

Take my law degree – please!

By Anita L. Allen
and Alex Barnett

For many, a career in the law is incredibly rewarding. But one-third of lawyers say they would choose another career if they could. Newcomers barely out of law school and seasoned professionals alike sometimes find that their chosen profession is unfulfilling, unsatisfying and a mismatch.

When they said I should take the bar, I thought they were giving me the deed to the corner pub.

Now the legal sector is being hit hard by the economy: layoffs, deferred start dates, summer program cancellations, and even firm closures. While financially struggling firms may have to let good attorneys go, sometimes lawyers lacking that certain passion for the profession find the door on their own.

I've been fired so many times my business card has just my name, number and a photo of my mom weeping uncontrollably.

For many attorneys fleeing practice, fulfillment lies in the creative arts. The list of lawyers who turned to creative writing, acting or the performing arts is a long one. Fiction writers Washington Irving, Franz Kafka, Scott Turow, John Grisham and Lisa Scottoline; composer Francis Scott Key; singer-actor-political activist Paul Robeson; director Otto Preminger; actor Fred Thompson; humorist Ben Stein – lawyers all.

And more than a few bold attorneys have taken the plunge and chosen stand-up comedy as not only a creative outlet, but as their profession.

If I'm going to get paid to make grown men cry, I want it to be because they're laughing at my jokes, not because I just sued their pants off.

For those who have left the profession altogether, we wish them well. For those who decide to hold on to hard-won licenses and moonlight in comedy, we encourage reading on. As with everything in law, there's some fine print. The decision to spread creative wings comes with a unique set of ethical considerations.

Ethics? What's ethical about making me sit behind a desk for 15 hours a day to pay off the student loans for a degree my parents wanted? That's not ethics. That's irony.

As “officers of the court,” attorneys must adhere to standards of professional responsibility. Lawyers are “learned” professionals; clients, co-workers and court officials expect voluntary levels of civility and professionalism – even when the lawyer might misplace her PDA and actually be “off the clock.”

Professional responsibility runs broader and deeper than avoiding blatant improprieties like those of a Pennsylvania judge recently sanctioned for operating a real estate business



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from his chambers at the taxpayers’ expense. It means upholding the dignity of the profession, the integrity of the justice system and consumers’ interests in credible, loyal, zealous advocacy.

Clarence Darrow – good; Marc Dreier – bad.

Yet, the best artists and entertainers – the ones who can most powerfully represent the truths of human experience – often delight, inspire and provoke using curse words, sexually explicit language and unflattering cultural stereotypes. The question is: Can one be a great comedian while simultaneously maintaining the behavioral standards of a reputable practicing lawyer?

Did you hear the one about the priest, a rabbi and a duck, hereafter known as the party of the first part, who ... oh, never mind.

Or suppose members of a jury pool recognize a defendant’s attorney from Saturday night’s performance at the local comedy club? We are used to trial lawyers using theatrical skills to impress jurors, but it’s probably not great if jurors lose sight of the facts of a case because they can’t stop laughing about a trial lawyer’s bit about breakfast pastries and mothers-in-law. (The punch line: One’s a tart you eat).

In the end, lawyers are people too (despite all reports to the contrary). And those who choose to express themselves artistically should be free to pursue creativity. God knows, in times like these, they – we – all need the outlet. But don’t confuse, or allow others to confuse, your art with your provision of legal services. Don’t use your art to solicit business for your legal practice. Don’t breach confidentiality. Don’t make public statements against your clients’ interests.

And for Pete’s sake, if you decide to use your clients as inspiration for “material,” remember that as an ethical lawyer you may – and likely will – need to rein in the free expression just a little. Nobody with a J.D. should have to resort to changing names to protect the innocent; you’re the one seeking the laughs, not your client. ■

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