator and gleefully grunts as the doors close before I can leave. The elevator starts to move. I start to climb, climb, climb. I am shaking. I breathe many sighs of relief. Okay, so he's made me late for the appointment with one of my favorite lawyers for this witness preparation session. But he is gone and I am alive. ALIVE! The elevator reaches the top floor and I am so much better! I jauntily hit "25" and begin to go down, down, down. By the time I get to the 25th floor I am cool, calm and relaxed. I glide down the hall, open the door to the great lawyer's beautiful office. There, in the reception area, glaring at me, is the hideous lunatic from the elevator. Next to him is the wonderful lawyer smiling much too broadly and saying through clenched teeth, "Two minutes late! I told The Admiral that is so not like you." My eyes meet The Admiral's. His narrow. He scowls. He grunts. "Shall we go in?" says the lawyer with much bravado. I am terrified. "After you," I squeak.

### Task: Finding The Winning Personality In This Witness

#### Introduction – Multiple Personalities

Each of us has multiple personalities. I'm not talking Sybil, The Three Faces of Eve or United States of Tara. Those people had what is called "Multiple Personality Disorder". This is a form of mental illness where people can't control and aren't necessarily aware that they turn into different people.

We are, each of us, aware to a certain extent of the different personalities we have and use either consciously or unconsciously. Each of us has a number of personalities. We bring them out and use them depending on:

- the situation we find ourselves in;
- the person we are with; and
- what we want from that person.

Each of our personalities is made up of very specific sets of behaviors. These behaviors are what tell other people which personality we are using at any given point in time.

You may say at this point, "No way. I am always the same. What you see is what you get with me! You are an actor, and so you think that everyone plays different characters. I don't want my witness ACTING – I want my witness to be REAL."

True, I am an actor. And good actors are able to play and seem to disappear into many different characters. Why? We first find what we have in common with any given character we are playing – where their personalities intersect ours – and build from there.

You might not do this for the stage or screen...but you do this in real life all the time and are simply not aware of it. Or if you are aware to some extent, you might not be aware of how many different personalities you actually have and draw on during any given twenty-four hour period.

I'll give you four sets of behaviors that I know that I have exhibited that others would interpret as four of my personalities all within one twenty-four hour period. They are dependant on the situation I am in, the person I am with, and what I want. You might recognize yourself in at least one if not all of these sets of behaviors:

1. ...kind and gentle with a small child who wants me to read a book we both love.
2. ...insistent and brusque with the hotel clerk who just informed me that I have to switch rooms for the third time tonight because of the lack of hot water (this time) on the 11th floor.
3. ...friendly and open with a potential client who will or will not hire me after this meeting.
4. ...cautious and protected with the homeless drunk who just asked me for money for a cup of coffee.

Here are names for those four different personalities exhibited by those four sets of behaviors:

- Kind and gentle nurturer.
- Pain in the butt consumer.
- Great future collaborator.
- Arrogant rich person.

Where did I get these names? From the individuals who are on the "receiving" end of them. Those people are the ones who get to say just who I am – what my personality is. Those people in the individual situations would be:

1. The small child.
2. The hotel clerk.
3. The potential client.
4. The homeless person.

Let's add in what I want which causes me to don that particular personality:

1. Love.
2. Revenge.
3. A job.
4. To be left the hell alone.

Let's chart the four of me I've just introduced to you:  
Take a look at the fourth column again entitled "Personality Name".

Personality Number	Situation I'm In	Person I'm With	What I Want	Personality Name
(1)	Family Gathering	My Nephew	Love	Kind & Gentle Nurturer
(2)	12th Day on the Road	Hotel Clerk	Revenge	Pain in the Butt Consumer
(3)	Meet & Greet	Potential Client	Job	Great Future Collaborator
(4)	Dark Sidewalk Walking Alone	Homeless Person	To Be Left the Hell Alone	Arrogant Rich Person

If I am your witness, and when you meet me I act like "2" or "4" in the above chart, your instinct as an attorney is going to say to you, "The jury is going to hate this witness." You are not even aware of the "1" or the "3" in the chart who might be exactly who I need to be on the witness stand or in the video taped deposition.

It is up to you to find "1" or "3" in me. Then it is your job to get the "1" or "3" to serve as the personality of mine that I use for the deposition, hearing or trial.

How do you get the witness to acknowledge that the personality they are currently using as a witness is "impossible"? How do you find the "right positive" personality in the repertory company of personalities in your "impossible" witness? Then, once you've found it, how do you get the witness to accept that personality as the one to be used for the upcoming legal event? And once they've accepted it, how do you get them to use it and not revert to "impossible" behavior?

### **"The Old Salt" – Part Two**

*The Admiral plops down. The wonderful lawyer faces him. I ask The Admiral, "Do you have any questions or concerns about having your deposition taken?" (see "The First Question" Appendix \_\_, page \_\_) The Admiral is silent as stone. The wonderful lawyer says, "She's talking to you, Admiral." The Admiral snarls, "Well, I'm not talking to her."*

*Okay. "Buckle your seatbelts," I hear Bette Davis say in the film All About Eve, "It's going to be a bumpy ride." I decide to move immediately into Rehearsal and Role Playing (see "Rehearsal and Role Playing" Appendix \_\_, page \_\_) I say, "Let's try it, then." I*

*ask the lawyer, "Are you ready to play The Deponator and ask The Admiral some questions?"*

*I turn on my camera to record our session. It rolls as the wonderful lawyer asks a few really basic questions like "What is your name?" and "When did you join The Navy?" The Admiral snarls and growls his way through the answers. He gets all the answers right, and the content is pretty good, but he looks like a dragon. About the sixth question, the wonderful lawyer playing The Deponator is following up with the information that he has just gotten from The Admiral. It seems that The Admiral is in The Nuclear Navy and his command is a Nuclear Submarine. He has, in fact, been in The Nuclear Navy since the early days of the 1950's. The wonderful lawyer playing The Deponator asks, "What were some of the scientific discoveries you made in those early years?" The Admiral looks at him and smiles – kind of like the smile a shark in a cartoon wears when looking at a surfer – and says, "I could tell you, but then I'd have to kill you."*

*The wonderful lawyer, sits slack jawed. I say, "Cut! Okay. Let's look at this and talk about it, shall we?" As I rewind the tape, the wonderful lawyer, shaken, says to The Admiral, "Are you serious?" The Admiral shoots back, "Of course I'm serious. As far as I'm concerned it's all classified information. No one has personally told me other wise." Silence. The tape is whirring backwards. I'm thinking, "So much for the articles from such well known publications as Time Magazine from ten years ago and all that Navy Research from way back when that backs up our case. The Admiral is supposed to be our expert who gets it in. How am I going to pull this one off?"*

*Usually when I play back a recording for the lawyer and witness*

and me to watch it is kind of a stop start. We play back a bit, talk about it, play back some more until we've gone through the whole segment of tape (see "Playing Back In Rehearsal" Appendix \_\_, page \_\_). This time I just play it through in complete silence. The Admiral watches himself. The wonderful lawyer watches in shock and disbelief. I watch, not daring to have my eyes anywhere but on the screen lest I end up the target of more wrath.

The tape ends. More silence. I'm afraid to speak, the wonderful lawyer is in despair, and The Admiral has not changed his facial expression, position in the chair nor uttered a word.

An eternity passes.

The Admiral looks at me, eyes as cold as steel. "I look and sound like a gargoyle," he snarls. "What are we going to do?"

## **"The Tasks – First, You Gotta Find The Personality"**

**These are the tasks you must complete:**

- get the witness to recognize and acknowledge that the current personality that is being manifested is "impossible".
- find the "right positive" personality in the repertory company of personalities in the witness.
- get the witness to accept the "right positive" personality as the one to be used for the upcoming legal event.

The tasks almost always appear in this order. For the first task, get the witness to recognize and acknowledge that the current personality that is being manifested is "impossible", I almost always find, as in the case of "The Old Salt", that capturing the session on camera and playing it back does wonders.

Why?

Quite simply: the camera is an absolutely hideous medium because it shows the viewer the exact truth. In the legal profession this is still called "video" (as in "Do you use video, Katherine?") Whether the image of the witness in a witness preparation session is captured on an "old fashioned" video tape system, a digital system or whatever medium is created through the brilliance of new technology the result will always be the same: stark terrifying reality. When I am occasionally accidentally captured on camera during a witness preparation session and that moving image is played back I am simply appalled at the number of chins I have and how bad my hair and breasts look. My husband, who makes a good living as a film and television actor has to see any movie he is in at least two times. That is because the first time he faces his image on a theater sized movie screen he mutters over and over again, "That's not a nose. That is a seven foot monstrosity on the front of a ridiculously ugly face!"

In my experience, most witnesses recognize "the problem" right away. I often say before we first play back a recording "Now...I don't want you to be shocked by what you are about to see. I swear, this girl doesn't even look like you. I mean – well – you tell me what you see." Some are shocked. Some are horrified. Many laugh uproariously. All make verbal comments that back up exactly what concerns the trial consultant and the lawyer have. Here are some of my favorites in addition to The Admiral's line "I look and sound like a gargoyle."

- "I sound like a whining victim. Ugh."
- "Look at me – I'm acting like a robot. Someone tell R2D2 I'm after his job."
- "My ex-wife is right! When I talk about something I'm passionate about I look like I'm furious – even when I'm not mad..."
- "Do I really sound that stupid all the time?"
- "I thought at first this was a tape of my mother. Uh-oh. That can't be good."
- "Turn it off! I'm scaring the hell out of me!"
- "Hahahaha – I'll be right back – I'm going to wet my pants – hahahahahahaha...."

Self recognition comes in many forms. They laugh, they are crestfallen, they are horrified. You name it, I'll bet I've seen it.

But they pretty much all at this point are able to recognize that something needs to be done.

The next task, find the "right positive" personality in the repertory company of personalities in the witness, often begins right here. Guard down, speaking freely, the witness manifests quite a different personality from the toxic one reflected on the small screen of the depo preparation room. It may very well be the "right positive" personality that you want on the witness stand. Or it may be the first one on the pathway to the "right positive" one.

This is talking time. That is, time for the witness to talk and you to listen. You need to ask questions that invite better personalities to come out so that you can weigh them.

Here's the non-intuitive part for many attorneys. You are not necessarily going to be having a discussion about the case. You may find yourself saying to yourself, "I sound like a shrink or something." Fine. What is important is that you are seeking out a personality that lies in your witness. The "right positive" personality that you want this witness to manifest in the legal setting ahead.

Here are some "ways in" that I use:

- For an "older" man - "Do you have grandchildren?" The face lights up, the pictures come out, and there is a softness, openness and tenderness that follows.
- For an angry young man – "Are you scared about all this?" I often find that the other side of anger is a lot of sadness. A young inventor whose patent and future have been stolen away can be just as close to tears as a young man whose baby was brain damaged by a doctor.
- For an abrasive, nagging woman – "Why do you suppose people say you act like a nag?" You find the fearful story of a life led trying to make sure nothing bad ever happened to anyone she loved...and now here we are in this lawsuit.
- For a person who looks and acts guarded and guilty, even though you know that they did nothing wrong – "What are you feeling guilty about? Because it sure isn't this! You did nothing wrong here!" You get a soft dissolve into a person who is sad and open and is willing to say, "I can't help feeling I should have stopped it –

even though I know I couldn't! Isn't that crazy?"

And listen. Listen, listen, listen. Let their stories pour out and watch and listen and be aware of the personality that is manifesting itself. Keep asking yourself, "Is this the one? Is this the one?"

It's a little tricky – you have to keep totally committed and hooked into the witness. But you also need to be completely aware of the repertory company that unfolds in front of you as they tell you the story of their lives.

### **"The Old Salt" – Part Three**

*I ask my first "right positive personality" finding question for "older" men: "Do you have grandchildren?" I ask. "God, no!" he snarls. "No wives, no ex-wives, no children, no grandchildren." "Ah," I reply in as neutral a way as I can. "I have no friends, no parents, and no siblings. No neighbors I can stand. And every one in my command has always been an idiot. In case you thought you'd ask," he said coldly. My client chimes in, "But you have a lawyer who loves you." "God, David!" sighs The Admiral. "My gorge is rising."*

*Okay. So people were out. As were hobbies ("Do I look like someone who spends time gluing things together?") pets ("I first became intrigued with the sea as a boy when I discovered kittens don't float."), places ("You've seen one seventh wonder of the world, you've seen them all."), times of life ("My childhood? A nightmare. Hated adolescence. Early days in The Navy – please! Being a commissioned Admiral was the second best time of my life. As a retired Admiral they leave you alone completely. Perfection.")*

*Wearily, shell shocked, almost unable to think clearly enough to articulate, I say, "So you're retired." It isn't a question, and he clearly is not going to lower himself to respond to a statement. Especially not one that I make. Grasping at anything he said from his last tirade, I ask, "Where do you live now that you are retired?" I immediately think, "That was so lame." He pauses and looks at me as if he is about to answer the lamest question anyone has ever asked. "Omaha," he says hollowly. "My," I say. "Omaha is pretty land locked isn't it? I mean – I would think that someone would retire from The Navy and live somewhere near the ocean."*

*The silence is deafening. I don't dare close my eyes – what if he hits me with the umbrella? Or maybe he has a gun! I don't take my eyes off of him. At least – I think it is he. This fellow looks like him. But he's looking back at me. His face is softening. His eyes are getting bright. The edges are crinkling into little attractive wrinkle lines. He is... GOD BE PRAISED!...smiling! He leans forward, his presence suddenly an inviting bonfire on the shore of the impossibly cold ice pond we've been skating on together for hours. Is he opening his smiling mouth? Is he speaking to me? Is that his voice? He sounds warm and jolly...and human! "When an Old Salt retires, he ties an anchor around his ankle and throws it as far inland as he can – and wherever that anchor lands is home. And my anchor landed in Omaha." "That's it!" I scream. "What's it," he says...starting to look and sound like The Admiral again. "The Old Salt! That's the guy you have to be in this case!" I crow. "How are we going to pull that off?" asks David. "I like The Old Salt – but how do we get him on the stand? How do we get*

*The Admiral to be The Old Salt and not The Admiral?"*

### **"The Tasks – Making It Stick"**

**The question David asks is the final and most important part of the process:**

- get the witness to use the "right positive" personality and not revert to "impossible" behavior in the deposition, trial, hearing, or ADR setting.

In my experience, this is done best in this fashion:

1. turn on the camera
2. talk
3. role play for 10 minutes
4. play back and discuss during playback.

You might have noticed that there is a new step that has been added here:

2. talk

What do I mean, "talk"? This works best when I have turned on the camera and the witness and lawyer are unaware that the camera is "rolling" or "on". We talk about something light that is in the expertise of the life experience of the witness. By this I mean something that you know this witness knows everything about from life experience. After finding that "right positive" personality you should have a few topics. Remember – nothing is "off topic". The topic of this "talk" will probably have absolutely nothing to do with the content of the case and testimony.

I have had witnesses "talk" for a few unaware moments about literally hundreds of topics. A few have included:

- how to make babies laugh or sleep
- why living in this city is better than or worse than living in my city (I can never leave Los Angeles – way too many people I help prepare have way too many opinions about it)
- the worst or best parenting moment ever experienced
- the most humiliating or rewarding moment during "the" game in a team sport
- the funniest thing a grandmother ever said
- why riding horses is less dangerous than riding motorcycles
- how to deep fry a turkey
- why gun control is impossible or ridiculous or is good for Europe but not here or needs to happen now
- why Paris or London is the better place to spend a free month
- how living on the street can sometimes be better than living in a house
- how the "unconditional" love of a dog is superior to or inferior to the "picky" love of a cat
- why becoming a vegan is an impossible life choice (I am a vegan and remain amazed at how many people

want to confess to me in a heartfelt way why they are not.)

After a minimum of thirty seconds (usually not longer than a minute) I say to the attorney, “Ready when you are, counselor.” Usually the attorney says, “Oh, are you ready? Is the camera on?” I say, “Yep.” Then comes the 10 minutes of role playing. Then we play it all back and talk about it – “talk” as well as “role playing”. The most important thing we will be discussing – sometimes the only thing we will be discussing in this playback session is the “right positive” personality.

It is amazing how a witness will go from being “great” while doing the “talk” part of the session to “the witness the jury is going to hate” during the role playing part of the tape. That is okay! This is the time to recognize it and to discuss what just happened.

The first comment I usually get is from either witness or attorney, and it is about the “talk” portion. “That wasn’t fair – we didn’t know the camera was rolling.” I get to say, “Exactly! That’s the point – when you are ‘off camera’ you are so much better. That’s the guy/gal we want! Can you see that?” Of course they can see that.

Now, we thoroughly examine the “transformation” from the great witness during the “talk” section to the “not so great” witness during the role-playing. You can literally see it. The camera doesn’t lie. You can find all kinds of physical manifestations:

- Eyes with light and joy become cold
- Smile disappears, blank face appears
- Go from leaning forward and eager to leaning back and guarded
- Voice changes from warm to chilly
- Vocal tone goes from varied to one note
- Language choices go from casual and conversational to formal and presentational
- Interaction with others goes from open and inviting to cut off

Here’s where things get a little sticky for me nine times out of ten. It is not just the witness who has changed personalities from the “talk” to the “role-play”. It is the attorney. Of course, the attorney isn’t being captured by the camera – so all you have to go by is the sound of the voice and the memory of what just happened in the room. Take a look at the list I have given above for how the witness has changed. The attorneys change, too. In addition to the above list they can manifest:

- legalspeak (“Please state and spell your name for the record.”)
- no longer looking witness in the eye while asking questions
- looking at “next” question on legal pad while witness is answering
- major personality shift (from warm to cold, from real to fake, from nurturing to punishing, etc.)
- control freak direct exam questions (“When I ask you

that question I want you to say, \_\_\_\_\_”)

In my experience, the witness changes IN RESPONSE to the change that is manifested in the attorney. Again and again and again.

Some attorneys are wise enough to recognize their own change, how it affects the witness and cop to it right away. They say things like, “Wow – of course you changed, Ralph. So did I. Jeez – I was ridiculous wasn’t I? I promise I’ll do my best not to change if you’ll do the same, okay?”

Some attorneys are wise enough to recognize it and make defensive excuses for it. “I was imitating opposing counsel. After all, Ralph is going to be taken as an adverse witness and this is how I expect opposing counsel to act. I’m telling you, Ralph – you have to do what Katherine says and not change no matter how opposing counsel acts. Like I was just acting. On purpose. To help you. I won’t act that way when I’m me actually asking you my questions.” Yeah. Right. Whatever.

And, of course, there are those who are quick to recognize the speck in the witness’ eye, but are oblivious to the log in their own. Denial ain’t just a river in Egypt. That’s okay. I can work with that. After all, the witness has to stay in the “right positive” personality no matter what attorney is asking the questions. I point this out with all kinds of praise for the attorney in front of the witness – after all, part of my job is to build trust between witness and lawyer. I say things like, “Wasn’t that great how your lawyer turned into what he thinks opposing counsel is going act like? Very impressive. Now lets work on how you don’t let his change in personality affect you and make you change yours.” Much of the time a gleam of recognition flickers in the eyes of the attorney.

But some attorneys just don’t get it during the immediate role-playing and feedback segment of the session. However, during a break if such an attorney asks me, “Hey, Katherine – I know you train lawyers as well as witnesses. Got any advice for me?” I will break the news gently but firmly. “Stay yourself. Otherwise, the witness is going to change personalities from the one we want to the one you saw when you changed.”

And then there are those...who just never get it. But if they are reading these words – maybe they do now.

After the discussion about the “transformation” from “talk” to “testifying” in this first playback session, the next step is to closely look for where the witness goes back to the “right positive” personality. If ever. It happens in all kinds of places, not just in the actually role-play testimony. It often comes “in between” words. Kind of like how in the Midwest where I grew up there is no Prairie – it is all highly cultivated farm land mile after mile after mile. But – if you look in the ditches at the side of the road, there you see the wild and beautiful splendor untamed. Look for those “prairie” moments of “right positive” personality in what you’ve captured on tape here:

- when the witness says the names of that witness’ children.
- when the witness has to think for a moment about the answer to a question, and actually goes back in time and remembers and is “good” for a split second

- when the witness screws up the answer, laughs, and goes “off record” for a moment and makes a comment like “whoooooops!”
- when I say, “Let’s stop there and play it back and talk about it” but I keep the camera rolling as the witness breathes and relaxes and smiles and says, “How bad was that?”

In this first session we may or may not deal with the content of the case at all. Ten minutes of tape that is played back looking intently looking at physical and vocal manifestations of when a witness is “in the Prairie” and “out of the Prairie” as far as “right positive” personality is concerned can be vital to establishing a baseline of how to hold onto that personality for all of the testimony.

Next, we repeat the process of roll camera, role-play, play back and discuss. We do this again and again. For how long? For as long as it takes to have the “right positive” personality testify no matter what the content, no matter what the personality of the attorney – no matter what. Until you no longer have to say, “There! That’s you! There you are! See that?” over and over again. Why? Because now the person is only testifying as the “right positive” personality.

Yeah, but – how long is that? Seriously, Katherine, how long does that take? Sometimes it happens immediately. Sometimes this process takes a matter of hours in the session at hand. Sometimes it is a matter of another half-day or day-long session with time between for the lessons to sink into the mind of the witness. Sometimes several. When I say “as long as it takes” I mean “as long as it takes”.

### **“The Old Salt” – Part Four**

*“Wait-that wasn’t me as The Old Salt! I was The Admiral again! God DAMN it!” says the Admiral yet again as we look at yet another ten minutes of role-playing on the small screen in front of us. But he is learning. He is determined. He is competitive. And we have only been at it for about a half an hour. “I’m screwing up,” he says to me looking just about as vulnerable as I think he may be capable of looking. “Hey, it’s only testimony – it’s only about three billion dollars on the line. It’s not like it’s life and death,” I joke.*

*He looks at me hard and I want to slap myself. Just when things are going so well, why do I say stupid things like that? “Why do you remind me of things I’d rather forget?” he says. “Like what?” I say before I can stop myself. He sighs. “We were fathoms and fathoms below. Young seaman has a heart attack. Just a young kid – but with a bad ticker. I tell the men I am going to call for us to surface – in jig time. Of course, we can’t surface in jig time at that point – I mean, we can – but if we do, all this seawater is going to come rushing in and ruin all the surfaces of everything with salt – I mean this submarine cost millions of dollars and getting that kid to the top was going to ruin it. You know?” I clearly don’t have a clue of what he is talking about – I want to ask, “But if water comes into a submarine won’t everyone drown?” but I don’t since I think it might be a stupid question at that moment. The attorney says in horror, “Of course!” Whew. So glad I kept my mouth shut. The Admiral’s voice fills with wonder. “Don’t worry, Sir!” say my men. They know. I ruin that submarine, I lose my commission, I am done in The Navy. But that kid – he’s fading fast and they keep saying, ‘Don’t worry, Sir!’ and I give the command and we surface in jig time. All that salt from the water is on everything. Everything. In jig time we are in port. I get in the ambulance with the kid thinking it is my last act as an Admiral. I sit with him. I’m there through the surgery, through his waking up – through his family coming in and my getting to tell them, ‘He’s safe! He’s alive!’ I knew it was worth it. That the price was all worth it for that kid’s life. It had been hours. Hours and hours. I get back to the port. I board the sub. Every inch was clean. How they did it I’ll never know. They scrubbed every bit of salt off of it. Stayed up all night to do it. You’d never have known.” He gets misty eyed. “I told you every one who had ever been in my command has been an idiot.” We are silent for a moment. The attorney and I are both humbled by the love he has shown for the men he has commanded and the loyalty they have shown him in return. “If we need that story as part of your testimony when we get to trial, will you tell it?” I ask softly. He looks at me, and then at the attorney. “If David needs me to, I will,” he says as The Old Salt. I smile. Mission accomplished.*

Note: This is an excerpt from an as yet untitled work by Katherine James

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