



Fox Rothschild Podcast

The Presumption of Innocence

Episode 71: Necessary Narratives: Storytelling That Moves Lives Forward

Featuring Matt Adams of Fox Rothschild and Brad Rouse

Matt: Welcome back to "The Presumption of Innocence," a podcast brought to you by the White-Collar Criminal Defense and Regulatory Compliance Practice at Fox Rothschild.

By any objective criteria, Brad Rouse lived a charmed life. He graduated from Harvard and worked on some of the most iconic Broadway productions of our time. But none of that prepared him for calling the infamous Metropolitan Detention Center in Brooklyn, New York, his home for a year after he pled guilty to participating in a federal drug conspiracy in 2008. Against that unsuspected background, today he helps defendants tell their story in written narrative form for WhiteCollarAdvice.com, a sentencing and prison consultancy founded by Justin Paperny, our guest on episode 45 of this program-- focusing on the grit, grace and gift of second chances. Apropos of his theatrical roots, Brad spends a good portion of his time these days reducing the real-life character arcs of those that find themselves in the crosshairs of the criminal justice system to writing for use at sentencing.

A story in the June 12, 2022 version of the New York Times Magazine captured Brad's work best when it described Brad's efforts writing narratives for individuals facing sentencing as follows, quote, "Nothing isolates one's crime, and all the moral dereliction that comes with it quite like a story in which the jail time, which hasn't even started already, seems to be receding into the past."

It's my pleasure to welcome Brad Rouse to "The Presumption of Innocence." Brad, it's so great to have you. Thanks for joining us.

Brad: Great to be here. Thanks, Matt.

Matt: Well, with the risk of sounding too cliché to a man that has the background that you do in the fine arts and theater, I think my audience needs to hear your story to see how you got the start in this world as a prison sentencing consultant. So tell us how your contact with the criminal justice system modified and shaped your career trajectory from that fateful moment in 2008.

Brad: Well, you know, I came to New York after I graduated in 1995. Had a good career in the theater, worked for Hal Prince. Worked on a lot of good productions, as you said. Directed Billy Porter's one-man show at the Public Theater.



In 2005, my life kind of went a little bit off the rails. I tried illegal drugs for the first time. And then that sort of cascaded to my arrest by federal agents about 14 months later. Basically, I'd sort of just found myself in the middle of a circle of, you know, active drug addicts, of which I was one. We were always trying to find ways to, uh, find more drugs for less. Someone said, oh, call this guy, he'll FedEx you some. And I said, wow, that sounds like a great idea. It was a very bad idea. Next thing I know, I'm arrested. Uh, I'm at MDC Brooklyn, where I stayed for a year. It was a very dramatic year in one of the dorm units, 120 people from all over the world.

I pled guilty, sentencing happened, and a few years later I met up with Michael Santos and Justin Paperny through LinkedIn and have been working for them, helping other defendants tell their stories ever since.

Matt: And from there the rest is history, as they say. You took your playwriting experience and now you are, like I said, doing the real-life character arcs of those who find themselves impacted by the criminal justice system.

So tell us what it is that you really do, before we get into the nuts and bolts of some of the approaches that you take in what you do. So tell us all about how you form a narrative for folks that are going before a judge at sentencing.

Brad: This process is not, uh, a work of art. It's really, really trying to capture a true story, really trying to capture the story in a way that helps the judge see whatever happened in the defendant's case in the context of their whole life, their life before, and hopefully looking forward to a better life after. It really involves a lot of listening. It's multiple phone calls. It can be up to six or eight hours of just me listening, taking notes. Then I work with the client to turn those notes into about a five- to six-page letter to the judge.

It is a storytelling exercise, but it's also about really taking responsibility very clearly. Focusing on the victims, focusing on the process of making amends. So we really want a storytelling process that's going to not only help the judge see them, but help the clients see themselves and hopefully move them in the right direction to come through this process stronger than ever.

Matt: How do you see your role in what you do as compared to the defense lawyer, or say a therapist, that might be working with a particular justice-impacted individual getting ready to potentially go into prison?

Brad: Well, I'm not a lawyer and uh, you know, my job, I have a very specific --

Matt: Did you ever play one in the theater?

Brad: I did not. I did not. I did not. I had one speeding ticket from high school and otherwise had no contact with the legal world until I was in jail.

Anyhow, you know, I think my biggest strength is that I went through it. And when I'm talking to someone, I have my own version of that journey. You know, the federal system landing on you when it's suddenly United States versus me. It's like an earthquake happening in the middle of your life. I



did a lot of things wrong when I went through, in terms of my attitude, in terms of the experience I went through. And so what I can do that a lawyer or a therapist can't is that when they're talking to me, they know I've had my version. I know those feelings. I had my version of it. I can also talk about ways in which self-destructive behavior-- in my case it was drug addiction-- but a lot of the people who end up with cases have issues with drugs, alcohol, pornography, gambling, and in that sense, my own journey, getting healthy, change, turning my life around, you know, I can communicate those things in a way that a therapist or a lawyer just, you know, may not have the same experiences.

Matt: You very personally indicated that you did some things wrong in your own personal process going through this when you had your case. What'd you do wrong in your opinion?

Brad: I mean, I think it was just, um, you know, I was, it was such a shock to me. And I didn't really know anyone who'd gone through the system. There was no Justin Paperny or Michael Santos putting content out online. And so part of it was just the shock of the arrest.

There was also, you know, I mean, I'd been using illegal drugs for about a year, about 14 months. There was a lot of meth, a lot of benzodiazepines, which were, uh, not illegal. And so my brain processing was way off. I was in despair. I was humiliated. I was very, uh, you know, just had a terrible headspace. You know, in the process about a month or two after my initial arrest, I had a terrible concussion. So I was really, everything about, uh, the way my mind was working was really not right. And I wasn't asking for the right help. I was isolating myself. I was sitting in despair, sitting in rage. You know, I did not get sober. I kept using, relapsing, in and out of rehabs to emergency rooms. So I was really a mess. And instead of seeking good help and good direction, I just kept burying myself. And, you know, I was a terrible situation. And I'm really glad I'm alive. I'm thrilled I'm alive. And a lot of people don't make it.

Matt: Procedurally, at what point do you get involved in the process? I might imagine that your answer is something along the lines of as early as possible, but what, what is typical in your engagements --

Brad: In terms of working for Justin and Michael?

Matt: When do you get involved in the defendant's process? Right, there is a continuum. There is the pre-- in white-collar cases in particular, we have oftentimes a very extended period of pre-charge investigation where an individual knows that they're the target of a criminal investigation.

Then you have either a, a complaint or an indictment. And then you have oftentimes an extended period of time between when that process unfolds to the ultimate culmination of the process, there's a conviction at sentencing. So when is it that you're brought in to help those defendants?

Brad: It's really whenever the defendants seek the help from Justin. You know, so I've, talked to people before they even get a target letter and begun a sort of background interview process. I've also worked with somebody whose sentencing is within less than a week. So I start whenever they sort of engage Justin. I think it's best the earlier we start, you know, 'cause Justin has a very like, practical, long-term set of mitigation strategies with all sorts of very like, helpful tips and tools for



multiple areas of their life. You know, I'm really focused on, uh, getting them through that period of shock and despair, telling their stories in the right way. If there are issues with addiction, talking about that. So the sooner they hear my voice the better. But we can start anytime and, uh, we're ready to go.

Matt: What's your process for getting justice-impacted individuals to open up to you?

Because even as an attorney-- and I have a sacred attorney-client privilege that would govern our communications, no one can pierce that --you do not necessarily enjoy that. How do you get these folks to open up to you? Is it because you have the street cred of being somebody that's gone down this path? You can walk the walk and talk the talk? Or is it some other magic formula of personality that you use to get these individuals to trust you and actually share some deep stuff in order for you to do your job?

Brad: Well, I'm patient. I share some of the things about my own story with them. I mean, I really love the work and I want everyone to be well, and I want them to find peace. And I can see that process. I've heard so many people in utter despair and then as the months go by, the years go by to see people come back to life. And I see that not only in this work, but I see it-- I'm in long-term sobriety, I see people coming in, one or two days of trying to get sober. And I've seen so many people come back to life that my heart is really open and engaged. I think people can feel that.

There are times and when our work is covered by attorney-client privilege. But uh, I think, you know, for the first few conversations, we're not talking about their conduct in the case, just talking about the first 20, 25 years of their lives. And people want to talk. They want to share. They have a lot to say and you know, I'm listening to everything. And often when they're going through the system, the lawyers are really just focusing on the conduct, focusing on the legal aspects, focusing on the case. And I'm looking at the whole picture that might have started 40 years ago and have, you know, another 50 years in the future.

Matt: In your opinion, what are the ingredients-- the recipe, if you will-- to an effective mitigation narrative?

Brad: Well, I mean, from my point of view where my heart is, is really making sure there's like a heart connection between the reader and the client. Meaning the judge or whoever reads that and the person, if there is like a, find a way to make a heart contact there. And, that's just a process of, you know, I don't use AI. I spend a lot of time listening. It's an organic process. We work together. I think we start out with a very clear acceptance of responsibility. Very clear focus on the victims. Very clear intention to pay restitution, make amends. It's not only acceptance of responsibility for the actions, but an acceptance of the consequences with humility. Respect for the law, respect for the process, that's a key way to start. That's right off the bat. Then we go back, start from their birthdate, keep working through. When we get to the conduct section of the narrative, describe it in very clear language. Describe the harm that it caused in very stark terms. No excuses.

You know, I mean, a lot of people, as you know, who end up with cases have a lot of trauma, very serious trauma from earlier in their lives. But I think part of communication, the way we, you know,



reckon with the harm that they're there to take responsibility for in court to say, you know, a lot of people have traumatic events. They don't all break a law like I did. I'm responsible for my actions in this case.

Matt: How is that process like your work in the theatrical arts? And how is it obviously different in the sense of it's, not fiction, you know, it's somebody's life, but how is telling that story the same, drawing on those same skills that you had in playwriting and producing and acting?

Brad: Well, I never acted. My main thing, well, I did some, uh, writing, but mainly I was a director. So I directed Billy Porter's one-man show at the Public, and he was telling his story. And in that process with Billy, it was just a lot of listening. You know, he was talking about stuff that was very serious in his life, talking about it in public, bearing his heart.

And so my role with him was really kind of, you know, a gentle listener, kind of a little bit of a shepherd, a little bit of a, you know, shaping it a little bit. But it was mainly to facilitate the authentic, genuine story that he had to tell to his audience. And with the clients in this situation, we're trying to convey that genuine story. This isn't a work of art for me. I'm trying to convey their voice, the full truth of their story to an audience of one, which is the judge.

But in some ways it's not just an audience of one. We sort of say that. But in my heart, the audience is also them, the clients, the families. 'Cause reckoning with harm-- harm done to you, harm you've done to others, reckoning with the bad decision to break the law-- if you do that in a healthy way, that can put somebody on a path to reconciliation, to peace, to health, to a clear conscience, which is very important. And so, uh, a story well-told completely like this can, uh, be a big part of the healing process for the individual.

Matt: Do you often find it difficult to present a client's humanity without appearing to excuse or overlook the nature of their offense conduct?

Brad: I have no trouble doing that. I mean, the, the crossing the line, taking responsibility for that, you know, 97% of the people we work with have pled guilty. They've accepted responsibility in court. There's no denial of the events, of the facts. The statement of facts from the government and the facts in the narrative are identical. And look, in my story, you know, my life briefly went off the rails and I made some bad choices. I was in a very dark head space. Drugs were involved. Very easy for me to talk about. That was not a reflection of my heart or all the good I did before, or all the good I've done since. And it's possible to take a look at one season of life, take responsibility for those actions, and still be a full human being with a big heart.

We work with people that-- I'm sure you have too-- who are great fathers, great parents, great neighbors, have had huge accomplishments in business or in life, have done a lot of great hard work and service through their careers. They're in this season of life where there's a consequence, where there's a bad choice, but that doesn't change. You know, it's very easy to draw someone as a full human being and still take responsibility for, you know, their actions in the case.



Matt: Yeah, I like the way you put that. What would be one of the most difficult cases that you worked on informing a mitigation narrative? Obviously anonymize the folks involved, but factually speaking, what was the most difficult case and what made it difficult?

Brad: You know, no single case is leaping to mind. You know, I, uh, I, I might have been able to come in ready with one of these, but, you know, each case presents its own challenges. It is challenging if someone on call number one is really still, in denial about the reality of their situation, still full of rage about their situation, or somebody who's in very serious despair, very serious risk of self-harm.

You know, when the feelings are very big, that can be a challenge from the beginning. But other than the guiding the journey of the individual defendant, you know, when the facts are agreed to, it's not hard to take a look at those with clear eyes and take responsibility for it.

Matt: Take in the same question, but just a different way, right. Talk to me about one of the most appreciable ways that you believe you were able to impact the ultimate decision of the sentencing court by adequately conveying that whole picture, the whole person in your written narrative form.

Again, anonymized if you want. And I'm just looking to hear from you how you believe you were able to capture that audience that you're talking about, just like at the end of the production, the round of applause that goes through the theater.

Brad: Look, I mean--

Matt: What were one of those biggest moments where that judge said, you know what? I came in here thinking that I was going to drop the hammer, and here's what I'm going to do.

Brad: I mean, I have, certainly cases stand out where the client got a very positive result of sentencing, very positive, where I've gotten tearful calls at the end, you know, saying the judge talked about the letter, talked about me. And their tears are pouring down their face 'cause they expected 15 years and got five. Expecting to go away, and they have little children, and they go home on probation. So there are moments where the client and the judge, they really feel like they were heard, seen and it resulted in a lower sentence.

But I, but there's never one thing. It's never just, you know, what I work on with the clients. It's a bigger picture. You know, there's so many moving pieces. Every judge is different, as you know. The happy outcomes are really joyful. But I have other stories where it may not have moved the needle at all. Um, but I think, uh... And, and something I think Justin and Michael Santos certainly emphasize: It's not just about the big number at sentencing. You know, what Justin and Michael have devoted themselves to is the entire journey. Not only the the big number at sentencing, but also, you know, can you get to home confinement sooner? How do you use your time in jail? I mean, Michael Santos did what, 26 years, over 9,000 days. He really used his time, gave himself a world-class education, and has turned that into a huge value for thousands of people. How do you shift their, pivot them from despair and defeat, pivot them towards the future, adaptation, growth, health, so that they come out in the best shape possible?



Matt: How do you deal with judges? And this really goes to knowing your audience who are more of the retribution kind of judge as opposed to the rehabilitation judge. You know, and I guess this is really a two-part question. What level of preparation do you do to know your audience? And that is the judge. And number two, if you know that that judge has predilections towards, we need to set the right tone, crime and punishment. We need a deterrent effect as opposed to, I think this person can be rehabilitated, which is a very difficult talent to deal with a judge like that.

How do you change your approach, if at all?

Brad: I 'm sort of lucky in that since I'm not the lawyer and I'm not Justin, I'm not thinking about legal strategy and I'm not thinking about how to play any individual judge. You know, if the client's lawyer or Justin says you need to tweak it this way or this way 'cause of this judge. But I honestly can't think of any time that's happened. I would certainly take that direction, 'cause I'm here, I'm in a service capacity and I take direction.

In terms of the telling of the story, I don't aim for individual judges or their personalities. Or I haven't yet. Maybe I'll do that more in the future, but I am really in the trenches with the defendant. I'll stay on the phone with them for as long as it takes, and after that I pass it up to the bosses, which is the lawyer, which is Justin. And if they want changes, I make them.

Matt: Has the role of mitigation evidence at sentencing evolved since you were sentenced? And I guess I'm really drawing a parallel to what you are doing now versus what was offered to you when you were sentenced.

Were you writing your own mitigation letters to the court at the time of your sentencing for your own offenses? Was that something that was an afterthought? Was that primary focus of your mind? And what's happened since that time, in your view, of what the holistic sentencing process has really become?

Brad: I had a excellent attorney, Aaron Mysliwiec, and I did write an acceptance of responsibility letter, wrote it by hand from my unit at MDC Brooklyn. I didn't get a lot of direction other than a clear acceptance of responsibility. I was never assigned like to tell my story or to write about, you know, things I want to do in the future, uh, how I was going to, use this experience, you know, to grow or change or what I might do as a result of it. I wasn't thinking those big-picture terms. I didn't do a release plan, which we often do. My, you know, I had family and friends do character reference letters. But I didn't get the same kind of direction that Michael and Justin have given.

If there had been a Michael and Justin when I was going through the system, I would've saved honestly years of despair, drunkenness. Wasted a lot of time really sitting in the negative, feelings and, uh, and the humiliation of the case. I mean, the great gift those guys have is pivot day one. You got to pivot, you got to adapt, you got to shift, you got to move, you got to keep the ball going the right direction. They're great coaches in terms of positive attitude. I had a terrible attitude. That attitude lasted beyond my sentencing for a few more years. And I think the great gift those guys have is to really take it on. And not in terms of like what the legal strategy is, but what's the personal strategy? How do I get through this strong? How do I come out better than I went in?



Matt: In your view, what are the biggest misconceptions about sentencing mitigation between lawyers, judges and prosecutors, sort of the traditional players in that criminal justice paradigm that's unfolded, that you as a justice impacted-individual-- coupled with your current profession-- see as sort of this something you'd like to maybe even change.

Brad: Matt, I don't have a vantage point on what people like judges or you know, big attorneys or what they think in terms of mitigation. For me, working for Justin and Michael, you know, I see such value-- no matter what the judge might think of it-- I see such value just in terms of the defendant's own process moving through this so that they come out strong, that it's all winning to me. It's all winning to me.

Now, I don't know with AI doing character reference letters or AI doing their own sentencing narratives, how that might change any readers' attitude towards any document that gets put in front of them. And AI might really change the whole ballgame. You can just ask the computer to take responsibility.

For me, the one-on-one human connection, the listening, what I can do to shift somebody who's deep in darkness and despair, get just little photons of light in there so that they start taking the steps, take responsibility, come out strong, and make sure they just stay alive. You know, not everybody survives this process and we want everybody to come home strong.

Matt: It's almost like what I see with some of my clients who have gone into more of a treatment, clinical kind of approach in their post-conviction lives. I have a few clients who have gone into working in sober-living homes and things of that variety, which they are mindful of the process, but their focus is on the person.

And I think a lot of times in our criminal justice system, individuals, human beings, red-blooded, you know, humans, can oftentimes be treated like a cog and just sort of brought through a conveyor belt. And it takes people like you to sort of slow the process down and realize the humanity behind it. In a lot of respects, sentencing can become one-dimensional. It's arguments over guidelines and scores and lots of numerical charts and tables and things that are just kind of overwhelming to the layperson. And what I'm hearing from you is that you put it into a three-dimensional composition as opposed to just a, you know, a flat emotionless personality list, score on a piece of paper. And I think that does add tremendous, tremendous value.

You know, this might be a difficult question, but I'm going to ask it anyway. Do you think that the courts take and put enough emphasis on the holistic story of the defendant, or do we have some progress to make in that regard? One of the things that I like to do at sentencing is to talk a lot about the individual as the person before the court in a lot of different angles, as many as I can find, whether it be their philanthropy, whether it be their career, their hobbies, whether it be the way that they interact with their family. And invariably when you start to paint people in that picture, as not just the fraudster or the drug addict or the whatever, insert-criminal-offense-here, but as a person that, yeah, might also be a fraudster or a drug addict, but at the same time is a loving brother and a loving spouse and a loving father and a contributing member of society. I always love to draw on a number of different angles, and sometimes as the attorney, you don't have the time to develop as



many of those angles as possible. And I wonder if the courts actually pay attention to them. What are your views on that?

Brad: I think it depends on the judge. I mean, I've heard stories of sentencing hearings where it's clear the judge has read every letter, read the narrative. You know, one story where an amazing guy and the judge came out afterwards, shook his hand, shook the family's hand. And I've heard other stories where it feels like the judge didn't even read it, where he just totally blew it off. Uh, I have just one, it's coming to mind where it just seemed like the judge was a jerk about it. And this is an amazing guy, you know? So I think some of it has to do with the personality and the inclination of the individual judges. This is an individual human decision the judge has to make.

But yeah, I mean, in terms of what you just said, I mean to me, 'cause I hear the whole story. I know everything. I know like their elementary school. So none of these people in my mind are reduced to however they crossed the line. And, uh, very few people I've talked to, I think of as the word like criminal, that's just a totally unhelpful, unilluminating term for me. And I think since I have the ability and the time to listen to it all, they all feel like full human beings to me. And I do my best to convey that in a few pages so a judge can see that.

And sometimes for the lawyer to see it. I mean, sometimes I'll do a, kind of a background letter just for somebody to show to the judge or show to the prosecutor as part of a plea, or a proffer process. People have big lives. They've lived through a lot of things. They've accomplished a lot of things and that they sort of get reduced to that one moment.

I'll tell you a story. When I was, something my first lawyer said that-- he wasn't the lawyer I was with at the end-- but he said to me in our first meeting, this is the only thing anyone's going to remember about you. And that was like devastating for me because, you know, I mean, I thought about all the term papers I stayed up late. I mean, I worked hard to get into Harvard. I did well there. I'd worked in New York theater for 10 years. I'd been on *60 Minutes* too. I'd worked on Broadway. I'd worked with my heroes. And the thought that like my whole life would get reduced to this one slice where I was in a dark headspace, addicted to drugs, you know, making bad choices, was devastating. And so I think what I can do is give this defendant their whole life back. So they're not just the DOJ press release. They have a way to go through this very difficult process where it feels like your name is taken away from you, and come through, you know, not, you know, we are as defendants kind of just another package at the post office for a lot of these people. Have the right attitude towards that. Don't take that personally, come through it because we want everyone to come home strong. They're all going to be our neighbors, friends and brothers again. And, uh, we want them back.

Matt: Do you see ... I see you as equal parts advocate and social worker. Because you're advocating with the words you choose to use, um, as we, we all are in the defense camp, in the legal profession generally, but you're advocating with the words you choose to use. But you are also trying to ensure the success after the fact for the particular defendant in a way that sometimes gets lost in the system. And I think that's where you do add that value.



What do you see yourself, if you had to pick one or the other? And multiple choice tests are never fair, but which one do you see yourself as more of? The advocate or the social worker ensuring that we don't sort of lose a productive member of society just because of one event?

Brad: Yeah. For me, I really see myself as a mentor and as a guide. I'm in the trenches with each person. I mean, I'm working on opening a nonprofit so that I can do this for people who may not be able to like, afford a commercial service. But you know, for me it's, you know, it's that mentor and that guide, somebody who can be on the other side of the phone, you know, get that late night phone call when someone's just in total despair.

'Cause the despair and the shame can be deadly. We can reckon with our conscience, our bad choices, our sense of hopelessness. We can get through that. But sometimes you need somebody else in your ear. I could have really benefited from a voice like mine in my ear at that time. And if it was there, it wasn't coming to me. And a lot of people that we work with are very successful. They've accomplished everything. They're in elected office. They're got startups. They're hot shots. They're stars. They're people we've known from television. And I kind of know what to say to just move them through that earthquake in the middle of their life, shift their perspective so they can pivot back towards the light and come out strong.

Matt: What mistakes, if any, do you think that defense attorneys like me who have to sort of be in touch with the entire big picture of that criminal process make at sentencing in presenting the story of their clients?

Brad: Oh gosh. I don't have an answer to that. I haven't gone into enough sentencing hearings myself. And I really, you know, the law, everybody's lawyer is my boss, so I don't second-guess lawyers. I don't second-guess their strategies. That's really between the client and their lawyers. And you know, Justin, who's, you know, worked on like, I guess thousands of these cases, he has much bigger experience with that experience in the courtroom. He's sat and listened to judges. I don't have that vantage point.

Matt: Well then, do they listen enough? Do lawyers listen enough? Like in the manner that you do, that active form of listening.

Brad: I mean, most lawyers probably don't have time. That's not why they became lawyers to like, listen to stories, to hear somebody in despair. You know, I interviewed with one lawyer who I didn't hire, and she, I was in the worst shape of my life. I'd just come through a concussion. I was just in horrible shape. And she's just screaming at me: Wake up, wake up. Which was the worst thing. I mean, it was like a knife. A knife. It didn't help. And, uh, she didn't know, or didn't choose, to see me where I was and say what I needed to hear to kind of gently get me out of that moment of mental crisis.

I would assume most lawyers don't necessarily have those natural skills. That's not why they go into law. I would hope that lawyers would, uh recognize that, encourage their clients to get help, to get to a 12-step fellowship, to reconnect with people. I mean, one of the worst things I did, and what a lot of defendants do, is they're totally isolated. They put on a good face for their lawyers. They isolate



from their friends. They stop going to church. They just are sitting in an iron box. And that's a really dangerous and unhealthy place. So, uh, anything a lawyer could do to just encourage basic well-being so that people can move through the crisis time and start moving towards the future with the healthiest possible --and most practical possible-- attitude.

Matt: I mean, the studies show that lawyers don't even pay attention to their own well-being sometimes, whether it be physical, mental, that with the highest incidences of substance abuse of any of the professions and things like that. And I think having somebody as part of the team collectively who is focused on that, is really important. Because as from an attorney's perspective, having a client who is in a healthy headspace, as you put it, is incredibly important because a client that's not in a healthy headspace can actually make your job doubly difficult. And in fact could impede the effectiveness of the advocacy that is your job. So I often tell clients to seek therapy, to seek programs such as this, to really work on themselves in a manner that, perhaps as a lawyer, I'm not equipped to do. I mean, I've told clients I can't be your lawyer and your therapist. It's just those roles are not congruent.

Brad: Um, you know, I talk to people every day or every week. I'm probably on with someone new on the worst day of their life. And I hear that over and over. Hundreds, hundreds, almost 400 at this point. And, what I know is that, that path towards, of healing, of reconciliation, of all the positive stuff, is available to everybody. I've seen people come back to life, do better. You know, they're sobbing in despair and six months later they're back. You know, they're back.

So, I mean, when I listen to somebody and I see them in terrible shape, my impulses are going to be like, okay, you know, I don't, you know, try to push it away. I understand there's a process to like let that information come, a gentle moving back towards health. And I've seen it so many times that I have faith in everybody. I have faith in everybody to come through this process and get back to their life.

And in many cases like mine, look, this process, jail saved my life. And, uh, getting arrested saves a lot of people's lives. And a lot of people I've worked with are a lot better off, a lot better off having reckoned with the harm and self-harm they were doing, getting stopped before it got any further. And so, uh, you know, it can be a net positive when you look, uh, at a multi-decade time span.

Matt: We're talking with Brad Rouse of WhiteCollarAdvice.com. He specializes in written sentencing mitigation narratives and his character arc is fascinating. Brad, the idea that you are now helping to write those character arcs of folks impacted by our justice system is sort of a pivot, but it's almost like an a natural pivot. You didn't go outta left field and start doing something completely unknown, to your background and training.

I want to cover one more area. And, you spoke a little bit about your thoughts on the impact that AI may have as it becomes more ingrained into our everyday lives. And for sure that is happening. You can't even do a Google search any longer without having the option of getting some sort of AI-generated response. We all know that AI is, it can be a powerful tool. It also can be a very dangerous tool if not met with the appropriate guardrails. So there is this technological kind of clash that is developing in your area.



I want to talk to you a little bit about how your area intersects with neuroscience and trauma research. Because those are so prevalent-- neuroscience issues and trauma-related responses --are so prevalent in our criminal justice system. And I think we're only scratching the surface from an evolution perspective on where we are with those two issues. Certainly we understand more about neuroscience and trauma response than we did 25 years ago. But I think we still have a really long way to go on those issues. How do you see that playing out in the future as it relates to sentencing mitigation? Do you see an enhanced role for the type of neuro deficiencies or trauma-type responses that people encounter as a natural byproduct of what's gone on in their lives as being more prevalent in sentencing, less prevalent, or do you have thoughts any other way?

Brad: Well, I would hope that, uh, as people get more information, learn more that, you know, just more help would be available.

I mean, in my case, I had a head injury. I had addiction. I had trauma in my story. So I had a lot where my brain was just working terribly. And actually I got really good psychiatric care, believe it or not, at MDC Brooklyn. And I was able to get through a time when my brain was really not working well, get back to health and be on track for long-term sobriety and great health and outlook today.

So I do believe that, you know, with, I mean if you're talking about people on the autism spectrum, obviously, you might know Elizabeth Kelly who specializes in people on the spectrum.

Matt: She's been on the program.

Brad: Yes, yes. So, she's really devoted to that, probably as a role model and an inspiration for a lot of people.

I've worked with people who were diagnosed as being on the spectrum during their process, after their arrest. So in some ways, like they were able to get sort of help and resources, because they went through the process.

I mean, I don't know the science of it. Where my voice comes in and my attitude comes in is that, you know, trauma can really be an injury to the thinking. And a lot of people I talked to had unbelievable traumas early in life. And that injury to their thinking really set them off on a path towards addiction, gambling problems or just in general feeling like reality was their enemy. And they had really lost their instinct for self-preservation and their desire to live.

I mean, what I've experienced is that even people with very intense trauma in their stories, there's still a path forward to reconcile with that, to get that injury to the thinking, get some healing energy around it. Certainly, there are more tools on the medical level. Maybe new technologies will come out. But my message to anybody who felt, you know, trapped in the consequences of trauma is a, don't put drugs and alcohol on it. You know, don't do anything to head towards that darkness, do more harm or self-harm. Obviously don't break the law. I mean, that's really going to make your life better. And just it as science, uh, you know, it gives us more information, hopefully that'll give more resources and more relief and more early interventions, so people with serious behavioral health



issues or people on the autism spectrum get identified before they end up in the criminal justice system.

Matt: Earlier in my career, I had a prominent role on behalf of an organization that I, near and dear to me, in trying to fashion a way to deal with soldiers coming home from war. And this would've been in the mid-2000s as the wars in Iraq and Afghanistan and were sort of at least the large troop movements into those regions where those people were cycling out. And we had a huge issue here on the home front, which was we had trained warriors that we trained to go be lethal and fight wars, which unfortunately is a reality that we face in this world that were coming home to a very dark place and suffering from things like PTSD, more organic brain injuries and things of that as a byproduct of those experiences overseas.

And one of the most compelling criminal cases I had ever been involved with, involved a simple set of facts. It was a man driving down the street. A police officer put the flashing red lights on to signal to pull over. And that event, all of us, I think when we get pulled over, I've certainly been pulled over in my day -- get a little bit of like a uneasy feeling at first. It's a bit jarring. But usually it's a recoverable thing in the first 30 seconds, a minute, you know, maybe you're like, okay, I'll compose myself, I'll get my license and registration ready, and either I'm getting a ticket or I'm getting a warning and I'll move about my day. But in that instance, the trauma response of that particular veteran was fight or flight. He did not know whether that flashing red light was an enemy. He did not know whether that flashing red light was going to put him in jeopardy. He just knew that he had experiences where some kind of comparable stimulus put his body into warrior mode, and what he was forced to do next was incongruent with laws of civil society. He had a concealed weapon in the car. He was stopped at a red light. He pointed it at the individual in the car next to him and then took off, because he panicked.

I've recently read some studies that suggest certain trauma responses, your body doesn't know whether you're getting an email or an elephant's chasing you, because the parasympathetic response that is evoked as a byproduct, and our survival instincts, our very core being, kick in at the inappropriate time because of the way that they've had to use to, to develop, to cope with such horrible incidents in one's past to cope for trauma.

And I really hope that courts ultimately will have the ability to understand this better as we go forward from this moment. Because I do believe that a lot of criminal activity can be linked back to a trauma response and can be linked to issues of neurocognitive deficits and things like that. I'm not saying it's an excuse for anybody, everybody, right? But there are certainly stories that we can tell as we try to present a cogent picture of that individual before the court at sentencing that should absolutely include those type of variables that are, are part of the mix. And my hope is that we can get to a place where more of that becomes acceptable. And the type of narratives that you're writing, now, about, you know, the whole life of the individual, not just the one incident, can morph into these bigger picture discussions of how one's experiences in the past may have impacted the actual facts and circumstances of their criminality.



Well, Brad, I really do, appreciate your time with us today. I think there's plenty of additional conversation that we could have. We could probably talk all day about this subject. But that's all the time we have on this episode of "The Presumption of Innocence."

We're with Brad Rouse of WhiteCollarAdvice.com. Check him out. He is specializing in the written sentencing narratives that often go with submissions at the time of the punishment phase. That's all the time we have for this episode. We'll talk to you soon. Take care.