

The Rashomon Effect and Your Case

By Justin K. Lowery, Esq.

"The judge will believe me because it's the truth."

I've heard this phrase or some variation of it more than I would care to while practicing law. The conversation that follows is always difficult. Thanks in part to television and movies; people have an overly optimistic sense of what a trial will be like. Watching shows like *Matlock* or *Law & Order*, or movies like *A Few Good Men* give people the idea that at a trial the truth will come out. Anyone who has been through it can tell you that idea of trial doesn't match up with reality.

Rashomon is a film that gets it right. The witnesses all tell stories that are plausible but different in important court is no closer to the trial started. In essence, Effect) is based on interpretations of the people. Some of those the incident occurred; those people have on the outcome; and have something to gain.



ways. At the end, the truth than it was when the court (and the Rashomon contradictory same event by different people were there when some weren't; some of something to lose based some of those people Everyone has a motive or

a perspective that filters the events as they are witnessed and recounted. Rarely is there a key that unlocks the puzzle and gives clear meaning to the actions of those involved — and when there is, the case settles.

The question then is what does that mean for you? It means that you must come to terms with the fact that the judge in your case can NEVER know the truth. He or she can only guess at it, and they have to use the evidence to guess at the truth. If it were otherwise, no innocent people would go to jail. It also means that you are better served by hiring an attorney. As an attorney, my job is to find the evidence, piece it together, and organize it in a way that fits the narrative of your case. There are certain mechanisms under the law that force the other side to turn over evidence or that allow me to compel a witness to speak with me. I also prepare clients for the traps set by the other side.

So when you are faced with an adjuster who is looking for any possible way to deny your case, and you're considering going to trial without an attorney because "the judge will believe you because it's the truth" remember that the judge can't know the truth, only the evidence.