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[Home](#) / [Columns](#) / Bestselling author David Baldacci shares...

LEGAL WRITING

# Bestselling author David Baldacci shares words of wisdom for lawyers who want to be novelists

BY RANDY MANILOFF

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David Baldacci is the author of *Long Shadows*, which debuted in October at No. 1 on the New York Times bestseller list. Photo by Allen Jones

"I can't tell you how many events I've gone to," David Baldacci says, "and [lawyers] come up to me and say, 'Oh my god, you broke out of jail! Congratulations!'"

They are referring to the lawyer-turned-author's escape from the legal profession. This Baldacci owes to his debut novel *Absolute Power*. The 1996 release was wildly successful, and Baldacci was over the wall at Holland & Knight in the nation's capital.

His time on the run has been very productive. After a quarter-century, the University of Virginia School of Law graduate has published 47 books for adults and seven for young readers. He's sold 150 million copies worldwide. His titles, translated into more than 45 languages, have been published in more than 80 countries. The most recent, *Long Shadows*, about the murder of a federal judge, debuted in October at No. 1 on the New York Times bestseller list.

Stories abound of lawyers turning to writing fiction in hopes of emulating what Baldacci has achieved. "I can see where it would be tempting," Baldacci says. Many lawyers "are selling [their] professional life in increments of hours, and it just wears you down." The two professions also share something in common: "When I was a lawyer," he adds, "my whole world was words."

Earlier this year, Michael Kenny, a recently retired partner at Alston & Bird, took the plunge, publishing the tale of a superstar trial lawyer at an elite Washington, D.C., firm.

I recently spoke with Baldacci and Kenny. The veteran author and the newly minted novelist shared their paths from the search for truth to fiction. Kenny's story has much to offer lawyers who aspire to try their hand. And Baldacci provided valuable advice and words of encouragement for them as well.

## Lawyers don't have to write what they know

Baldacci, 62, wrote *Absolute Power* over a three-year period while working as a trial lawyer. But, despite this, he didn't look inward for the plot.

"I always thought if I built a story that required a lawyer or some type of legal aspect to it, so be it. But I never sat down thinking, 'Oh, I need to write about lawyers because I was a lawyer.'"

Instead, his inaugural effort is the story of a cover-up that ensues after a woman, in the midst of a rough sexual encounter with the president of the United States, is killed by two Secret Service agents.

"I worked in D.C., [and] my law office was near the White House," Baldacci tells me. This, and a knowledge of John F. Kennedy and "all of the trusts and affairs he had during his presidency," got the would-be novelist to wonder, "What if something really bad happened during one on them?"

Baldacci's decade as a civil litigator was good training for what was to come. "I always approached any brief that I was writing as a story," Baldacci recalls. "I was not going to just assemble a bunch of facts. Boom-boom-boom. I needed to engage people. I needed people to read it, enjoy it."

Baldacci brings extensive knowledge of the subject matter to his narratives. He does significant research and likes to go out and talk to people. "A writer has to be curious," he tells me. His job, he explains, "is to learn what is out there in the real world and then bring it into a novel."

Following *Absolute Power*, Baldacci continued to steer clear of legal thrillers. He developed several character series with stories that often centered around crime, conspiracy and government-themed intrigue. Despite a popular adage that new authors should write about what they know, he cautions lawyers starting out to think twice before going down that road.

Baldacci says they should ask whether they have a law-themed story that really drives them or are they simply writing a story about lawyers because they happen to be one. With only knowledge of the subject, but not passion for the plot, he predicts that after about a hundred pages, their "creative fuel tank is going to be empty."

Joe Brosnan, senior editor at New York City publisher Grove Atlantic, who focuses on acquisitions of crime fiction and thrillers, says 10%-20% of the submissions that cross his desk are legal thrillers by authors with legal expertise.

Like Baldacci, Brosnan says that aspiring lawyer-novelists must focus on plot, not get bogged down in their knowledge of the law. The most important thing about a legal thriller, Brosnan says, is "suspense" and "a heightened sense of anticipation."

Brosnan advises lawyers that if something doesn't sit right with them because you know it wouldn't be done that way, who's going to know that?

"You can blur some lines. That's the beauty of fiction."

## Finding success in failure

While rejected manuscripts are often the norm for lawyers who are aspiring novelists, Baldacci says that failure is also a story of success.

"A lot of people come up to me and say, 'I have a great book, if I only had time to write it,'" Baldacci says. "I am always encouraging to them. But then I say to myself, 'They are never going to do it.' Because if you really were passionate enough and interested enough in writing, you would find the time." For Baldacci, it was the middle of the night, morning and during his lunch break.

"So, if you finish something and send it out," he says, "you've just beaten 99% of the people who keep saying, 'I want to write something.'" He acknowledges that "a stranger may tear it apart," but it is still "an extraordinary success, and you should not count it as a defeat."

## Michael Kenny and *Life's Illusions*

Michael Kenny says he was "at the top of [his] game" when he walked away from his career as a trial and appellate lawyer at a major law firm.

"I wanted to do some other things," he tells me, "including to start writing." The Atlanta lawyer's to-do list includes writing novels and books that might tackle the Supreme Court, politics and philosophy.

Kenny, 67, began with fiction and turned to what he knew best—being a trial lawyer. "I conceived of an idea," Kenny says, "about love and self-realization of an extraordinarily ambitious baby-boomer trial lawyer." His character demonstrates "the personal sacrifices that one has to necessarily make if you want to be really good at something like that at a major American law firm. It's close to a 24/7 job."

The result is *Life's Illusions*, published in February. Despite the book's premise and courtroom showdowns, Kenny does not characterize it as a "classic-legal thriller." Instead, he describes it as literary fiction, focusing on law firms in the context of the social and political aspects of the country over the past 50 years.

After three months writing the first draft, followed by six more doing revisions, Kenny set out to find a publisher, which meant first finding a literary agent.

That is often a long and difficult process, especially for a first-time fiction author. At best, success can be elusive. At worst, impossible. "I gave it about six weeks," Kenny says, chucking. "Life's too short, and it's uncertain."

He found a landing at Wheatmark, which he describes as a "hybrid" between pure self-publishing—where the author does everything—and the traditional agent-to-publisher route. For a fee, the company provided manuscript assessment, editing and other aspects of a traditional publisher. Plus, important to Kenny, his editorial control was safe.

At the end of the process, Wheatmark secured a place for Kenny's paperback on a variety of online sales channels, including Amazon and Barnes & Noble, which use on-demand printing.

But having a book for sale, and selling a book, can be worlds apart. Kenny brought his work ethic as a trial lawyer to his efforts to market his title. This included tapping into his law firm and personal contacts, securing radio and legal trade publication interviews and getting his book into an online reading contest to generate exposure.

Sales are closing in on a thousand copies, Kenny says. While he hopes to sell more, he takes satisfaction in having reached his initial goal—"knowing that I was able to do it."

Baldacci's career has been accompanied by the development of the internet and social media, television channels numbering in the hundreds, constant offerings from streaming services and other options for peoples' spare time.

I asked Baldacci if this has made it more difficult to sell books than when he started out. "Without a doubt," he says. "People have a thousand other entertainment venues they can explore other than reading books." But he is quick to add that books with their imaginative and cognitive component that offer individualized interpretation, "are totally unique" and "a perfect match for the brain."

Books "will improve [the brain] and make it stronger than this other 10-second TikTok stuff," Baldacci explains. "Trust me, that is not helping your brain out at all."

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