

If Lear had a Lawyer

By Donald J. Carroll¹

I gyve and bequeath unto my saied Daughter Judyth One Hundred and ffyftie Poundes...if shee or Anie issue of her bodie Lyvinge att th end of three yeares next ensueing the...date of this my will... But if my saied daughter Judith be lyving att th end of the saeid three yeares or anie issue of her bodye then...the saied Hundred and ffyftie poundes to be sett out by my executors and overseers for the best benefit of her and her issue...the consideracion yearelie paied unto her during her lief and after her deceas...to bee paid to her children if she have Anie...

*From the Last Will and Testament
of William Shakespeare (1611)*

Will had a will – and not a simple one at that. Rather, his will made provisions for funds to be put aside in trust to benefit his daughter, Judyth, and his grandchildren by her, if any, for their lifetime(s) should certain conditions take place. But King Lear? A will? A trust? Not at all. Our king, on a whim and in a moment of weakness, gives away everything he owns to two of his three daughters, Regan and Goneril. This leaves the third, Cordelia, his favorite, with only the “dower of truth”. A tragedy indeed.

Will and trust concepts were well established in Shakespeare’s time, both being traceable to Roman law. The public record of wills in England goes back to the late fourteenth century, and it is believed that the current form of trust in England began during the reign of Edward III (1327-77).

Shakespeare, playwright extraordinaire, thy pen is divine yet far too severe! Lear could have been saved by legal advice, and you knew that. If only he had had a trusted lawyer, someone wise beyond his years and as knowledgeable in legal matters as in matters of the heart. That counselor, spotting the shortsightedness of Lear’s plan and knowing Lear’s profound love for Cordelia, could have helped Lear understand the error of his ways. Or, if not, he could have at least devised a scheme that would have changed Lear’s, and his family’s, fortunes forever.

Imagine, then, introducing a new character, Legal Counselor, who enters Act I as the elderly family lawyer. This attorney, having known the king since he was a child, overhears Lear threatening to disown Cordelia in favor of Regan and Goneril. Imagine a moment when Lear and his counselor are alone, the counselor coaxing Lear into discussing plans for dividing his kingdom.

The counselor then excuses himself and retreats to his study to ponder the king's problems. He reflects on the value of a will. Imagine the monologue possibilities. *Yes*, he says musing to himself. *A will is a good idea, but not a great one.* Lear could certainly create a will, setting out his plans for the division of his kingdom after his death, making provisions for eventual grandchildren. However, the attorney laments, the king, with his unstable ways, might decide to destroy the will the day after he signs it. Or, Regan and Goneril could destroy the will and deceive Lear into reverting to his current plan. The counselor, finally arriving at the only possible solution to guarantee the results that he knows Lear in his heart would desire, exits to speak yet again to the king.

The lawyer, in this next important scene, commences by praising Lear's plan as wise and wonderful. But, he says to Lear, what if, just if, the king should exclude Cordelia and it should come to pass that both Regan and Goneril meet dire fates, or for some reason, neglect to feed and do laundry for his one hundred soldiers? Lear would have no one to take care of him in his old age, and his soldiers, why they would have no choice but to leave him. "Oh, no!" Lear might cry, beginning to understand his counselor's reasoning. "Nothing must be left to Cordelia, for she has shown how her heart betrays me!"

Yes, very wise, says the counselor, but one last thought: What if Cordelia, surely the most ungenerous of daughters, should happen to have a child who loves his grandfather above all else? Should that grandchild feel the king's wrath because of Cordelia's failures? The king pauses,

reflects, and admits he hadn't considered that "very likely" possibility. But, he finally bemoans, that is what must be.... as there is no other way. "But, my liege," Lear's counsel says, "there is a way..."

And here, in another riveting speech, the lawyer acquaints Lear with the concept of a "living trust" into which he could immediately and irrevocably put all of his property, with Kent and Lear himself as co-trustees. The trust could give Regan and Goneril the use and income from one-third each of Lear's property. The other third would be kept for Lear's use during his lifetime. Then, if Regan and Goneril prove their professed love through their actions over the next three years, they would earn title to the property assigned to them in trust. If, however their love were shown to be false, their shares would be added to King Lear's.

Lear's one-third, and any amount added thereafter, would go to any children Cordelia may have, or even to Cordelia herself if she can somehow show by her actions her love for her father. Kent, as co-trustee, would have decision-making powers only in the event that Lear becomes incapacitated or dies.

Lear, knowing the counselor to have reason on his side, reluctantly, but with relief in his heart, agrees. He returns the next day with Kent and signs the irrevocable trust. At the end of Act I, we see the king pay his counselor handsomely. Lear then opens the palace door, pauses, and with a lightened heart and jaunty step, walks offstage into a spectacular day.

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