

Saul Ewing Atty's Artistic Vision Thrives After Losing Eyesight

By **Matt Fair**

Law360 (June 14, 2019, 8:56 PM EDT) -- Writing fiction was always just a hobby for Joel Burcat, something to pursue in the dark hours after finishing his day's work, but after losing his eyesight and his environmental law practice last year, he found himself with a chance to turn it into something more than a pastime.

In the year and a half since his vision faded as a result of a rare medical condition and he wound down his practice at Saul Ewing Arnstein & Lehr LLP, Burcat, 64, has written his fifth novel and the fourth in a series of legal environmental thrillers. The first installment of that series, "Drink to Every Beast," is set to hit bookstores this month in his publication debut.

He told Law360 in a recent interview that stepping into a new role as a professional novelist helped rescue him at a dark time in his life after three decades as a practicing lawyer.

"I was really feeling very depressed about losing my vision and not being able to practice law," he said. "I don't know what I would've done with myself if I hadn't had this to step into. It gave me purpose, it really gave me a lot of purpose at times."

Burcat's soon-to-be-published novel focuses on a young prosecutor with the Pennsylvania Department of Environmental Protection, Mike Jacobs, as he tackles his first major case — an investigation into two teenagers who die after swimming through toxic waste dumped illegally into the Susquehanna River.

It's the first in a series in which Burcat, who spent the bulk of his career counseling industry, says his protagonist will come face-to-face with some of the most controversial environmental issues of our time, including hydraulic fracturing and strip mining.

"Despite the arguments, which I think are justified, about climate change, it is not illegal right now to mine or burn coal in the United States," he said. "It seems to me that the much more interesting things to write about and the much more interesting things to read about are things that are legal but which have consequences, and coal mining is one of them."

Exploring the gray areas of those controversial industries, he said, presented Burcat with a tempting opportunity as a writer that he didn't have as an attorney.

"There were many occasions in my career where I'd sit down with the general counsel or the officers of a company and we would have these discussions and debates about what the right thing to do was, but ultimately it wasn't my decision to make," he said. "It's certainly a good situation for me to be in now to be able to put my imprint on these issues and express my personal views in a public way."

Burcat's transition from accomplished environmental attorney to professional novelist began last January when, on a flight to Oklahoma City for a client meeting, he noticed a slight blurring in the vision of his right eye.

As much as he tried to deny it, Burcat said he knew what he was facing: a rare condition known as non-arteritic anterior ischemic optic neuropathy, which just a year and a half earlier had robbed him of the vision in his left eye.

"I tried to deny in my mind what was happening and convince myself it was allergies or a reaction to the dry air, but I knew what it was almost as soon as it started," he said. "It's very scary."

Burcat said his vision noticeably faded from day to day, even from one blink to the next, over the following two months as the condition — in which blood flow to the optic nerve is blocked — ran its course.

"You go to bed not knowing what your vision is going to be like in the morning, and sometimes it changes in the blink of an eye," he said. "There's a constant sense of anxiety when it's happening."

By the time his vision stopped degrading and he was declared legally blind, he said he was left unable to read print or to drive, yet could still walk around and read bold text from a screen.

But adapting his law practice to life with a severe vision impairment, he said, was simply too much of a challenge.

"Unlike the young lawyers practicing today, I come from a generation where everything was on paper," he said. "Our regulations are on paper, our statute books are on paper, and what I've always been most comfortable using were paper resources. I knew that was going to have a huge impact on the way I practice."

So Burcat gave up his position as a partner, yet he still serves as a sort of emeritus attorney in an of counsel capacity providing advice to colleagues here and there when asked.

Instead of practicing law full-time, Burcat has now turned most of his attention to the creative writing that he said had become so much a part of his leisure time over the last 10 years.

"I had this day job as a partner at a major law firm, and I had an obligation to them that I took seriously, so I wouldn't do any writing until 8 or 9 at night," he said.

While he took creative writing classes as an undergraduate before pursuing environmental

law studies at Vermont Law School, Burcat said he eventually fell out of the habit as his legal career took off.

"I was focused on being a litigator, and that was something that was really important to me," he said. "Your hobbies and pursuits get minimized."

His first post out of law school was as a prosecutor in Pennsylvania's then-Department of Environmental Resources, which has since transformed into the Department of Environmental Protection.

He eventually shifted into private practice in the late 1980s as he took a job with Kirkpatrick & Lockhart — now K&L Gates LLP — where he stayed for nearly 15 years before joining Saul Ewing in 2002.

But he briefly returned to creative writing in his spare time in the mid-1990s as he penned a short story that was accepted for publication in Harrisburg Magazine.

It was another decade and a half before Burcat — as he was holed up on the coast of Maine with no cellphone reception and no internet after helping a friend open his summer home — started making creative writing a regular hobby.

"We were way, way up there," he said. "We'd gotten done what we had to do, and then it was just raining and awful weather. I had my laptop with me but I couldn't work, so I just started writing."

After a year of writing short stories, two of which found homes in different literary journals, Burcat began writing his first novel.

Then he wrote his second, third and fourth.

When he started his fifth after winding up his law practice, however, Burcat said the work had taken on a new meaning.

"I started thinking I have to challenge myself to do something that maybe blind people shouldn't be able to do," he said. "Of course I loved writing, so I thought, well, one of the things that would be very difficult for a blind person to do would be to write a novel."

Over the course of five weeks, he said, he wrote the entire first draft of his fifth book — all 70,000 words of it.

It was an experience that helped affirm for him that losing his eyesight did not mean losing his ability to pursue meaningful creative work.

"It was a challenge," he said. "I had to prove that I could do that. I didn't know how good it was going to be, whether it was going to be worth the paper it was printed on, but it was really, really important to me to be able to do that."

--Editing by Philip Shea.

