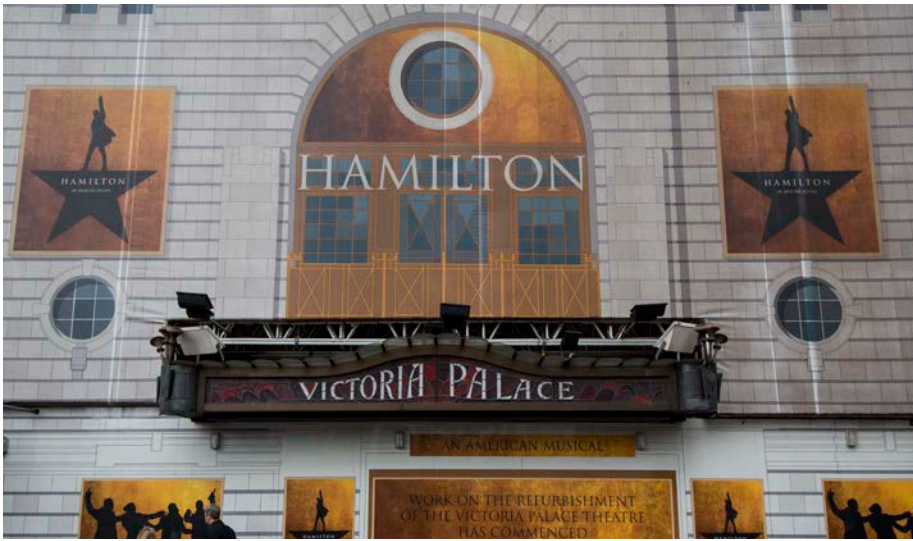


Hamilton for lawyers



How can a hip-hop musical become an inspiration for mediators? Richard Harrison shares his thoughts & a few plot spoilers below...

The Broadway hip-hop musical *Hamilton* by Lin-Manuel Miranda is about to hit London and no doubt match its sensational success across the Atlantic.

For those not as yet exposed, it tells the story of Alexander Hamilton, one of the founding fathers of the US, who rose from humble, orphaned immigrant beginnings to fight in the war of independence against George III, became a successful lawyer, Treasury Secretary and founder of the national bank. Among other things.

A legal journal is no place to praise a masterpiece of musical theatre: to point out the wholly fitting use of modern beats melded with a collection of other genres or marvel at the verbal dexterity of the rhymes which compellingly and wittily propel the narrative with its authentic twists on real history and human emotion and motivation. However, there are aspects which might strike a chord with the legal profession.

As lawyer: non-stop

Hamilton having fought in the war of independence and participated in the rebel victory at Yorktown went back to New York and commenced work as a lawyer. His friend but eventual nemesis, future Vice-President Aaron Burr, worked next door. Hamilton made considerable progress by working all hours and writing like he was running out of time. In his view, he practised the law and practically perfected it.

Hamilton and Burr are portrayed as two contrasting styles of lawyer: Hamilton is

impulsive, verbose, prepared to see a historic significance for every case; Burr is succinct, persuasive, prepared to see which way the wind is blowing and wait for it. Burr suggests defending a murder case by requiring the prosecution simply to prove its allegations; Hamilton, conscious always of the eyes of history, had suggested explaining to the jury the historical significance of the case.

“When you got skin in the game, you stay in the game, But you don’t get a win unless you play in the game”

At one stage Hamilton attempts to persuade Burr to assist him in working for his assumed client—the new US Constitution—writing a series of essays defending it and suggesting amendments. Burr refused to commit his talents to the project. This work of persuasive legal submission was eventually carried out by Hamilton, James Madison and John Jay and was described as ‘the Federalist Papers’, the greater bulk of it being the product of Hamilton’s non-stop work ethic. This exemplifies Hamilton the lawyer as a master of written submission in defence of a wider ideal.

As dealmaker: the room where it happens

As Treasury Secretary, among his notable achievements was the negotiation of the ‘Compromise’ of 1790 which resulted in the location of the Federal Capital to the banks of the Potomac River between Maryland and Virginia in return for agreement by the southern states that the national government would take over and pay the states’ debts, thus establishing a viable financial system. In return, the banks and the financial powerhouse of the nation remained in New York: a classic trade-off of priorities.

One of the main showstoppers provides an account of the agreement and documents how the parties emerge from ‘the room where it happened’ with a mutually acceptable solution. It must be one of the few musical theatre classics which address the process of negotiation and deal making.

It’s about how two factions can walk into a room as diametrically-opposed foes and emerge with a compromise, having opened doors that were previously closed, almost as colleagues.

Burr is the narrator and chief observer but not involved in the deal. His exclusion from the room is something which poisons his views of the protagonists but also explains the importance of participation.

It embodies a number of significant points:

- ▶ A deal is often done by persons interacting in a convivial context with food and drink and relaxation as part of the ambience: someone has to take the initiative in putting this in place: organise the meeting, and indeed the menu, the venue and the seating.
- ▶ A satisfactory deal is best achieved by trading outcomes which benefit your opponent more than they harm you: so that each side emerges with something they actually wanted.
- ▶ Unless you happen to be present in the room where it happens, no one really knows how the game is played, the art of the trade, or how the sausage gets made: you just assume that it happens: and this can cause danger if motivation is not explained to stakeholders.

In the end, the art of the compromise necessitates, as Burr puts it, that you ‘hold your nose and close your eyes’. Go and see it if you can: because despite what I’ve said above, there really is a whole lot more than law in it.

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Richard Harrison is a partner at Laytons LLP. *Hamilton* will open at the refurbished Victoria Palace Theatre in London in November 2017.