

April 2016

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Recommended Citation

Lee, Randy (2016) "Billy Joel and the Practice of Law: Melodies to Which a Lawyer Might Work," *Touro Law Review*: Vol. 32: No. 1, Article 10.

Available at: <http://digitalcommons.tourolaw.edu/lawreview/vol32/iss1/10>

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BILLY JOEL AND THE PRACTICE OF LAW: MELODIES TO WHICH A LAWYER MIGHT WORK

*Randy Lee**

Piano Man has ten tracks.¹ *The Stranger* has nine.² This work has seven melodies to which a lawyer might work.

I. TRACK 1: FROM PIANO BARS TO FIRES (WHY WE HAVE LAWYERS)

Fulton Sheen once observed, “[t]he more you look at the clock, the less happy you are.”³ *Piano Man*⁴ begins by looking at the clock. “It’s nine o’clock on a Saturday.”⁵ As “[t]he regular crowd shuffles in,” there’s “an old man” chasing a memory, “sad” and “sweet” but elusive and misremembered.⁶ There are people who prefer “loneliness” to “being alone,” people in the wrong place, people out of time, no matter how much time they might have.⁷ They all show up at the Piano Man’s bar hoping “to forget about life for a while”⁸ because, as the song reminds us, sometimes people can find themselves in a place where their life is hard to live with.

The Atlanta Bar tells a story about Abraham Lincoln representing a widow, back before Lincoln was president, back when he was a lawyer riding the circuit in Illinois.⁹ The woman and her hus-

* Professor of Law, Commonwealth Law School—Widener University, Harrisburg, PA. For Brenda and our six children, the seven melodies to which my life works.

¹ BILLY JOEL, *PIANO MAN* (Columbia Records 1973).

² BILLY JOEL, *THE STRANGER* (Columbia Records 1973).

³ FULTON SHEEN, *FINDING TRUE HAPPINESS* (2013).

⁴ BILLY JOEL, *Piano Man*, on *PIANO MAN* (Columbia Records 1973).

⁵ *Id.*

⁶ *Id.*

⁷ *Id.*

⁸ *Id.*

⁹ ATLANTA BAR ASSOCIATION LINCOLN PROJECT COMMITTEE, *Candor to Client*, LINCOLN ON PROFESSIONALISM (2008). Lincoln, coincidentally, met with this client on April 15, 1845, twenty years to the day before his death. *Id.*

band had run the general store in town before the husband died. Now with her husband dead, the woman found that there wasn't a place in her life, which wasn't in chaos. Her finances were in disarray; her family was in disarray; even the store was in disarray.

The woman could tell the floorboards in the store seemed weak, but when she brought in a carpenter to check them out, she learned that she couldn't afford to get them fixed. Shortly thereafter, a customer broke through the rotted boards and was injured. When the woman couldn't pay his damages, the customer sued her. When she still couldn't pay the customer's damages, the woman got a lawyer to fight the lawsuit. The lawyer she got was Abraham Lincoln.

When Lincoln met with his client, he began by telling her that it was his professional opinion that the woman was liable for the customer's injuries and she should be prepared to pay them. Lincoln told the woman that she was welcome to seek another opinion from another lawyer, but he added that any lawyer who was worth his salt would tell her the same thing.

Lincoln added, however, that he thought the damages the customer was seeking appeared excessive. Lincoln knew the lawyer representing the customer to be a reasonable man, and Lincoln felt certain that he could sit down with the lawyer and arrive at a more appropriate number.

Lincoln next offered that the woman didn't need to pay the customer exclusively in cash. After all, the customer shopped in the store. Maybe, Lincoln suggested, the customer would accept store credit for part of his recovery. Lincoln pointed out that a dollar of store credit would be worth a dollar to the customer but would actually cost the woman less than a dollar. In addition, a cash payment by the woman would impact the woman's finances immediately. The impact of store credit, on the other hand, would be felt by the woman and her family only gradually as the customer actually spent the credits over time in the store.

As Lincoln methodically worked his way through the woman's concerns, she began to see in her life an opening, a way out, or perhaps more appropriately a way back in. The woman ultimately described Lincoln's work for her on the case by saying that Lincoln had gotten her to a place she "could live with."¹⁰ That, after all, is what lawyers do, the good ones anyway: they encounter people expe-

¹⁰ *Id.*

riencing the most important problems in their lives, and lawyers help those people back to a life they can live with. They show them to a hope that's "real."¹¹ Artists, musicians, the good ones anyway, do the same thing.

Laurie Besden is the Executive Director of Lawyers Concerned for Lawyers (LCL) of Pennsylvania, a lawyers' assistance program under the authority of the Pennsylvania Supreme Court. If you ask Laurie her story, she'll tell you how, in a span of five years, a pill addiction took her from a 4.0 grade point average at the University of Maryland, top twenty-percent of her law school class, and a judicial clerkship to a mandatory eleven-and-a-half month sentence in the county jail, no credit for good time. As Laurie was sitting in her cell on her first day in prison—sort of sitting actually, Laurie had pulled her mattress onto the cell floor and was lying on it as she began to detox—she was thinking she was either going to die in prison or was going to get through the eleven-and-a-half months and immediately go out and get her next pill fix.

As Laurie was lying there, her body racing, shaking out of her skin, this guy, a lawyer named Dave, showed up at the prison to visit her. Dave said to Laurie, "Laurie, you're going to do what you're going to do, but I just want you to know that your life doesn't have to be like this, and if you want to try a different path for your life, I'm willing to help you." Dave didn't solve all of Laurie's problems that day, but he got her to a day she could live with, and he stuck around long enough to see Laurie receive an achievement medal for being clean from drugs for ten years.

Laurie once told me that before she met Dave, she was at a point in her addiction and her life, where she couldn't feel weather and she couldn't see colors. Now, she's really happy because when she wakes up in the morning, she can feel weather and she can see colors. That's what justice does when it's done well. That's how its quality is measured, not by the magnitude of vengeance it is able to extract from those it cuts, but by the extent to which it can free people to feel weather and see colors again in their lives. As lawyers, we, like Dave, are called to be "public citizen[s] with a special responsibility for the quality of justice."¹²

When I emailed Laurie that I thought I'd mention her story at

¹¹ BILLY JOEL, *Allentown, on NYLON CURTAIN* (Columbia Records 1982) ("But they never really helped us at all. No, they never taught us what was real.").

¹² MODEL RULES OF PROF'L CONDUCT pmb1. ¶ [1] (2015).

a Billy Joel conference, she simply emailed back:

We didn't start the fire
 It was always burning
 Since the world's been turning
 We didn't start the fire
 No we didn't light it
 But we tried to fight it.¹³

Laurie, by the way, in addition to her work for LCL, is also a lawyer again.¹⁴

II. TRACK 2: TRIPTYCHS AND SCENES FROM AN ITALIAN RESTAURANT (WHAT IT MEANS TO HAVE A LAWYER FOR A FRIEND)

“Brenda and Eddie,” Billy Joel tells us, “were the popular steadies [a]nd the king and the queen of the prom. Riding around with the car top down and the radio on, [n]obody looked any finer [o]r was more of a hit at the Parkway Diner.”¹⁵

And then, the stiletto¹⁶ strikes: “We never knew we could want more than that out of life.”¹⁷

Robert Coles, a psychiatrist, a Pulitzer Prize winning author, a recipient of the Presidential Medal of Freedom, and Harvard’s James Agee Professor of Social Ethics, used to end his courses at Harvard by taking his students to the Boston Museum of Fine Arts so they could view a triptych by Paul Gauguin.¹⁸ The triptych conveys three human moments as portrayed in Tahitian life: from right to left, birth, young adulthood, and approaching death.¹⁹ In the upper left-hand corner, Gauguin has painted in his native French, “D’où Venons-Nous/ Que Sommes-Nous/ Où Allons-Nous.”²⁰

Dr. Coles’s students would stand there at the museum,

¹³ BILLY JOEL, *We Didn't Start the Fire*, on *STORM FRONT* (Columbia Records 1989).

¹⁴ *In Re Besden*, Petition for Reinstatement, No. 1082 Disciplinary Docket No. 3 (Pa. Sup. Ct. 2009).

¹⁵ BILLY JOEL, *Scenes from an Italian Restaurant*, on *THE STRANGER* (Columbia Records 1977).

¹⁶ BILLY JOEL, *Stiletto*, on *52ND STREET* (Columbia Records 1978).

¹⁷ JOEL, *supra* note 15.

¹⁸ Robert Coles, *Bruce Springsteen and Staying on the Jersey Side: An Interview with Robert Coles on Human Connection and the Law*, 14 *WIDENER L.J.* 953, 977-78 (2005).

¹⁹ *Id.* at 978.

²⁰ *Id.* at 977.

scrunched together staring at the triptych: nothing there to be graded, nothing there that could get you into a better law school, business school, or medical school. There with the triptych. Just a spectrum of life and “Where Do We Come From/ What Are We/ Where Are We Going.”

The patrons of his bar may come to the Piano Man “to forget about life for a while,”²¹ but that’s not what Billy Joel does really. Instead, he confronts us with the truth we need to hear, just wrapped in a melody so engaging that he gets “us feeling alright,”²² whether we should feel that way or not. Ultimately, we may not choose to live the truth Billy Joel presses before us, but we still hear it, and we listen to it, and most of us even choose, at least for the evening, to sing along.

In his song *Everybody Has a Dream*,²³ Billy Joel describes life as “empty hours” and “days of quiet desperation,”²⁴ against which “cold reality can give [no] inspiration” and our dreams are just games of imagination we play “to keep [our] hope[s] from crumbling away.”²⁵ In *I’ve Loved These Days*,²⁶ Billy Joel again recognizes this quiet desperation, but this time, instead of engaging in self-deception, his characters “hide [their] hearts from harder times” by spending lavishly, “drown[ing their] doubts in dry champagne,” and “sooth[ing their] souls with fine cocaine.”²⁷ In *Scenes from an Italian Restaurant*,²⁸ the song in which Billy Joel introduces us to Brenda and Eddie,²⁹ a man seemingly restless despite “a good job,” “a new wife,” and a family that’s “fine,” seeks to escape, or jeopardize, all he has by reconnecting with a woman from his “sweet romantic teenage nights,” even though the reality to which such nights ultimately led was not nearly as “sweet” as the memory of them.³⁰

In *My Life*,³¹ Billy Joel mentions that he “[g]ot a call from an

²¹ JOEL, *supra* note 4.

²² JOEL, *supra* note 4.

²³ BILLY JOEL, *Everybody Has a Dream*, on *THE STRANGER* (Columbia Records 1977).

²⁴ *Id.*

²⁵ *Id.*

²⁶ BILLY JOEL, *I’ve Loved These Days*, on *TURNSTILES* (Columbia Records 1976).

²⁷ *Id.*

²⁸ JOEL, *supra* note 15.

²⁹ See *supra* notes 15-16 and accompanying text.

³⁰ JOEL, *supra* note 15.

³¹ BILLY JOEL, *My Life*, on *52ND STREET* (Columbia Records 1978).

old friend, [w]e used to be real close.”³² I got one of those myself once, from a friend I had not spoken to in thirty years. When she said that she was pleased to know that we were still friends after all those years, I suggested that a friend is someone you can fail to connect with for thirty years and then pick up with again in an instant. “No,” she corrected me. “A friend is someone you can come to and trust that they will allow you to speak stupidly, but inspire you to behave better than you speak, and people like that stay with you even when you are apart for thirty years.”

Someone once described a lawyer’s office to me as a place where you can come in and talk crazy, but then leave and behave better than you would have otherwise. It rang true to me because Saint Ives is the patron saint of lawyers, and he was considered “[a] marvelous thing to the people” precisely because “under him the people of the land became twice as good as they had been before.”³³

In Billy Joel’s universe, friends are people who “love you just the way you are.”³⁴ As he explains in *She’s Always a Woman*, friends are people who see you better than the world sees you.³⁵ As he points out in *Only the Good Die Young* friends also call you to be more than you currently are.³⁶ In Billy Joel’s universe, lawyers can be considered friends.

III. TRACK 3: SKY LIGHTS AND THE SOUNDTRACK OF MY LIFE (IN PURSUIT OF A MASTERPIECE)

If Billy Joel had gone to Harvard instead of dropping out of high school, if he had been in Dr. Coles’s class and gone to see Gauguin’s triptych,³⁷ if someone had asked him, “What are we?”, he might have answered that we are beings caught in a “quiet desperation,” who try to cope through self-deception, over-consumption, distraction, anesthesia, and nostalgia. If someone had asked him where we are going, he might have said, “That depends on where you’ve chosen to go, and why.”

³² *Id.*

³³ Randy Lee, *Bob Dylan’s Lawyers, a Dark Day in Luzerne County, and Learning to Take Legal Ethics Seriously*, 38 *FORDHAM URB. L.J.* 1323, 1352 (2011).

³⁴ BILLY JOEL, *Just the Way You Are*, on *THE STRANGER* (Columbia Records 1977).

³⁵ BILLY JOEL, *She’s Always a Woman*, on *THE STRANGER* (Columbia Records 1977).

³⁶ BILLY JOEL, *Only the Good Die Young*, on *THE STRANGER* (Columbia Records 1977). (“[Your mother] never cared for me. But did she ever say a prayer for me?”).

³⁷ See *supra* notes 15-18 and accompanying text; see also COLES, *supra* note 18.

In Billy Joel's universe, it's possible to "get so high and get nowhere."³⁸ In Billy Joel's universe, "movin' up" can suck the life out of you.³⁹ The pursuit of wealth can betray you physically as it does Sergeant O'Leary in *Anthony's Song*. It can betray you spiritually as it threatens to do to Billy Joel's "old friend" in *My Life*. Ironically, it can even betray you financially as it does the children of *Allentown*,⁴⁰ who bought into the "the promises [their] teachers gave," promises based on "if [they] worked hard," and "if [they] behaved,"⁴¹ children who learned the hard way that you can't be certain something's "real" just because it seems as solid as "[i]ron and coke [a]nd chromium steel."⁴²

In *James*, a song on the *Turnstiles* album,⁴³ an album made while Billy Joel was still making brilliant but commercially disappointing records, Billy Joel reminisces about a moment of choice he shared with "this person about whom I cared a great deal."⁴⁴ In the song, Billy Joel recalls how after making their respective choices for the future, "I went on the road" while James "pursued an education."⁴⁵

It is tempting to reduce *James* to a song about not "selling out," about choosing passion over security, creativity over conformity, and personal dreams over external expectations. *James*, however, cannot be so easily explained. Billy Joel does not chide James simply for failing to write his novel as he chides Paul the "real estate novelist" in *Piano Man*,⁴⁶ instead, Billy Joel chides James for failing to write his "masterpiece."⁴⁷ In addition, it's true that Billy Joel does chide James for "[l]iving up to expectations" and "stay[ing] someone else's dream of who you are,"⁴⁸ rather than remembering that "sooner

³⁸ JOEL, *supra* note 26.

³⁹ BILLY JOEL, *Moving Out (Anthony's Song)*, on THE STRANGER (Columbia Records 1977).

⁴⁰ See BILLY JOEL, *Allentown*, on NYLON CURTAIN (Columbia Records 1982) ("But they never really helped us at all. No they never taught us what was real.").

⁴¹ JOEL, *supra* note 11.

⁴² JOEL, *supra* note 11.

⁴³ BILLY JOEL, *James*, on TURNSTILES (Columbia Records 1976).

⁴⁴ *Billy Joel - Q&A: Who Inspired The Song 'James?'* (Hobart & William 1996), <https://www.youtube.com/watch?v=LrYWXFynnQs> (last visited Feb. 1, 2016).

⁴⁵ JOEL, *supra* note 43.

⁴⁶ JOEL, *supra* note 4.

⁴⁷ JOEL, *supra* note 43.

⁴⁸ JOEL, *supra* note 43.

or later you wake up with yourself.”⁴⁹ However, Billy Joel does so not to encourage James to disregard the interests of others, but to remind James that unless you “[d]o what’s good for you,” “you’re not good for anybody.”⁵⁰

In *James*, Billy Joel really isn’t insisting that everyone should go out on the road. He’s insisting that everyone should write their masterpiece on whatever kind of canvas they were called to paint on. And he’s really not saying, “It’s just your life, and the consequences it has on others don’t matter.” He’s saying, “Those people telling you what to do may be in darkness, but that doesn’t mean you’re called to ignore them any more than it means you’re called to conform to them. If they’re in darkness, you’re called to be their light. Your masterpiece, however, is the only light you have to offer so if you never take time to write it, then you really can’t be ‘good for anybody.’”⁵¹

When Billy Joel released *Turnstiles*, he wasn’t Billy Joel yet. He was still more than a year away from mega-stardom and in the midst of twelve years of bad contracts, disappointing sales, small clubs, and a stint in a piano bar. The album included *New York State of Mind*,⁵² and no one cared. In spite of it all, Billy Joel kept playing his songs. As he put it in an interview years later, “I wasn’t thinking about making a lot of money. I just wanted to be able to make a living, but I wanted to be able to make music.”⁵³ As he put it on the album, “It comes down to reality, and it’s fine with me ‘cause I’ve let it slide.”⁵⁴

In 1928 Myles Connolly wrote and published a short novel titled *Mr. Blue*.⁵⁵ The main character in the book is a man who treated life as an adventure and the skylight in the ceiling of his humble room as a window into Heaven. Mr. Blue lived his life as though something that was not of this world, that was beyond this world but still could make this world a more beautiful place, was uniquely his

⁴⁹ JOEL, *supra* note 31.

⁵⁰ JOEL, *supra* note 43.

⁵¹ JOEL, *supra* note 43.

⁵² BILLY JOEL, *New York State of Mind, on TURNSTILES* (Columbia Records 1976).

⁵³ Anthony Correia, *Billy Joel and The Eagles make Billboard’s ‘Highest Paid’ of 2015 list*, K-SHE ’95 (May 7, 2015), <http://www.kshe95.com/news/real-rock-news/billy-joel-eagles-make-billboards-highest-paid-2015-list>.

⁵⁴ JOEL, *supra* note 52.

⁵⁵ MYLES CONNOLLY, *MR. BLUE* (1928).

to discover and share. The book sold seventy copies its first year.⁵⁶ Sixty years later, it had sold half-a-million.⁵⁷

What Billy Joel wanted his friend James to know was simply this. If there are words out there worth saying, worth giving your life for, then say them; and if there are tasks out there worth doing, worth giving your life for, then do them, and maybe you'll end up with nothing, but maybe you'll end up with nothing anyway. Maybe all your masterpiece will ever amount to is a great song *in the attic*⁵⁸—that happens—so maybe sometimes it's just got to be enough that you wrote a great song.⁵⁹ But then again, maybe if you give your life to something worth the cost of a life, maybe you'll transform a life. Maybe someday someone will write on your website as someone wrote on Billy Joel's, "Billy has provided the soundtrack of my life . . . Thanks, Billy!"⁶⁰

Or maybe you'll transform the world.

At a talk-back he did at Hobart & William Smith Colleges in 1996,⁶¹ Billy Joel shared that *James* had actually been written for a couple of his friends. He went on to explain, "As I'm listening to it as I got older, I look back on it, well, it's kind of preachy, judgmental, like, 'Who the hell am I to tell these people what's right or wrong?'"

Then he paused and added, "I knew that they were unhappy at the time."⁶²

The work of prophets and poets, artists and lawyers is neither to cut nor to condemn. Rather, their work is to share truth in the hope of healing brokenness. Justice does not satisfy itself with avenging the past; justice illuminates the future.

⁵⁶ Roy Peter Clark, *The Resurrection Of 'Mr. Blue': A Half-million Copies Of The Book Had Been Sold By 1962. Then It Became Dated. Now The Hero - Clown, Poet, Mystic, Martyr - Is Making A Comeback*, PHILLY.COM (June 6, 1990), http://articles.philly.com/1990-06-26/news/25912710_1_bad-books-christian-life-copies.

⁵⁷ *Id.*

⁵⁸ BILLY JOEL, *SONGS IN THE ATTICS* (Columbia Records 1976).

⁵⁹ Randy Lee, *Can a Single Masterpiece Sustain a Lawyer's Lifetime and Other Questions That Cross a Lawyer's Way*, 22 PROF. LAW. 89 (2014).

⁶⁰ *Billy Joel Discography*, MTV, <http://www.mtv.com/artists/billyjoel/discography/51851/> (last visited Nov. 22, 2015).

⁶¹ *Billy Joel - Q&A*, *supra* note 44.

⁶² *Id.*

IV. TRACK 4: DISSIPATION, GOBLINATION, AND THE CANVAS OF A HUMAN LIFE (WHERE A LAWYER PAINTS HIS MASTERPIECE)

To understand the business of popular music is to understand that popular music has to dissipate. It has to go away. It has to cease to be popular. The perfect pop artist releases a song, and fans hear it on the radio. The fans like it, and they buy the forty-five. They take it home, and they play it. They play it a lot. They play it so much that they become convinced that it's so good that there must be more, so they go back to the record store, and they buy the album. They take the album home, and they play the album. They play the album a lot, and they continue to play the album a lot until, after a while, they begin to get tired of it. As they begin to get tired of it, these fans realize they need a new song so they turn their radio back on. They hear a new song, and they like it, and they buy it. And it all starts over again. If pop music didn't dissipate, if people listened to the same album forever, you couldn't sell more music, and the business of popular music is selling more music.

In 1973 Billy Joel released *Piano Man*.⁶³ In 2011, he released *Piano Man: Legacy Edition*.⁶⁴ Thirty-eight years later, the music hadn't dissipated.

In the summer of 1980, the summer before I started law school, I was working in a record store south of Pittsburgh. We closed at 9:00 pm, just when "the regular crowd shuffled in" to the Piano Man's bar.⁶⁵ One night a customer came in looking for a copy of *Piano Man*. The album was seven-years-old by then. I checked the bins, both "Bargain" and "Billy Joel," but we didn't have it. Mere mortal albums that old we didn't carry, and classics we would routinely stock only a copy or two of. Typically, sales of classics were sufficiently sporadic that if you sold one, there was always time to order another before anyone would be looking for that album again. Unfortunately, in this case, the next customer had come in ahead of schedule and before we'd had time to restock.

If I'd had *Piano Man* in stock, it would have cost the customer \$6.99. *Glass Houses* was three months old and still selling well so

⁶³ JOEL, *supra* note 1.

⁶⁴ BILLY JOEL, *PIANO MAN: LEGACY EDITION* (Columbia Records 2011).

⁶⁵ See *supra* notes 3-8 and accompanying text.

I had that album to sell him for \$4.99, two dollars less than what he had expected to pay for *Piano Man*. He didn't want *Glass Houses*, however. The customer was adamant that it had to be *Piano Man*. I tried to convince him that either *52nd Street* or *The Stranger* would do. I pointed out to him each great song on each of those albums, but he kept insisting, "It has to be *Piano Man*."

In the end, Billy Joel and I lost a sale that night because *Piano Man* didn't dissipate. As I talked with the customer, tried to get the customer in a buying state of mind, he indicated to me that it wasn't just about liking an artist or getting music he could play for a while; *Piano Man* had somehow imprinted on events in the customer's life, had become interwoven, braided into, a relationship that had remained central to the customer's being, and the customer wanted the album because he wanted the events back; he wanted the album because it nourished the relationship. Somehow it was just all cleaved together.

Diamond is the hardest substance known to man. You drag a diamond needle across a vinyl record, and, at some point, over time, the vinyl begins to lose. But some music, not even a diamond can wear away.

When you're in the business, sometimes you need a customer to remind you that masterpieces live forever when they're painted on a human soul. Artists long to do that, leave their brushstrokes on the canvas of a human life. Lawyers have no choice.

In *Harry Potter and the Deathly Hallows*, Harry learns that goblins believe that creation creates ownership forever and sale is merely rental.⁶⁶ Thus, having made the Sword of Gryffindor, for example, the goblins believe that they will always own it; that at some point the sword must return to them.⁶⁷ A lawyer's work, therefore, is like a goblin's: what a lawyer makes is always his.

We may sell our time and the consequences of our actions to our clients, but such sales are merely rentals. Ultimately the fruits of our work are ours. Thus, what we lawyers make in the world, the lives we alter, the people we influence, encourage, and discourage, all of that, may for a moment be attributed to a client, but in the end, that all must come back to us, and we are, therefore, forever accountable for it all.

⁶⁶ J.K. ROWLING, *HARRY POTTER AND THE DEATHLY HALLOWS* 517 (2007).

⁶⁷ *Id.* at 505-06.

On the last day of my Civil Procedure class, my Civil Procedure teacher told our class a story about Oliver Wendell Holmes coming back from the Supreme Court to visit Felix Frankfurter at Harvard Law School. At the end of the visit, Frankfurter had accompanied Holmes back to the train station so he could see Holmes off, and as Holmes's train began to pull out of the station, Frankfurter had called out to Holmes with a flourish, "Do justice, Oliver. Do justice!" to which Holmes had responded, popping his head out of the train car and looking back at Frankfurter, "I don't do justice. I do law."

I don't know what Frankfurter meant when he exhorted Holmes to "do justice." I don't know what Holmes meant when he insisted that he only "did law." I just know that whatever either of them was doing with his law license, they both were leaving their marks on people's lives, just like the rest of us, and one can only hope the marks they were leaving, just like the marks we leave, were worthy of the canvasses upon which they painted.

V. TRACK 5: THAT NEW JACKET AND THIRTY SECONDS OF DANCE (ACCOUNTABILITY AND A LAWYER'S WORK)

By 1965, Bobby Vee was a rock and roll superstar in the US, UK, Japan, Australia, and Europe.⁶⁸ Bobby Vee had, at the time, seven top-ten hits, five gold records, and a number one hit.⁶⁹ Legend has it that in 1965, Bobby Vee invited a sixteen year-old piano player named Billy Joel to join his band. The deal fell apart, however, when the sixteen-year-old Billy Joel "refused to wear the matching jackets the band was to wear" onstage.⁷⁰

That same Billy Joel would one day take his own show onstage and tour the world, and when he did, he ultimately would, ironically, make a jacket and tie his "trademark" onstage attire.⁷¹ When he was asked to explain his wardrobe choice by WIOQ Philadelphia,

⁶⁸ *Discography—Singles*, BOBBY VEE, <http://www.bobbyvee.com/singles.html> (last visited Nov. 22, 2015).

⁶⁹ *Biography*, BOBBY VEE, <http://www.bobbyvee.com/bio.html> (last visited Nov. 22, 2015).

⁷⁰ *Billy Joel*, ROCKPOPHISTORY, <http://www.rockpophistory.com/ij-1/joel-billy.html> (last visited Nov. 22, 2015).

⁷¹ *Billy Joel Visits WIOQ Philadelphia - Evening Magazine - 1978*, YOUTUBE, (last visited Nov. 22, 2015), <https://www.youtube.com/watch?v=4W8b-Ke5C2U> [hereinafter, *Billy Joel Visits WIOQ*].

Billy Joel offered that he had first “put [the coat and tie] on as a goof.”⁷² Billy Joel then indicated what rock and roll outfits he wasn’t comfortable in, after which he defended his choice of attire by pointing out that it wasn’t as though he were “wearing a tuxedo,” that he sometimes pairs the jacket and tie with jeans and sneakers, and that he doesn’t “wear [his] tie all the way up.”⁷³ Finally, however, Billy Joel acknowledged that “[i]t’s kind of a sign of respect for an audience who’s going to pay all this money to come see me [perform].”⁷⁴ Billy Joel wouldn’t wear a jacket just to please his “ticket up,” or to get ahead, or to make money, but he would wear a jacket out of respect for the people who listened to his music, as hard as all that was for him to admit on the radio.

All of this, of course, is about more than jackets. It’s about accountability: whom do we need to please. Even from the very beginning, the artist Billy Joel felt a responsibility to his art, and to his calling, and even more to the people that art and that calling touch. When WIOQ once asked him what he wanted from music, Billy Joel responded, “I want to write the best music I can write. I’m going to try to keep pulling it out of myself and see if I can get better and better and better.”⁷⁵ Billy Joel would insist his life in music doesn’t “have anything to do with rock and roll stardom” or “selling a lot of albums.”⁷⁶ Instead, it’s about a bond with “the old craftsmanship,” “the old composers,” with their desire “to write masterpieces.” It’s also about a bond to “what I’m supposed to do,”⁷⁷ and a need “to just keep satisfying myself musically, keep challenging myself.”⁷⁸ Finally, his life in music is about the people who listen, where they come from, what they are, where they’re going.⁷⁹

Billy Joel “stopped doing” *Just the Way You Are*, which won a Grammy for *Song of the Year*, because he found himself starting to think about “ordering a turkey club from room service” while he sang it. He thought to continue singing it under those circumstances

⁷² *Id.*

⁷³ *Id.*

⁷⁴ *Id.*

⁷⁵ *Id.*

⁷⁶ *Billy Joel Visits WIOQ*, *supra* note 71.

⁷⁷ *Billy Joel CBS 60 Minutes Rebroadcast of 1998 clip for F&D 12 30 01*, YOUTUBE (last visited Feb. 1, 2016), <https://www.youtube.com/watch?v=hk1cQzRhKT4> [hereinafter, *Billy Joel CBS 60 Minutes*].

⁷⁸ *Billy Joel Visits WIOQ*, *supra* note 71.

⁷⁹ *See supra* text accompanying notes 17-21.

would be “gipping the audience.”⁸⁰ In the Soviet Union, he once tore up a microphone stand and flipped over his keyboard during a concert because the State wouldn’t turn down the house lights, and how was the audience supposed to experience the concert with the house lights on?⁸¹

People ask Billy Joel how he “get[s] psyched up before a show,” and he tells them, “You don’t gotta get psyched up before a show.”⁸² As he explains it:

You walk out on that stage, and it’s dark just before the lights hit, and I think the lighting guy leaves just enough light so that the people can see me moving toward the piano on a darkened stage, and a roar goes up from the crowd.

The hair stands up on my arms, and I get goosebumps. My adrenalin surges through my body. There’s an exchange of energy that goes on. You play, you make this big, loud noise, and they throw their noise back at you. That pumps you up, and you throw more noise back at them. They throw more noise back at you.

They make a lot of noise, we play . . . real, real good.⁸³

After former Watergate Special Prosecutor Archibald Cox graduated from law school, he accepted a clerkship with the legal icon Judge Learned Hand of the United States Court of Appeals for the Second Circuit.⁸⁴ Judge Hand was, even then, “universally acknowledged as the greatest living judge in the English-speaking world,”⁸⁵ and Judge Hand’s name would ultimately come to appear “in Supreme Court opinions and scholarly publications more than [that of] any other lower court judge in the history of the United States.”⁸⁶

One day toward the end of Cox’s clerkship with the Judge, while Cox and Judge Hand were sitting together in an office over-

⁸⁰ *Billy Joel CBS 60 Minutes*, *supra* note 77.

⁸¹ JoelFan, *Billy’s Red Rage*, YOUTUBE, (Aug. 9, 2007), <https://www.youtube.com/watch?v=Jl3E-cwA6y8>.

⁸² *Billy Joel CBS 60 Minutes*, *supra* note 77.

⁸³ *Billy Joel CBS 60 Minutes*, *supra* note 77.

⁸⁴ KEN GORMLEY, ARCHIBALD COX: CONSCIENCE OF A NATION 38 (1997).

⁸⁵ *Id.* (quoting KATHRYN GRIFFITH, JUDGE LEARNED HAND AND THE ROLE OF THE FEDERAL JUDICIARY 9 (1973)).

⁸⁶ *Id.*

looking the Hudson River, Judge Hand suddenly “looked up from his desk,” and then asked Cox:

“Sonny, to whom am I responsible?” Judge Hand looked around. “Everybody ought to be responsible to somebody. To whom am I responsible? Nobody can fire me. Nobody can cut my pay. Nobody can make me decide, tell me what to decide. Not even those nine bozos in Washington who sometimes reverse me. To whom am I responsible?”

After a long pause, Judge Hand pointed to the shelves of law books surrounding him. “To those books about us. That’s to whom I am responsible.” And then he went back to work.⁸⁷

In that moment of revelation, Judge Hand, of course, almost got it right. As “an officer of the legal system,”⁸⁸ a lawyer is responsible to the law, we swear to uphold the law, and we are required to place the law above our own personal interests and even the interests of our profession.⁸⁹ As “a public citizen with a special responsibility for the quality of justice,”⁹⁰ however, we are also responsible to those people whose lives the law touches in our presence.

During my first year of law school, I had cause to visit the office of my legal methods instructor, an office buried in a sub-basement far below the main floor of the law school’s library. As I waited amidst the sub-basement stacks, among reporters no one ever looked at, I began to pass the time by leafing through old Scottish law reporters. As I stood reading the names of cases off dusty, yellow pages, it occurred to me that every one of those case names had begun as two human beings.

Although Edwin Armstrong was the primary inventor of the technologies utilized in FM radio, the United States Supreme Court issued an opinion that denied Armstrong his patent rights for those technologies.⁹¹ In response to the outcome of his case, Armstrong said that lawyers “substitute words for realities and then talk about

⁸⁷ *Id.* at 46.

⁸⁸ MODEL RULES OF PROF’L CONDUCT pmb1. ¶ 1 (2014).

⁸⁹ *Id.* at ¶ 12.

⁹⁰ *Id.* at ¶ 1.

⁹¹ *Radio Corp. of America v. Radio Eng’g Lab.*, 293 U.S. 1 (1934).

the words.”⁹² Lawyers do that. They take the lives of human beings, press them onto pages, and bind the pages into books, and there’s nothing wrong with that, necessarily, so long as we do not forget those pages once were people.

Several years ago, as I was spending an afternoon with a friend who teaches law school, he shared with me how a leading figure in the legal ethics community had recently published an article in the nation’s leading law review questioning my friend’s opinions and actions. The law review had invited my friend to respond in its publication. My friend was outraged that anyone would question his motivations or his integrity. I, however, was envious.

I doubted any leading figure in the legal ethics community was sufficiently conscious of any of my opinions or actions to question them, and I doubted any leading law review would publish any such criticisms of my work should anyone actually trouble themselves to write them. That particular law review didn’t even bother to send me rejection letters any more, let alone invitations to publish there.

As my friend and I spoke about what he saw as an attack on his reputation, I tried to help him see the bright side in all this. My friend patiently endured my explanations until finally, in exasperation, he blurted out, “Randy, he called me a whore.”

I remember thinking to myself in response, “Actually, he called you a prostitute, and he called you a prostitute in the most prestigious law review in America,” but I refrained, at the time, from sharing that with my friend because I was not sure he, given his present state of agitation, would have been able to appreciate this distinction.

It is probably for the best I didn’t offer that distinction to my friend because what my friend knew then and what I have occasionally come to understand since is that if you are not doing it for the right reason, it really does not matter which wrong reason you are doing it for. Are you doing what you do because it is what you were made to do? Are you being true to the craft? To the tradition? Are you being true to the people you serve? If you are not, it truly does not matter why you are doing it. If your treasure is not where it should be, it re-

⁹² TOM LEWIS, *EMPIRE OF THE AIR: THE MEN WHO MADE RADIO* 217 (1991). For a discussion of the tragic intersection between the law and Armstrong’s life, see *id.* at 186-219, 28-30; see also FIRST ELEC. CHURCH OF AM, EDWIN ARMSTRONG: THE CREATOR OF FM RADIO, <http://fecha.org/armstrong.htm> (last visited Sept. 29, 2015).

ally does not matter where it is.⁹³

Billy Joel once described being a rock star as boring, and my friend might well tell us that if all doing law is about is being in “the most prestigious law review in America,” then it is boring. It is not that it is bad; it just “ain’t,” as Rich Mullins once pointed out, “worth what it costs.”⁹⁴

The Broadway choreographer Twyla Tharp, who collaborated with Billy Joel to create the Grammy Award winning Broadway musical *Movin’ Out*, rises each morning at 5:30 am and then does improvised dance for three hours, after which she watches the tape to see if there are “thirty seconds she can use,”⁹⁵ thirty seconds that might belong someday in a masterpiece. Eric Clapton will play the same two notes over and over for hours until he knows he can play them the way they need to be played every time.

The legendary religious liberty advocate William Bentley Ball, whose work, among other things, guaranteed Amish parents the right to guide their children’s education,⁹⁶ used to lock himself up in the equivalent of a closet and spend weeks anticipating and answering every possible question he might be asked before going to argue before the Supreme Court. He would do so even when he had already argued the case at trial and through multiple levels of appeal, and frequently he did it for free, without billing a client. He did it because that is what he thought he owed his clients, that is what he thought he owed his craft, and that is what he thought he owed himself. He did it because he was “a public citizen having special responsibility for the quality of justice.”⁹⁷

VI. TRACK 6: ALONE [I]N A NEW YORK STATE OF MIND (LOOKING FOR THE BEST LAWYER IN AMERICA)

In the fall of 1978, Billy Joel owned my college campus, and everyone on campus owned a copy of his album *The Stranger*. *The Stranger* had won Grammys for album of the year and song of the year,⁹⁸ but even more, single after single from the album had domi-

⁹³ *Matthew* 6:21 (“For where your treasure is, there will your heart be also.”).

⁹⁴ RICH MULLINS, *Growing Young*, on *THE WORLD AS BEST AS I REMEMBER IT*, VOL. 2 (Reunion Records 1992).

⁹⁵ TIM HARFORD, ADAPT: WHY SUCCESS ALWAYS STARTS WITH FAILURE 250 (2011).

⁹⁶ *Wisconsin v. Yoder*, 406 U.S. 205 (1972).

⁹⁷ MODEL RULES OF PROF’L CONDUCT pmb1. [1] (2015).

⁹⁸ *Billy Joel Biography*, SING365, <http://www.sing365.com/music/lyric.nsf/Billy-Joel->

nated our previous summer with addictive melodies and lyrics that could alternatively “float like a butterfly and sting like a bee.”⁹⁹

The Stranger was released in 1977,¹⁰⁰ a long twelve years after Billy Joel turned down Bobby Vee’s jacket.¹⁰¹ During that time, Billy Joel had occupied himself trying to scratch together a living as a musician and recording four albums whose sales were disappointing. The songs on these albums included *She’s Got a Way*,¹⁰² *Captain Jack*,¹⁰³ *Ballad of Billy the Kid*,¹⁰⁴ *The Entertainer*,¹⁰⁵ *Prelude/Angry Young Man*,¹⁰⁶ *Miami 2017 (Seen the Lights Go out on Broadway)*,¹⁰⁷ *Say Goodbye to Hollywood*,¹⁰⁸ *New York State of Mind*,¹⁰⁹ and *Piano Man*.¹¹⁰ The day would come when arenas filled with fans would be able to sing all those songs by heart, but that day was, in the mid-1970s, still a long way off.

Depending on how one counts, Billy Joel was doing gigs for a dozen years before *The Stranger* exploded. In 1973, Billy Joel was performing in a piano bar in L.A. as “Billy Martin.”¹¹¹ He may well have been singing *Captain Jack* and *The Ballad of Billy the Kid* there. I doubt he sang *Piano Man* there, but by 1974 he was singing *Piano Man* somewhere to small crowds, some of whom knew who he was,

Biography/B5E6E558FEF8C8D1482568700013A7BC (last visited Nov. 22, 2015).

⁹⁹ Not only were both Billy Joel and Mohammed Ali, the originator of this line, masters of words, both were also successful boxers. In fact while growing up in New York City, Billy Joel took up boxing in response to being bullied around his neighborhood for playing the piano. *Billy Joel CBS 60 Minutes*, *supra* note 77. Billy Joel won his first twenty-two amateur fights and participated in the Golden Gloves before choosing to hang up the gloves and concentrate exclusively on music after having his nose broken in his final fight. *Billy Joel Biography*, IMDB, <http://www.imdb.com/name/nm0005055/bio> (last visited Nov. 22, 2015). Billy Joel’s retirement from boxing, however, may have had more to do with his concerns about injuries to his hands than to his nose. See HANK BORDOWITZ, *BILLY JOEL, THE LIFE AND TIMES OF AN ANGRY YOUNG MAN* 137 (2006) (noting that Billy Joel has “a scar on every single knuckle” from boxing) (quoting Billy Joel).

¹⁰⁰ JOEL, *supra* note 2.

¹⁰¹ See *supra* text accompanying note 67.

¹⁰² BILLY JOEL, *She’s Got a Way*, on *COLD SPRING HARBOR* (Columbia Records 1971).

¹⁰³ BILLY JOEL, *Captain Jack*, on *PIANO MAN* (Columbia Records 1973).

¹⁰⁴ BILLY JOEL, *Ballad of Billy the Kid*, on *PIANO MAN* (Columbia Records 1973).

¹⁰⁵ BILLY JOEL, *The Entertainer*, on *STREETLIFE SERENADE* (Columbia Records 1974).

¹⁰⁶ BILLY JOEL, *Prelude/Angry Young Man*, on *TURNSTILES* (Columbia Records 1976).

¹⁰⁷ BILLY JOEL, *Miami 2017 (Seen the Lights Go out on Broadway)*, on *TURNSTILES* (Columbia Records 1976).

¹⁰⁸ BILLY JOEL, *Say Goodbye to Hollywood*, on *TURNSTILES* (Columbia Records 1976).

¹⁰⁹ JOEL, *supra* note 52.

¹¹⁰ JOEL, *supra* note 4.

¹¹¹ *Billy Joel Biography*, *supra* note 98.

some of whom didn't. I wonder what it would have been like in those days to walk into a club or piano bar and hear Billy Joel singing the likes of *New York State of Mind*, to experience someone who was doing some of the best songs in pop music and to know you weren't sharing him with the world, to feel as though you had been let in on this musical secret that almost no one else knew. I wonder what it would have been like to encounter Billy Joel and realize no one else was listening. I wonder what it would have been like to be Billy Joel back then.

I came across a street musician in Boston once singing this incredible song he had written. Three decades later I still remember the melody and can still sing the chorus. At the time, I suspected, from his clothing, the sparseness of the crowd, and the absence of cash in his guitar case, that busking wasn't working out for him, and I wondered how he kept singing, why he kept singing. I suppose it was because he believed in the song.

Another law professor friend of mine once told me how, during the late 1980s and early 1990s, she had worked on a commutation for a woman doing life. The requirements for a commutation in her state were an admission of guilt, an exemplary record of rehabilitation, and remorse. The governor of her state, however, had just created an exception to the remorse requirement in cases where the inmate had suffered, before her crime, a pattern of physical abuse by her ultimate victim. The exception was referred to as the *Battered Woman Exception*.

Commutations were hard to win, but my friend was ultimately joined by seven other leading law professors and a dozen of their best students, and together they began representing this woman who'd been battered routinely during her life by her victim. They all worked on the woman's case for two years. They filed a petition on the woman's behalf, which was summarily denied without a hearing. All of them together weren't even able to get their client a hearing, the proverbial day in court.

I remember my friend asking me, "After two years of work, what did we accomplish?" and I had to admit that I couldn't see any tangible measures of success, no positive outcomes, which could be associated with a happily-ever-after ending.

Still, I wonder what it says to a woman who's been abused most of her life, who's sat in prison for more than a decade, when seven of the top law professors in the country and twelve of their best

students fight for her in a hopeless battle, some put the odds of success in these cases at about one-in-a-thousand, fight for her for over two years and seek no compensation for their efforts other than the opportunity to stand with her. I think it does say something, something that matters.

Another friend recently forwarded to me the opportunity to nominate someone for a lawyer lifetime achievement award. The purpose of the award is to recognize lawyers, whose career represents the profession's highest standards, and past recipients of the award were two Chief Justices and five Associate Justices of the Supreme Court of the United States, three former United States Attorneys General, and three former Secretaries of State. This opportunity got me thinking about where one actually would find the lawyer who best "embodied the profession's highest standards," the nation's best lawyer.

I think we sometimes view such things through too limited a lens. I am of the opinion, for example, that the nation's leading authority on Shakespeare runs a children's theater company in Harrisburg, Pennsylvania called *Popcorn Hat Players*. His name is Clark Nicholson. He's also the artistic director for our local Shakespeare company,¹¹² but that's not how I met him. I met him because I had small children, and they loved the *Popcorn Hat Players'* plays.

At the time I met Clark, I thought Shakespeare was an old, dead guy who talked funny. I found his language obscure, his characters irrational, and his plots inaccessible. And then I talked to Clark, and he made everything Shakespeare pop for me in ways that no Shakespearean scholar or literary commentator ever had before. Clark spun plots around and over until one-hundred-eighty degrees later, they looked like nothing I'd ever seen before. He convinced me every character mattered, the villainous could be virtuous, the virtuous could be villainous; he convinced me that sometimes it's the fool who shares the greatest wisdom.

I explained all this once in a CLE, and I remember a lawyer in the front row waiting for me to take a breath so he could ask me how I could really believe that the greatest Shakespearean authority in America was running a children's theater in Harrisburg, PA. His hand kept trying to come up as I systematically insisted that the

¹¹² *Gamut Theater Group Ensemble*, GAMUT THEATER, <http://www.gamuttheatre.org/staffpage/> (last visited Nov. 25, 2015).

greatest Shakespearean authority wasn't in New York, Washington, Boston, or LA; wasn't at a major university, wasn't at a prestigious theater company, wasn't at a research institute or even at a center for the arts

As his hand finally rid itself of the shackles of politeness and went up even though I seemed still in mid-sentence, I asked, "And if we can find the greatest Shakespearean authority in America running a children's theater in Harrisburg, Pennsylvania, where might we find the best lawyer?" The man put his hand down, and didn't raise it again.

My professional responsibility students write an essay every year on a lawyer they admire. A lot of them write about Supreme Court Justices, Attorneys General, and Secretaries of State, but more write about fathers, mothers, uncles, and sisters. We also read *To Kill a Mockingbird*, and some of my students insist that it was just as heroic for Atticus Finch to represent Mr. Cunningham in "his entailment" matter for "stovewood" "hickory nuts," "smilax and holly," and "turnip greens" as it was for Atticus to represent Tom Robinson—just a different kind of heroic.¹¹³

It took Billy Joel twelve years to transcend a jacket he passed up in 1966. I've been learning from my students for thirty-four.

VII. TRACK 7: OYSTER BOATS AND INCENSE (A LAWYER'S LIFE WELL LIVED)

In addition to playing music, Billy Joel worked on an oyster boat when he was eighteen. As he describes it, "It was freezing. My hands hurt. I'd look up and see this big house on a hill [and think] 'Bastards. They probably never worked a day in their life.' Now I own that house. I am that guy."¹¹⁴

Billy Joel has always acknowledged that wealth is very attractive, and though he did not pursue music to become rich, music is the reason for his accumulation of wealth. Instead, Billy Joel has sought more than wealth, and that "more" that he pursued is what really mattered to him and to us, his fans.¹¹⁵

Billy Joel is Jewish. The *Book of Leviticus* speaks of peace offerings, sacrifices of life and flesh placed on the holy altar and con-

¹¹³ HARPER LEE, *TO KILL A MOCKINGBIRD* 27 (Slipcased ed. 2006).

¹¹⁴ *The Boomer List*, AARP: THE MAGAZINE 54, 55 (Oct./Nov. 2014).

¹¹⁵ See *supra* text accompanying notes 67-82.

sumed by fire, releasing “a pleasing odor to the Lord.”¹¹⁶ Perhaps, a man can place not just “animals from the herd,”¹¹⁷ but his own life on the altar of the Lord. Perhaps, if a man seeks, with “his whole heart,”¹¹⁸ after truth, after justice and mercy, after the healing and salvation of his neighbor, although his life may be consumed by fire, his life will be to the Lord like incense, releasing “a pleasing odor to the Lord.”¹¹⁹

A colleague of mine, Starla Williams, died recently, and we held a memorial service for her at the law school. She was not the most famous member of our faculty, the most richly rewarded, or the most esteemed by the world; yet, the room for her memorial service was packed. Students wept at her passing and posted notes on her door. As student after student came to the microphone to express how Starla had impacted their lives, one student captured a common theme for many when she said, “Professor Williams helped me to become the person I wanted to become and knew I could become, but was afraid to become.”¹²⁰ Starla’s students wept because Starla’s was a life well lived. Starla’s was a life of incense.

Billy Joel reminds us that law is a profession of diverse opportunities. We can be the lawyer who sits in the Piano Man’s bar,¹²¹ we can even be the lawyer who lives on the hill above the oyster fishermen,¹²² but we can also be the lawyer who helps the person to see color and feel seasons,¹²³ and the lawyer who helps his clients to get to a place in their lives they can live with.¹²⁴

Nineteen eighty-six was the year that Billy Joel began plan-

¹¹⁶ *Leviticus* 3:1-5.

¹¹⁷ *Id.* at 3:12.

¹¹⁸ *Jeremiah* 29:13.

¹¹⁹ *Leviticus* 3:5.

¹²⁰ Memorial Service for Starla Williams at Widener Law School, Harrisburg, PA (Dec. 3, 2014) (comments of Brianna Gaumer).

¹²¹ See *supra* notes 4-8 and accompanying text; see also Justin Rocket Silverman, *Billy Joel Focus of Long Island Law School Conference, with Lectures like “How the Rules of Evidence Handcuff the Piano Man,”* DAILY NEWS (Mar. 19, 2015), <http://www.nydailynews.com/life-style/billy-joel-subject-long-island-law-school-conference-article-1.2155966?cid=bitly>.

¹²² See *supra* note 114.

¹²³ See *supra* notes 11-14; see generally Leigh McMullan Abramson, *The Only Job with an Industry Devoted to Helping People Quit*, THE ATLANTIC (July 29, 2014) <http://www.theatlantic.com/business/archive/2014/07/the-only-job-with-an-industry-devoted-to-helping-people-quit/375199/>.

¹²⁴ See *supra* notes 8-11 and accompanying text.

ning his tour of the Soviet Union.¹²⁵ It was also the year that Jack Nicklaus won his last major championship, the Masters. The Golden Bear was 46 years old at the time. From 1962 through 1980, Nicklaus had won seventeen major championships, including two in 1980 alone, but he had not won any majors in the six years since 1980, the first time in his career he had gone more than three years without winning a major championship.¹²⁶ Nicklaus had started slowly in the first two rounds of that Masters and was ninth, four strokes back, and off the leader board going into the final round.¹²⁷ In Nicklaus's twenty-five years as a professional golfer, he had never rallied from that far back to win a major championship.

His son Steve called Nicklaus that Sunday morning before Nicklaus's final round and eventually got around to asking Nicklaus what he thought it would take for him to win the tournament. Nicklaus responded, "I think sixty-six will tie, and sixty-five will win."¹²⁸

Then his son Steve said, "Exact number I had in mind. Go shoot it."¹²⁹ And Nicklaus did.

People who were on the course that day said Nicklaus just kept coming: sixty-five for the round, thirty on the back nine, seven under par for the final ten holes. No guarantees, but one last wild ride, one final masterpiece that changed golf history: the oldest man ever to win a major championship caught fire on the last ten holes of the biggest tournament in golf.

What if someone were to ask us what it would take to transform a life, make the world a little bit better place, and then, after we responded, said to us, "Go do it"?

Nicklaus, on that day, could have seen the task as impossible and "shuffled in" like "the regular crowd."¹³⁰ He could have been afraid of what he had been called to become; he could have rested on all that he already was. On that final round Sunday, Jack Nicklaus

¹²⁵ *Biography of Billy Joel*, BILLY JOEL FAN HOME PAGE, <http://scatcat.fhsu.edu/~ha-william/BillyJoelFanWebSite/index.html> (last visited Nov. 22, 2015).

¹²⁶ Sean Martin, *Nicklaus' 18 Major Championship Victories*, PGATOUR.COM, <http://www.pgatour.com/news/2015/01/21/jack-nicklaus-major-championships.html> (last visited Nov. 22, 2015).

¹²⁷ Craig Dolch, *One Golden Sunday*, Nicklaus.com, http://www.nicklaus.com/newsletter-2011/april/NPC11_MASTERS.pdf (last visited Nov. 22, 2015).

¹²⁸ John Boyette, *Nicklaus: "I Kind of Enjoyed the Last Ten Holes,"* THE AUGUSTA CHRONICLE (Nov. 22, 2012), <http://www.augusta.com/masters/history/nicklaus-kind-of-enjoyed-last-10-holes>.

¹²⁹ *Id.*

¹³⁰ JOEL, *supra* note 4.

could've settled at the Masters for less than a masterpiece, but then, today, no one would look back and be inspired to ask, "Man what are you doing here."¹³¹ In describing his own impressions of that day, Nicklaus said simply, "I kind of enjoyed the last ten holes."¹³²

In the film *The Return of the King*, there is a scene outside the Black Gates of Mordor when the best of Man is ultimately confronted with the inevitability of defeat at the hands of Darkness.¹³³ The armies of all that is good are completely surrounded and severely outnumbered, and the salvation of the world seems already thwarted. These soldiers are all afraid, yet, one of their own exhorts them to "hold [their] ground."¹³⁴ That voice assures them that although a "day may come when the courage of men fails, when [men] forsake [their] friends and break all bonds of fellowship," "it is not this day."¹³⁵ The voice sounds like Billy Joel's.¹³⁶ The voice sounds like Lincoln's.¹³⁷

I have six kids, and people ask me, "Do any of your kids want to do what you do? Do any of them want to be lawyers?" My six kids, however, are all already musicians. In fact, they're in a band together.¹³⁸

I think if you asked them, they'd tell you that what they'd like to do is what Billy Joel does. Maybe my kids would tell you that they'd like to do what Billy Joel does where Billy Joel does it—that they'd like to play at "The Garden," just like Billy Joel.¹³⁹ But what I hope they'd tell you is that they want to do what Billy Joel does because Billy Joel is being true to what he was created to be, that he re-

¹³¹ JOEL, *supra* note 4.

¹³² Boyette, *supra* note 128.

¹³³ *The Lord of the Rings: Return of the King* (New Line Cinema 2003).

¹³⁴ *Id.*

¹³⁵ *Id.*

¹³⁶ See *supra* notes 43-61 and accompanying text.

¹³⁷ See *supra* notes 8-11 and accompanying text.

¹³⁸ See SEASONS, <http://www.seasonsmusic.com/> (last visited Nov. 22, 2015).

¹³⁹ News, BILLY JOEL AT THE GARDEN, <http://www.billyjoelmsg.com/news/> (last visited Jan. 11, 2016).

Madison Square Garden announced today that legendary music icon Billy Joel will become the first-ever music franchise of 'The World's Most Famous Arena.' Joining the ranks of The Garden's other original franchises – including the New York Knicks, Rangers and Liberty – Billy Joel will kick off this franchise at The Garden performing a show a month, as long as there is demand.

Id.

spects his art, values his audience, speaks truth to the broken, and would do what he does, whether it was in “The Garden” or in a piano bar in L.A., so long as it made the world a more beautiful place and someone’s life a little bit easier to live with. And if that’s what my kids mean when they say they want to do what Billy Joel does, then maybe it’s what I do too, at least I hope it is.

I know a church where rose light at sunset pours through a great stain glass window into the choir loft, and if one so chooses, one can be immersed in that light. It’s not that anyone will hear or see, and so orienting yourself is no guarantee of triumph. It’s only that in that light, you and others will be transformed.

There is also, in that church, a blessing: “May you find happiness and satisfaction in your work. May daily problems never cause you undue anxiety, nor the desire for earthly possessions dominate your life. Instead, may your heart’s first desire be always for God’s good things.”¹⁴⁰ It is the blessing for a life of incense.

¹⁴⁰ *Prayers: Rite for Celebrating Marriage During Mass*, IBREVIARY, <http://www.ibreviary.com/m/preghiere.php?tipo=Rito&id=202> (last visited March 25, 2015).