

# Q & A

## Beyond Law Practice

### One Lawyer's Novel Journey

How many people toil at their jobs while wondering if they have a novel “in them”? What does it take to get those words on paper, and what is the path to publication?

Peter Baird has spent years practicing law and writing. And although he had been published many times in periodicals both local and national, he, too, wondered if he had a novel to share. This past year resolved any doubts, when *Beyond Peleliu* was published by Ravenhawk Books.

Tom Galbraith, like his friend Peter Baird, also practices and writes. ARIZONA ATTORNEY readers enjoyed Tom's profile of Arizona trial lawyer legend John Flynn a year ago. But this assignment was different.

Tom sat down with Peter and spoke with him about writing a book. What goes into it? And what comes out of the author? We think you will enjoy this view inside a new book and inside the business of book publishing.



PETER BAIRD



TOM GALBRAITH

**TOM GALBRAITH:** Why did you write this book?

**PETER BAIRD:** Ever since I was a kid, I have enjoyed writing. In my 20s and 30s, I wrote dozens of legal articles that few people read. In my 40s, I started writing personal essays and short stories and, to my amazement, they got published in *The New York Times Magazine*, *Newsweek*, *American Heritage Magazine*, *The Wall Street Journal*, *Phoenix Magazine*, *The Chicago Tribune Magazine* and so on.

After my *New York Times Magazine* piece appeared, I started hearing from literary agents who weren't interested in essays or short stories but who wanted me to write a novel. I didn't take them seriously.

In the summer of 1992, I was going through a difficult period and decided that perhaps I could take my mind off my troubles by trying to write a novel. Consequently, I started outlining a story in July 1992.

**GALBRAITH:** Did you ever think it would be published?

**BAIRD:** At first, I really didn't know whether I could write a novel or, if I could, whether it could be published. However, as I continued to write, as the years passed, and as the rejections mounted, I became increasingly pessimistic, even fatalistic.

**GALBRAITH:** How long did it take to write the first draft?

**BAIRD:** Probably seven or eight months. Although I didn't know it at the time, it was awful. So too were the next several thousand drafts.

**GALBRAITH:** What was “awful” about those drafts?

**BAIRD:** Everything.

**GALBRAITH:** For example?

**BAIRD:** Except for one short story that was published in an obscure literary magazine called *Rosebud*, I had never written fiction before and I was clueless.

**GALBRAITH:** What did you do about your “cluelessness”?

**BAIRD:** I read every book—probably well over a hundred—that I could find on writing fiction, both short stories as well as novels. Some were simple “how to” books. Others were for more advanced writers. Nonetheless, all of the books helped me find my way.

**GALBRAITH:** What books were the most helpful?

**BAIRD:** Probably the most helpful was *Self-Editing for Fiction Writers* (by Renni Brown and Dave King). Another, written by a fellow whose name is Jack Bickham, had a title that was something like *The 38 Most Common Fiction Writing Mistakes*.

**GALBRAITH:** Substantively, what were your writing mistakes?

**BAIRD:** At first I thought I could take my essays and link them together with flashbacks and, presto, I would have a novel. It took me years until I realized that it wasn't a novel that I was creating but a mess.

Eventually, I attended a writers' conference in Colorado Springs and heard there about the evils of flashbacks. That night in my hotel room, I ripped out all of the flashbacks, threw them away and started over from scratch.

**GALBRAITH:** I read one or two of your early drafts and I noticed that your characters were not particularly believable. Can you comment on that?

**BAIRD:** Originally, I turned the characters I liked into saints and characters I didn't into sinners. Just as it is dangerous for lawyers to overstate the virtues of their clients and witnesses, it is just as dangerous for a fiction writer to do the same thing, because those kinds of one-sided characters come across as unbelievable and boring. Consequently, I worked very hard to make sure that all of my main characters were antiheroes with traits that were both good and bad.

It pleased me very much when a reviewer in Washington, DC, wrote recently that, "When I put down Peter Baird's novel, I knew that I had spent time with real people."

**GALBRAITH:** A good example would be Virginia, the mother and the female magician in the story.

**BAIRD:** Absolutely. It took me about 10 years to bring her down, but I eventually did.

**GALBRAITH:** What other mistakes did you make?

**BAIRD:** Too much telling and not enough showing.

**GALBRAITH:** How did you overcome that?

**BAIRD:** First, by being sensitive to the problem. Second, it helped me to do a prodigious amount of fact research into every scene, profession, locale and event so that the facts, particularities and details would "show" the reader what was going on without me, as narrator, "telling" the reader what was going on.

**GALBRAITH:** Is that how you were able to

include or "show" all of the medical procedures in the book?

**BAIRD:** Yes. Some of the medical stuff I knew personally because my father died of Alzheimer's, I contracted paralytic polio as a kid and I have battled depression all my life. However, for the rest of the medical problems, issues and procedures, I dug those details out of case histories, research papers, articles, textbooks and some novels written by doctors.

**GALBRAITH:** The pivot point for your novel is the World War II battle that took place on the Island of Peleliu in the South Pacific. Where did you get your information for the battle scene?

**BAIRD:** From books. For a long time, the only book I could find was *With the Old Breed: At Peleliu and Okinawa* (by E. B. Sledge). However, in more recent times, other books have come out such as *To the Far Side of Hell* (by Derrick Wright), *Brotherhood of Heroes* (by Bill Sloan), and *Peleliu 1944* (by Jim Moran and Gordon L. Rottman).

**GALBRAITH:** Why do you think it took so long for those books to come out?

**BAIRD:** Because the Battle of Peleliu was an embarrassment for the United States military. When our armed forces invaded the island, it was utterly unnecessary. Military intelligence reported that Peleliu was "lightly defended" and that conquest would only take a few days. In fact, there were over 13,000 highly skilled Japanese soldiers hidden in caves and sworn to fight to the death. Consequently, the battle raged for many weeks, with dreadful casualties.

**GALBRAITH:** Can you imagine American forces being sent into combat based upon faulty intelligence?

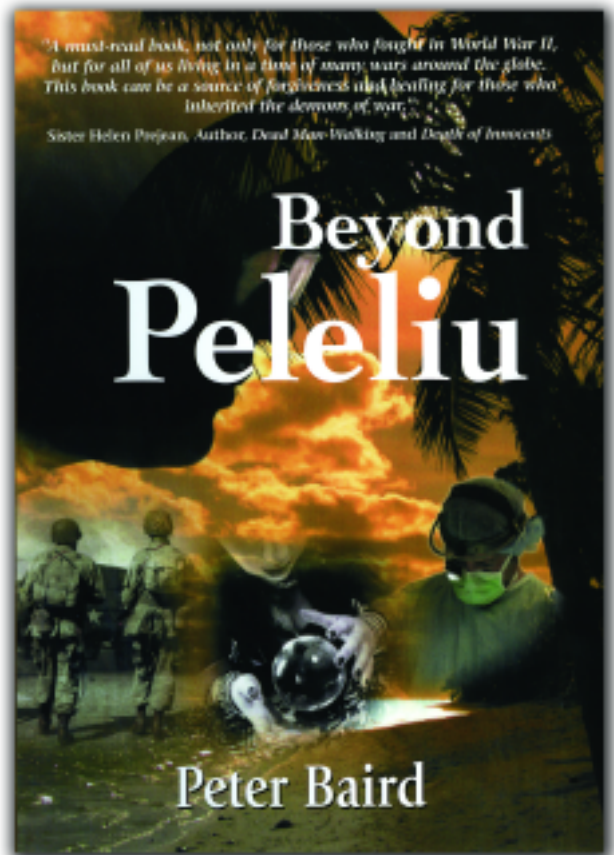
**BAIRD:** I can imagine such a thing.

**GALBRAITH:** I noticed in your earlier drafts, as compared to your final draft, much of the narrative has been displaced by dialogue. Why was that?

**BAIRD:** As I learned the hard way, dialogue gives the story immediacy, and Elmore Leonard is a master of that art. For lawyers, dialogue comes fairly easily because we concentrate on questions, answers, colloquies and the spoken word. We do this out loud as well as in our heads, silently.

However, I learned that dialogue was meaningless unless I really knew my characters inside and out. Again, research was the key to knowing my characters inside and out. For example, what would a surgeon say when doing a thoracotomy?

**GALBRAITH:** One of the devices you used in the book were e-mails. I had never seen that before. How did you come to use them?



**Beyond Peleliu**  
by Peter Baird  
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Excerpt from *Beyond Peleliu*

## PROLOGUE

September 6, 1996

James Douglas McQuade  
Hulings Boat Yard  
Box 47 Point Arena, CA 95468-0047

Julie Elizabeth McQuade  
c/o Mrs. Beth McQuade  
1470 Page Mill Road  
Palo Alto, CA 94304-1124

Dear Jim and Julie,

Thank you for your letters and concerns but please don't worry about me. It turns out that prison isn't all that bad for a lawyer when his clients are inmates, guards and the Warden himself. Here, I'm the "Bighouse Counsel" and my perks include "Trusty" status, an office, a computer, a law library and a comfortable cell.

Best of all, I've had time to do some research into our family history and, specifically, into the World War II Battle of Peleliu that your grandfather fought. As the enclosed manuscript suggests, I've also done a great deal of writing.

You are not the only ones who have asked why I would risk losing my liberty and my license by taking a life that was, for all practical purposes, over. Even harder for everyone to understand is how I could possibly find peace in a place like this.

As with so many of life's questions, there are no answers, only stories. Partly remembered, partly reconstructed, this is mine.

Love,  
Your father

David McQuade  
Number 754639-T  
Utah State Prison  
Draper, Utah 84020

**BAIRD:** When I threw out all the flashbacks, I needed some other way of getting "back stories" into the text. I am bombarded, as most of us are, with e-mails all the time. Some of them are very open, honest and compelling and I thought those kinds of e-mail could give me a way to deal with back stories.

**GALBRAITH:** There are some steamy sex scenes in the book. Do I dare I ask where they came from?

**BAIRD:** A Princeton English Professor by the name of Elizabeth Benedict wrote an excellent book on that subject called *The Joy of Writing Sex: A Guide For Fiction Writers*. It turns out that writing about sex is very difficult. For example, "he entered her" is boring.

**GALBRAITH:** Some of the names of your characters obviously came from real people. Isn't "John P. Franklin" a transparently disguised John P. Frank, the late great partner of Lewis and Roca?

**BAIRD:** Absolutely. Shortly before he died, John read the then-current draft and sent me his comments in a memo signed "John P. Franklin."

**GALBRAITH:** And the father and the mother in this story were patterned after your own parents?

**BAIRD:** That's correct. My parents were the two most fascinating people I have ever met.

**GALBRAITH:** How much of the novel is based upon your parents' real lives?

**BAIRD:** Certain events that my characters go through and certain character traits that my characters have are based upon my childhood memories of my parents. The details are mostly fiction.

**GALBRAITH:** In the book, the mother is a mind-reading magician who learned her craft as a social worker in the "colored section" of a woman's prison. Was that true for your mother?

**BAIRD:** Yes. She learned magic as a social worker in an Illinois prison for women. As a kid, she and I did two-part mind-reading shows, and I loved it.

**GALBRAITH:** The father in the book was a physi-

cian who was wounded during the Battle of Peleliu and returned home with his left hand in a permanently splinted semi-claw. Did that also happen to your father?

**BAIRD:** Yes. It profoundly changed him, my mother and me. That's why, if this novel is about anything, it is about the generational impact of war.

**GALBRAITH:** Your father said, when he returned home from the war, that he had been shot by a "Jap sniper." Was that a lie?

**BAIRD:** Yes. It was a lie and one that he repeated hundreds of times.

**GALBRAITH:** And you didn't learn the truth about his war wound until many years later. How?

**BAIRD:** After my mother died, I came across a partial transcript of a court-martial proceeding against my father on malingering charges. He was found guilty but pardoned because of his "gallantry in action." The gallantry was because he had killed a Japanese soldier with his bare hands, saved the lives of his comrades, and had operated in a surgical tent for six straight days without sleep. The malingering occurred when he was delirious.

I tried to get the full transcript and his complete service record. However, they were stored in a Veterans Administration warehouse in St. Louis that burned down in 1973.

**GALBRAITH:** What about the San Francisco trial lawyer, David McQuade, in the story? Is there some of Peter Baird in him?

**BAIRD:** Some. We are both lawyers. He had polio and so did I. He was a magician, and so am I. He is a senior partner in a large law firm, and so am I. He suffered from depression and so do I. He reunited with his father when his father came down with Alzheimer's, and so did I.

However, there are hundreds of differences between us; for example, he has hair and I don't.

**GALBRAITH:** I noticed that there are only a few passages spoken in dialect. Why so little?

**BAIRD:** Mark Twain and William Styron are the masters of dialect. I'm no Twain or Styron. Unless it is done superbly, dialect can get old in a hurry.



**GALBRAITH:** Who are your favorite fiction writers?

**BAIRD:** Ernest Hemingway and Raymond Carver.

**GALBRAITH:** Why them?

**BAIRD:** Because I like spare, clean writing that is expressed in short paragraphs without unnecessary verbiage, especially adverbs and adjectives. Those two writers understood the power of nouns and verbs.

**GALBRAITH:** Has it really taken you 14 years from the time you started to write *Beyond Peleliu* until the time the book was finally published?

**BAIRD:** Yes.

As a lawyer, I have lived with the despair of defeat and have kept going in long-shot cases even when the future was bleak, and that was good training for me as a rejected writer.

**GALBRAITH:** Why did it take so long?

**BAIRD:** The principal reason is that I was turning out garbage and I didn't realize it. If you write garbage, you can't expect it to be published.

**GALBRAITH:** So you got rejected?

**BAIRD:** Gazillions of times. Looking back on how terrible the earlier drafts were, they deserved to be rejected.

**GALBRAITH:** How did you cope with all of those rejections?

**BAIRD:** The same way I cope with losing a lawsuit: Get back on the same horse that threw you. As a writer, each time I got a rejected, I would go back and read two books that lifted my spirits because they described the experiences of hundreds of famous writers who had been rejected. One book was written by John Wright called *Rejection*. The other book was edited by Bill Henderson and André Bernard called *Rotten Reviews & Rejections*. Now that my book is out and is being reviewed, I suspect that I will be reading another book by those same two authors, called *Rotten Reviews*.

**GALBRAITH:** Did you have an agent?

**BAIRD:** Yes. I had two of them.

**GALBRAITH:** How did you get them?

**BAIRD:** After my *New York Times Magazine* piece came out, I was contacted by a whole host of agents. I chose one of them, worked with him and then I fired him in a stupid huff.

**GALBRAITH:** Why did you fire him?

**BAIRD:** Because he thought my novel needed a lot of work and I didn't. He was right. I was wrong. I was an idiot.

**GALBRAITH:** You mentioned a second agent?

**BAIRD:** Yes, Andy Whelchel is my agent now and, for years, he has regarded me as his principal pro bono client.

**GALBRAITH:** How did you find him?

**BAIRD:** I finally came to realize that the earlier drafts were awful. So I spent several more years improving the book and, at the same time, looking for an agent. Eventually, I went with you, Tom, to a writer's conference in Tucson and we met Andy Whelchel there. He liked my writing and I liked him and, ever since, we have been working together. He has been great.

**GALBRAITH:** Did he just go out and immediately sell the manuscript?

**BAIRD:** Not at all. He would submit it from time to time but kept leaning on me to make changes. For example, the original title was *December Thaw*, which is not descriptive of anything that specifically relates to the book, and he wanted a title that dealt directly with the Battle of Peleliu.

**GALBRAITH:** So he found a publisher for you?

**BAIRD:** Yes. But it is not that simple. The first publisher Andy found went out of business shortly before the publication deadline. I panicked, but he didn't.

**GALBRAITH:** So what happened?

**BAIRD:** Andy found a far better publisher called Ravenhawk Books, which is located in Tucson and which has been a wonderfully supportive publisher.

**GALBRAITH:** Did you ever feel like giving up the project and giving in to despair from all of the years of rejection?

**BAIRD:** Of course and, several times, I put the manuscript away for good.

**GALBRAITH:** What changed your mind and what kept you going?

**BAIRD:** As a lawyer, I have lived with the despair of defeat and have kept going in long-shot cases even when the future was bleak, and that was good training for me as a rejected writer.

As a writer, I kept going because this was my story and my family's story, whether it ever got published or not. More than anything, I needed to see my parents through the eyes of an adult rather than to continue to see them through the eyes of a little boy. The novel helped me do that.

**GALBRAITH:** As a lawyer in long-shot cases, you had some legal and analytical reason to think you might eventually win. However, as a writer, you could not possibly have had any rational reason to believe that your final version would ever get published. Isn't that true?

**BAIRD:** That's true and, for that reason, it's a good thing for me that there is no Rule 11 for writers. That's why the books I just talked



about concerning rejection were so helpful, because there have been so many famous writers who have been rejected time and time again and yet eventually got their work published. For example, William Saroyan was rejected thousands of times before his work was ever published. Those rejection stories gave me hope, even if that hope was irrational.

**GALBRAITH:** There is so much medical detail in the book. Did you ask any physicians to write those passages for you?

**BAIRD:** No. However, I did ask a number of physicians to read the manuscript at various points in its evolution, and their feedback to me was invaluable.

**GALBRAITH:** You mentioned that the general theme of the book is the generational impact of combat and war. Did you set out from the beginning to make that your theme?

**BAIRD:** No. I didn't think thematically about this book until very near the end. After years of research, thinking and writing, my characters started to slowly "take over" and—I know this sounds silly—I followed them into the generational demons of war.

**GALBRAITH:** *Beyond Peleliu* focuses heavily upon what we have come to call "the greatest generation" but, from your novel, some of the greatest generation came back from WWII badly scarred, is that right?

**BAIRD:** That's correct. Nobody knew in those days what post-traumatic stress disorder was. Only recently are books coming out about our fathers who served in WWII, and these books make for therapeutic reading for those of us whose fathers saw combat. One book was written by Tom Mathews called *Our Fathers' War*, and another book was written by Scott Turow called *Ordinary Heroes*.

**GALBRAITH:** Now that the book is out, are you simply sitting back and raking in royalties and taking book-signing tours?

**BAIRD:** Hardly. Unless you are a writer like Stephen King, you must do the marketing yourself, and that takes an enormous amount of work. An alternative is to hire a publicist but, based upon what I have heard about publicists

and also based upon the fees they have quoted me, there are few people who could afford them, and, even if they can be afforded, most publicists are, I'm told, ineffective.

**GALBRAITH:** I thought that publishers marketed books?

**BAIRD:** The big publishing houses that are owned by the conglomerates can afford to market a book, but they will only do so if the author or the subject matter happens to be really famous. The rest of the publishing world has very little money to spend on marketing and, therefore, it is up to the writer to carry the burden.

**GALBRAITH:** So what have you done to market your book?

**BAIRD:** Basically, I have contacted as many people as I know and I've asked them to read the manuscript and help me find reviewers, columnists or media outlets. I'm fortunate that my practice has not been confined to Arizona and that I have tried cases in other states and therefore I know a lot of people. Also, since I have published many pieces in non-legal magazines, I know quite a few editors. Moreover, I am a senior editor of the *ABA Litigation Magazine* and, in that capacity, I have met dozens of lawyers and writers throughout the country.

**GALBRAITH:** So what will make the difference between this book being a commercial success or a commercial failure?

**BAIRD:** The book itself. Marketing helps, but books sell books. If they are good and relevant, then word of mouth will propel the sales. I'm fortunate to have a tolerant publisher who is going to give me time to do the necessary marketing and give the marketplace the necessary time to dictate the success or failure of this book. With the big publishing houses, they often make a snap decision within weeks of a book coming out as to whether they will dump it or push it.

**GALBRAITH:** In the story, the doctor's son is a trial lawyer who finds himself handling a giant products liability case and is facing some extremely difficult ethical questions. Since this is not a "legal thriller," why did you write about a lawyer, a products liability trial, and legal ethics?

**BAIRD:** I thought that the generational demons of war could be well identified in the emotional temperament and ethical makeup of a trial lawyer. I know from personal experience how adrenalin addiction and litigation pressure can bring out the best and worst in us. So I created characters and scenes that would, I hoped, expose generational strengths and weaknesses that my trial lawyer character inherited from his father and, more distantly, from the Battle of Peleliu.

**GALBRAITH:** Now that the novel is out, how do you think it looks?

**BAIRD:** The graphic artist did a wonderful job on the cover, and my wife, Susanne, did a wonderful job on the portrait. However, the printer—the largest in the country—ran the initial print run on defective equipment and so the first batch is a mess, with margins that are too narrow, words that have been dropped, paragraph breaks that make no sense etc., etc., etc. If anybody gets a copy from that first print run, I'll be happy to send them a replacement copy from the next one.

**GALBRAITH:** Are you satisfied with the story and the writing?

**BAIRD:** As a perfectionist, I'm never really satisfied, whether it is with a brief, motion, article, essay or book. However, *Beyond Peleliu* is the best that I could do, and I take some comfort in that.

**GALBRAITH:** Would you do it over again?

**BAIRD:** Probably, because I learned so much about writing and about myself in the process. However, given the thousands of hours I spent and the deep despair I had to fight, I have some doubts. Now, of course, I'm happy that I persevered, whether *Beyond Peleliu* is a commercial success or a commercial failure.

**GALBRAITH:** I understand that you are going to donate some of your royalties to the Arizona Foundation for Legal Services & Education to support legal services for the indigent. Is that right?

**BAIRD:** Yes. The Foundation is one of my favorite charities and I'm committed to giving them all my royalties from all book sales that the Foundation generates. It will be a pleasure and an honor to do so. 