

Participating In Living History Makes Me A Better Lawyer

By **Matthew Parker** (September 25, 2023)

Another day, and once again I am in court. A dozen or so people sit in the front row of the room; some of them look nervous, some of them merely curious. Some of them will be involved in matters before the court that they will remember for years, and I am one of the people who will oversee the process.

But importantly, I'm not a judge and this isn't a legal courtroom — I am the Baron of the Barony of Mag Mor in the Society for Creative Anachronism, and this is my court as a landed noble. And this hobby, along with the others I have the privilege of enjoying, demonstrates how extracurricular activities can benefit a legal career.



Matthew Parker

In my day job, I work as an attorney for the Nebraska Department of Health and Human Services. There, I advise social services programs and — in my capacity as a special assistant attorney general — represent the state in hearings and court as needed.

My participation in the SCA, as well as my role as volunteer corporate counsel for The Royal Manticoran Navy, or TRMN, has improved my personal life and my work as a lawyer.

The SCA and Finding a Sense of Community

The SCA was founded in 1966 in Berkeley, California. The first participants at a medieval-themed party hosted an impromptu tournament, walked up and down Telegraph Avenue protesting modernity, and then feasted. They decided it was a good enough time that they wanted to continue doing it, and nearly 60 years later, they still are.

I've been participating since 2004, when the local SCA chapter did a demonstration on my second day of undergrad at the University of Northern Colorado. The first thing I noticed was, I'm not ashamed to admit, a pretty girl in an unusual dress. But what kept me coming back was the sense of community and belonging — a particularly exciting gift for a young man in a new city and living alone for the first time.

A sense of community can be a difficult thing to find in the world. In order to become a lawyer, you have to first get an undergraduate degree and then go to law school, which often involves attending two different schools. That can mean uprooting your life twice, resetting your social circles and leaving you without a support network. Especially during law school, where stress and intensity are both ratcheted up significantly, lacking this support can be incredibly isolating.

While I was in law school at Washburn University School of Law and in early practice, the SCA was absolutely critical as an outlet.

There were definitely times when I was — like the 1981 Loverboy song said — working for the weekend. I was getting through the difficult times because I knew that when the week was over I would have the chance to act like a medieval nobleman, see my friends, and not think about the rule against perpetuities or investigating credit card fraud — my first job out of law school.

And while my current practice is much more rewarding, there is no career in the law that does not have its attendant pressures — which I am happy to forget for a time presiding over a literally fictional but emotionally real barony.

TRMN and Wading Into the World of Amicus Briefs

My hobbies have not only benefited my legal career by serving as a release and escape; in another capacity, because I remain committed to having as little free time as possible, I have been proud to serve as volunteer corporate counsel for TRMN.

TRMN is an organization dedicated to recreating the settings of and dressing up in uniforms from the "Honor Harrington" series of novels written by David Weber. The organization also raises money for aerospace education and nature conservation. And the unlikeliest accolade of my career arose from my work with TRMN: co-author of two different amicus briefs to the U.S. Supreme Court.

The first case was *Star Athletica LLC v. Varsity Brands Inc.*[1]

TRMN worked with the nonprofit public interest group Public Knowledge at the certiorari stage and signed on to its amicus brief about the copyrightability of cheerleading uniforms. And when certiorari was granted in May 2016, we decided that we had some specific thoughts to bring up about how a decision in the case might affect our costuming and cosplay in general, so we submitted a brief of our own.

The second case was 2023's *Andy Warhol Foundation for the Visual Arts Inc. v. Goldsmith*,[2] where our concern was regarding the transformative use of visual arts — and, once again, the impact that a decision might have on cosplay.

Unfortunately, the side we were supporting lost in both of these cases, meaning that not only am I a two-time amicus brief author, but also a two-time amicus brief loser.

Despite our tragic losses, however, co-authoring these amicus briefs remains a highlight of my career and something that certainly distinguishes me from many other run-of-the-mill government lawyers. And it forms the basis of one of the pieces of advice I like to give new lawyers: New legal opportunities can be found in the most unlikely places, and they can be absolutely amazing when you pursue them.

A Better Lawyer and a Better Person

Without my participation in the SCA and TRMN, I never would have been a part of a 50-state review of equestrian liability laws, helped put on a convention for several hundred people, put on four years of presentations about the legal issues of a fictional star kingdom, and filed two excellent if ultimately losing briefs with the Supreme Court.

Those experiences not only provided fodder for interesting stories to tell at continuing legal education courses, they also helped me improve as both a lawyer and a person.

I improved as a lawyer because they provided me an opportunity to practice in areas of law and observe the workings of legal-related organizations in a way that I never otherwise would have.

I knew about amicus briefs, of course, but I didn't know the specific mechanisms of creating them — what the specific requirements are, how they're formatted and how you physically

construct them. I learned that there is a whole industry of businesses that specifically support the formatting, construction and filing of amicus briefs, one of which was located in the city I lived in at the time.

Through my hobbies, I sharpened my writing and research skills, learned to be a better negotiator, and worked with a variety of not-for-profit boards. More importantly, these experiences made me better as a person because my research and writing experience helped to improve my thinking.

My ability to guide and lead the organizations I work with improved. Negotiations I worked on helped me advocate more effectively for the causes and people I cared about. And my experience working with not-for-profit boards kept me empathetic and taught me incredibly valuable lessons in dealing with people from a wide variety of backgrounds and skill sets.

These are some of the most important skills for a lawyer that hobbies can nurture. As your practice continues, it can be very easy to get overly specialized — you focus on one or two areas of law that are your bread and butter, and maybe you branch out into other areas when a case or client comes up.

This rut can be very lucrative, but it can narrow your thinking and experience along with your practice. We were not meant to be narrow beings. A broad focus improves not only your practice but also your happiness and life.

In his book "Time Enough for Love," Robert Heinlein once wrote:

A human being should be able to change a diaper, plan an invasion, butcher a hog, conn a ship, design a building, write a sonnet, balance accounts, build a wall, set a bone, comfort the dying, take orders, give orders, cooperate, act alone, solve equations, analyze a new problem, pitch manure, program a computer, cook a tasty meal, fight efficiently, die gallantly. Specialization is for insects.

Hobbies — whether reading, serving the community, or dressing up as the past or future — bring width to the depth of legal practice. They take a new lawyer and provide an opportunity to practice unexpected skills; they take an experienced lawyer and serve as a reminder of how much the profession has to offer in unexpected areas.

The opportunities to learn and grow, sharpen and expand, can be found in all corners; they only wait for a lawyer willing to grow and find them.

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[1] *Star Athletica, LLC v. Varsity Brands, Inc.*, 137 S. Ct. 1002 (2017).

[2] *Andy Warhol Foundation for the Visual Arts v. Goldsmith*, 589 US ____ (2023).