

Monday, July 9, 2007

If you could not practice law, what would you do?

Â Photo from website of U.S. District Court (W.D. Mi.).Â When interviewing at a corporate law firm for a summer associate position forÂ the so-called key summer before law school graduation, the interviewer asked: "What would you do career-wise if you could not practice law?" I think I answered that I would find another area of business to work in, perhaps business consulting. This was just a year after I left being at a Wall Street bank for a year before law school, when I still thought it might be possible to do enlightened work in the corporate world; it still might be possible (e.g., working with a small computer software development company that includes charity work to enable blind people to use computers), but it takes real work to find such a path. Â Eight years later, I interviewed at a federal public defender's office onÂ a Saturday, called just days earlier to fly two time zones away to this office that at the time often did not give much advance notice to fly there for an interview. I thought federal public defender work would enable more sufficient resources (and higher pay to me) and more reasonable caseloads to defend indigent criminal defendants, after having been for four years with the Maryland public defender's office, which officeÂ may have beenÂ above average at the time in resources compared to the resources of other state public defender offices, but which trailed substantially behind federal defender offices in that respect. However, I had not stopped yet to consider sufficiently how uncomfortable I would feel assisting day in and day out with snitching and other distasteful aspects of federal criminal defense that are so common in the draconian federal criminal court system. Â In this group interview with just about every federal defender who worked there, one of theÂ interviewers asked what I would do if I could not practice law. By that time, I dreamed of a life defending indigent criminal defendants. How to do that if I could not practice law? Helping people in the inner city came to mind, considering all the dehumanization often affecting disenfranchised people in the inner city and elsewhere, so that is how I responded, admitting that I had not thought through what type of work I would do in the inner city, including teaching or community organization or counseling. I saw little value in thinking much about the unlikely possibility of not being able to practice law for any reason than my own personal choice. Â Suspended and disbarred lawyers, of course, are indeed prevented from practicing law, and must decide what to do unless and until they can get reinstated. Bill Clinton lost his law license for lying in his deposition about Monica Lewinsky in his defense against Paula Jones. However, it is doubtful that, as an ex-president, he would have practiced law, anyway, after leaving the presidency. (As an aside, Paula Jones's original legal team was co-led by Joseph Cammarata, who worked at my last law firm during my last halfÂ year there. Joe is a true gentleman; I never sought to talk with him about what motivated him to represent Ms. Jones.) Â A suspended personal injury lawyer whose firm I have gone against told me that instead of putting on a suit in the morning, he puts on boots and goes to construction sites. Such work keeps one in touch with ordinary people. For deal-making lawyers in expensive law suites, it can be very easy to get out of touch with ordinary people. Â The only disbarred criminal defense lawyer with a blog, to my knowledge, is OceanShaman, about whose blog I learned through Arbitrary and Capricious. Ocean Shaman gives more than enough clues about his identity, but I will not add to the clues. Suffice it to say that I have found him to be a likeable now-former fellow criminal defense lawyer from Maryland's Eastern Shore who was recently disbarred, apparently after a federal drug conviction. His recent blog entries reveal that he is confined on home detention when not at work or at "meetings" (I assume those to be meetings with his probation agent and group substance abuse meetings). If drugs were heavily decriminalized and marijuana legalized -- as I want -- Ocean Shaman may not have been convicted nor disbarred in the first place.Â Not even permitted outdoors to exercise -- indoors he practices t'ai chi, for instance -- he has devoted much time to his blog. Through Ocean Shaman's blog, I have learned how much more he and I have in common. Beyond t'ai chi, we both are on a spiritual path and spiritual search. I imagine that he, like I, is on this path not out of any new age devotion but out of a feeling of necessity. He writes about his teenage sons, their highs, their lows, and each son going to a weeks-long rustic camping program with OC's goal for them to be on a more productive path. With a sixteen-month-old boy, I keep my ears tuned to what works and what does not with teaching and raising children, and anticipate my son's eventual question of me: "How do you advocate drug legalization and decriminalization, but tell me not to use recreational drugs or alcohol other than small amounts of wine with you at the dinner table [which seems to work well in Europe]?" My anticipated answer at this point is: "I have seen the tremendous harm that drug and alcohol abuse brings to people, but the even greater harm that all this criminal prohibition brings," and I would take it from there. Â Finally, some people switch from daily law work out of luxurious choice. One trial lawyer I know from the Trial Lawyers College -- a true hugger literally and figuratively -- won such a huge jury verdict subsequent to the Trial Lawyers College (that clearly did not get decimated by judicial fiat nor appeal) that she has been on a years-long sabbatical from law practice, enjoying life and being. A criminal defense lawyer who wowed me with a masterful re-creation of a winning direct examination of his rape defense client -- asking questions as close to leading as would be permitted without sustained objections -- is now sixty-four, serves as an Episcopal priest after receiving a divinity masters degree two years ago, and remains of counsel to the law firm where he previously was a name partner. Â In the end, it is ideal that a lawyer practice law because s/heÂ wants to and that the lawyer provide quality service, and not out of a feeling that no other sufficient

career or income source exists.Â As I tell people who try to stereotype me with the rest of lawyers: "I was a human being beforeÂ entering law school, and a human being I remain." Similarly, going to law schoolÂ does not mandate that one remain a practicing lawyer at all times. Fortunately, I have found my calling doing what I do day in and day out.Â Jon Katz.

Posted by Jon Katz in Jon's news & views at 00:10

Oceanshaman here. I now work for a company called Royal Plus, Inc. (see www.royalplus.com) as their Director of Human Resources, Collections, & Risk Management. In so doing, I am putting my legal education and training to work, but in a context where I am not practicing law . . .

Anonymous on Jul 9 2007, 12:38