

# Playing Dungeons & Dragons Makes Me A Better Lawyer

By **Derrick Carman** (August 13, 2024)

*In this Expert Analysis series, attorneys discuss how their unusual extracurricular activities enhance professional development, providing insights and pointers that translate to the office, courtroom and beyond. If you have a hobby you would like to write about, email [expertanalysis@law360.com](mailto:expertanalysis@law360.com).*

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Like many academically inclined children of the '80s and '90s, I spent a fair amount of my youth with my friends in a basement playing Dungeons & Dragons. Equipped with a stack of reference books, pencil and paper, and a collection of polyhedral dice, we dreamed up all sorts of wild adventures.

It's not as sad as it sounds, I promise. We had a blast. Now, 25-plus years later, I still play D&D as often as I can. And thanks to the miracles of modern technology, I still play with some of those same people from middle and high school.

This hobby helped pave the way for my career as a lawyer, and particularly as a litigator by providing foundational skills and practice that translate seamlessly from the tabletop to the courtroom.



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## What is D&D?

Recent media like Netflix's "Stranger Things" has repopularized D&D. But, for the uninitiated, D&D is a tabletop role-playing game. Most players create a single character in a fictional world that exists only in the players' minds.

One person, called the game master, or dungeon master, embodies everything else in the world. The game master plays as every other person, including the players' allies, monsters and villains, and even the weather and terrain, when needed. The game master also works as a sort of neutral arbiter, making rulings on what does or does not happen in the world based on the rules of the game.

Together, the players tell a collaborative story in which the game master sets challenges before the other players, the players tell the game master how their characters act in the situation, and the game master tells the players how the world reacts to their characters' actions. Rinse and repeat.

Where things get interesting is the introduction of the dice I mentioned earlier. Like in real life, the characters in D&D don't know everything, and the world can often be an unpredictable place. This randomness is simulated through the rolling of dice.

Want to persuade someone to give you a discount on an item your character wants to purchase? Roll a die. Want to swing your sword at a monster in front of you? Roll a die. Want to pick a lock to rescue some hostages taken by a local crime boss? Roll a die. Roll well, and you'll succeed! Roll poorly, and it's time to think quickly or face potentially dire consequences.

So how does a silly game translate to being a lawyer? In my experience, it translates in so many different ways.

### **Lawyers need to know the rules of the game, and how to use them.**

D&D, like the practice of law, is rules-based. In D&D, nearly every action has some sort of mechanic attached to it. Mechanics can tell you how long it takes to do something, how close you need to be, how long an effect lasts, or what equipment you need to perform your desired action. There are so many rules, and they are often so technical in nature, that a player who knows and adheres to them strictly is known as a "rules lawyer."

The mechanics of the game are recorded in rule books. These are like statutes: the hard and fast rules that the gamemakers arrived at after (hopefully) much deliberation. But as most lawyers know, legislators aren't perfect.

Some rules are ambiguous, or lead to unforeseen circumstances — so the makers of D&D occasionally revise the rules or, more informally, describe the intention behind a rule to guide players in their interpretation.

These changes act as a sort of legislative history to the game. But it doesn't stop there. Most game masters also have house rules, where they depart from the written rules of the game in discreet ways. Think of these as similar to a court's local rules.

Even with all these different tools at your fingertips, there's a significant amount of gray area for creativity and interpretation. In my experience, this is where both good lawyers and good D&D players shine.

What if your character needs to get through a locked door, but failed its lock-pick check? Maybe the party wizard can cast a "reduce" spell on the door to shrink it out of its frame. A good game master would reward the creativity with a spectacular result.

Similarly, what if a lawyer wants to borrow a theory of liability from one area of the law and apply it in another. Perhaps there's no law or precedent directly on point, but if presented logically and persuasively, a good judge may reward the lawyer's creativity and advance their client's interests.

D&D taught me that it isn't enough to know the rules, you have to understand them on a fundamental level so that you can apply them creatively to achieve your and your clients' goals. Learn the rules and understand them deeply.

### **Lawyers need to practice being persuasive.**

We all know lawyers need to speak and write persuasively. D&D is an excellent tool for a lawyer to flex their persuasive muscles. Exercises in persuasion arise in multiple contexts in D&D and the practice of law.

For example, in D&D, characters often have to negotiate or persuade other people to perform certain tasks, give them a fairer price or, if things have really gone off the rails, spare their lives. I've had characters negotiate payment for heroic deeds, negotiate hostage releases and make deals with actual (fictional) devils.

Each time I engage in these exercises, I go through a standard analysis: What does my

character have to offer? What does the other side want? What does my character know that the other side doesn't? How much is too much to pay?

The practice of law is similar. I often find myself negotiating with opposing counsel, whether it is for something as simple as an extension of time, or something as big as a multimillion-dollar settlement. Regardless, when crafting a negotiation strategy, I go through the same analysis in my head.

As another example, I occasionally find myself trying to persuade the game master that they should interpret a rule a specific way that is beneficial to my character. This is exactly like trying to persuade a judge that an ambiguous statute should be interpreted in the way that benefits my client.

In both cases, I'll look to the language of the rule, the purpose of the rule, examples of how others have interpreted the rule, and whether the rulemakers have provided any further explanation for the rule. Before I ever went to law school, I was already a "rules lawyer" practicing the art of argument.

Most litigators do mock arguments before they go to trial. For me, D&D is just another mock argument. Practice persuasion.

### **Lawyers need to assemble a diverse team.**

In D&D, the characters come together to form an adventuring party. Typically, the players choose an array of different characters with different skill sets.

You may want a fighter or barbarian to deal lots of damage to enemies and also absorb the enemies' attacks. You may also want a wizard, sorcerer or warlock to provide magical firepower, buff up your allies, or weaken your opponents.

You may want a cleric or a druid that can help heal other members of your party when they get injured. You may want a rogue that can easily sneak around without being detected.

Each of these character options have certain strengths and weaknesses that may be assets or liabilities in any given scenario. In my experience, the best parties in D&D have a diverse and well-balanced set of skills that are broadly applicable and give the best chance of success in the face of unknown challenges and dangers.

The practice of law is no different. I like to say that litigation is a team sport. Very few litigators do their jobs alone. In intellectual property litigation, where I practice, there is often a whole bench of attorneys on either side.

Additionally, those lawyers are backed by people with highly specialized skills like paralegals, administrative staff, trial consultants, technology and graphics teams, expert witnesses, etc. Similar to selecting a balanced adventuring party in D&D, the best litigation teams take into account the likely challenges and build the teams around the case.

If a case deals with highly sophisticated cellular technology, it makes sense to have someone on the team who understands the technology. If the case is going to deal with novel issues likely to go up on appeal, maybe you should have an appellate lawyer monitoring moves over your shoulder to place you in the best position for the appeal.

The needs of any given case, like a D&D adventure, are diverse and often unpredictable.

Learning to assess those needs, and crafting the team around them increases the likelihood of a successful outcome. Choose your teams wisely.

### **Roll the Dice**

There is a famous game master — yes, there are famous game masters, at least within the D&D community — who likes to tell his players "you can certainly try" when considering a course of action with a risk of failure.

I often remind myself of this when faced with the prospect stretching my skills beyond my comfort zone. And I've failed many times. But I've also exceeded my own expectations and grown every time, especially when I failed.

So pick up the dice, give them a shake and throw them on the table. You might surprise yourself.

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