

The Lawyer's Image Is No Joke / So why do we tell jokes about ourselves? / By Robin Meadow

We've all been through something like this before: at a party with both lawyers and non-lawyers, the lawyers have all gathered at one end of the room. They're talking shop. A non-lawyer wanders by and pauses to listen in. She hears war stories about some complex deal or someone's least favorite judge or some arcane tax statute. She quickly decides to seek out the source of laughter on the other side of the room.

After a while, you leave the lawyers and wander over to the other group, arriving just in time to hear "... and the sharks all veered away. Professional courtesy, you know." Laughter. Then someone introduces you—"this is Jim, he's a lawyer." Sheepish grins. You break the ice by telling your own lawyer story. When you reach the punch line, the nervousness subsides, everyone has a good laugh, and you've become a regular guy.

Or have you?

Suppose we change the picture a little—perhaps we'll substitute a minority group for the lawyers. You would probably be offended if the group you were talking to began telling jokes about that minority. But also ask yourself how you would react if someone from the minority group came over to your group and started telling the same kind of jokes. Chances are you'd lose a lot of respect for that person.

Change the picture a little more. Suppose that instead of just telling jokes, someone in the group of non-lawyers has launched into a philippic about the evils of the legal profession. Would you join in the recriminations? Of course not. As a true advocate, you'd probably rise to the occasion and try to refute the speaker's arguments.

So why do we tell jokes about ourselves? Are we insecure? Are we apologetic? Have we become ashamed of our profession? I believe the real answer is much less profound: we simply don't realize what we're doing.

We're not alone in underestimating the power of humor. Many people who truly believe they haven't a racist bone in their bodies are nevertheless capable of telling ethnic jokes that trade on the foulest of racial stereotypes. And how do they defend themselves? "It's okay."

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they say, "I heard the joke from a (insert minority name)."

PERPETUATES STEREOTYPES

The simple fact is that most jokes about groups of people—whether they're doctors, lawyers, Poles, blacks, or anyone else—reinforce and perpetuate stereotypes. In fact, the jokes draw their humor from the listeners' implicit belief in their accuracy. If you don't believe it, just take any group joke, change the name of the group involved, and see if you think the joke is still funny. You don't hear many jokes about over-sexed accountants, slovenly doctors, or moronic lawyers.

There is a real vicious circle at work here: people laugh at a group joke because some part of them believes it is accurate, and every time they hear a group joke it reinforces that belief. Undoubtedly the strongest reinforcement comes from those occasions when someone tells a joke about his or her own group. That unfortunate effort at social acceptance gives tacit permission to others to repeat the joke.

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The pervasiveness of group jokes is matched only by the amazing speed with which they proliferate. According to a recent article in the *Los Angeles Times*, jokes about the Challenger tragedy were being told coast-to-coast within hours after the accident.¹ Everyone has already heard most of the group jokes going around: in fact that may explain why the bearer of a new joke achieves instant popularity when he or she tells it. This unavoidable pervasiveness is a major problem, not just for lawyers but for any

group that finds itself the target of derisive humor.

Before you condemn me as incorrigibly humorless, I readily acknowledge the prominent and necessary role of folk humor in all groups. Any group has to be prepared to laugh at itself once in a while if it expects to maintain its collective mental health. But there is a gulf as wide as the Grand Canyon between telling jokes within a group and telling jokes outside it. We can control the jokes we tell to one another; we can't control what happens to the jokes we tell others. Besides, at least in my experience the jokes people tell about themselves rarely reflect the vicious stereotypes that infect some of the group jokes that pass for humor.

WHAT CAN WE DO?

We cannot hope to stop the folk process that spawns new lawyer jokes, but with a little effort maybe we can keep ourselves from contributing to that process.

The obvious first step is to recognize the inherent destructiveness of lawyer jokes and resolve not to tolerate them. Charles S. Vogel, immediate past president of the Association, put it well:

Ridicule isn't humor, it is a form of mean defamation. If we endure it, it will persist. If it persists it will encourage further misinformation and exaggeration.²

The next step is simple: stop telling lawyer jokes. When we tell lawyer jokes, we foster the notion that we believe in the unflattering stereotype they depict. We should resolve that no one telling a lawyer joke can ever say, "I heard it from a lawyer."

We should be prepared to react when non-lawyers tell lawyer jokes. A cocktail party may not be the best place for an impassioned speech on the virtues of the legal profession, but it wouldn't hurt to respond to a joke with an innocent question like, "Why do you think people have that kind of opinion of lawyers?" Who knows what kind of interesting conversation a question like that might provoke?

Also, it wouldn't hurt for lawyers to recognize that they aren't the only ones who suffer at the hands of so-called "folk humor." Every time we tell a joke about

¹Los Angeles Times, May 30, 1986, at 1.

²LOS ANGELES LAWYER, October 1985, at 7.

ourselves or someone else, we contribute to the perpetuation of stereotypes. It's hard to make a credible argument that people shouldn't tell lawyer jokes if we follow the argument with a joke about some other group.

IS THAT ALL THERE IS?

Is it really true that we can solve all our image problems if we just stop telling jokes about ourselves? Of course not. Whatever it is that motivates people to tell those jokes won't go away so easily. Why? Because lawyer jokes don't exist in a vacuum. Like any other group joke, they mirror societal prejudices and fears.

If we really want to do something about our image, the first place we have to look is in that mirror. We have to recognize that lawyer jokes would not exist unless lawyers' behavior created at least some basis for them. We have to look in the mirror objectively, with a real wish to see ourselves as others see us. We must ask ourselves why lawyer jokes depict us as they do, we must be prepared for some unpleasant answers, and finally we must be prepared to do something about it.

I don't have any grandiose scheme that will magically transform us into knights in shining armor in the public's

eye. We have too little influence over what other lawyers do and over the voracious appetite of the popular press for unfavorable stories about lawyers. But we can control what we do ourselves.

Undoubtedly the most profound influence on someone's perception of lawyers is that person's individual experience. While we can't control the result we obtain for our clients, we can certainly control our relationship with clients and other people we meet in a way that encourages them to think well of us.

- **Communicate.** This may be the most important element in a client relationship. How well does the client understand what is going on in a matter you are handling? Is he or she aware of the "behind-the-scenes" work that goes into the product you ultimately produce? Imagine the reaction of a client who first learns about the lengthy memorandum you filed in response to a sophisticated summary judgment motion when he or she gets the bill—especially if you lost the motion. Tell clients what you're doing, why you're doing it, and what results you expect. Few things upset clients more than surprises that are both unpleasant and expensive.

- **Avoid the stereotype.** While you're communicating with your clients—or

anyone else, for that matter—think about the quality of your communication. Do you speak the same language as your clients, or do you pepper your correspondence with phrases like "the aforementioned contract was executed by the parties," "said vehicle was driving at a speed in excess of the legal limit," "it is believed that liability may be imposed," and the like? If you think that kind of language makes you sound lawyerly, you're right—and that's why you should stop using it. (It doesn't impress judges or juries, either.)

- **Avoid the lawyers' huddle.** Remember the party we visited earlier? Think about how the non-lawyers might have been reacting to the clump of lawyers in the corner telling war stories. "They think they're too good to mix with the rest of us." "They talk about the most boring things!" "I can't understand what they're talking about." Sure, it's harder to mix with a group of strangers than to talk shop with co-professionals. But think about the fact that your exclusivity is making enemies for you.

- **Think.** Remember that as soon as someone knows you're a lawyer, you become the standard by which that person judges the entire profession. Make that standard a high one. Your fellow lawyers are counting on you.

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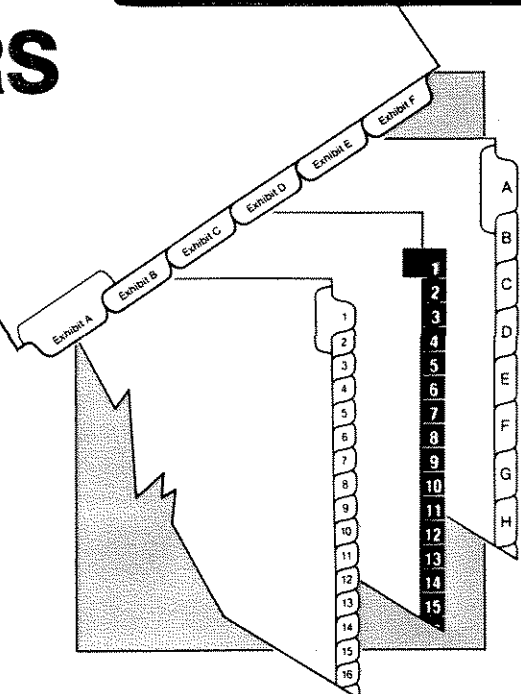


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