



BY DAVID GUENTHER

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# What do You for a Living?

REENTERING THE UNITED STATES AFTER A VACATION IN CANADA, I stopped at American customs and was asked the usual questions.

"Did you buy anything in Canada that you are bringing back with you?"

"Just some Coke for personal consumption."

The customs official eyed the two cases of red and white 280 ml cans stacked on the back seat of my car. "I assume you mean Coca-Cola?"

Oops. Bad choice of words. "Yes."

"What's your occupation?"

"I'm an attorney."

"Do you have some proof?" Apparently I didn't look like whatever an attorney is supposed to look like. My puzzlement at the question must have shown. "A business card or other documentation?" I removed my State Bar of Michigan membership card from my wallet and handed it over. After carefully checking it against my driver's license, he finally allowed me to proceed. "*I don't need this,*" I thought as I drove away.

That was 20 years ago and the moment I began wondering whether it would generally be better not to reveal I was an attorney. Although only a trivial annoyance in and of itself, the incident tapped years of pent up frustration. More often than not, divulging I was a lawyer meant suffering the ignominy of not being believed or enduring the opprobrium evoked if I were.

If the custom official's perception was any indication, I could easily pass for a layperson. I started experimenting with other responses when asked about my occupation. The obvious alternative was, "I'm a teacher." That was sometimes enough to satisfy the questioner's curiosity, but he or she often wanted to know more.

"Where do you teach?"

"Central Michigan University."

"What do you teach?"

"Law."

"So are you a lawyer?"

"Yeah."

I tried naming my employer instead of my job—"I work at Central Michigan University"—but that seemed just as likely to elicit follow-up questions ultimately identifying me as a lawyer.

I tried giving the other occupation for which I am licensed—residential builder. That showed promise. All the members of a tropical fish hobbyist group I belonged to knew I was a lawyer and a builder. "Builder" impressed them more.

I considered lying. A non-lawyer acquaintance is required by his employment contract (for perfectly legitimate and understandable reasons) not to disclose his job to the general public. He discovered that, when asked what he did for a living, the most effective answer was, "I'm an insurance agent." No one wanted to pursue that any further. But I wasn't comfortable with using that response, whether because I did not like the idea of lying, or did not want to be known as an insurance agent, I'm not sure.

I tried shifting the focus of the question by describing the nature of my expertise without using the "L" word. "I advise people who are starting new businesses." Since so many people dream of operating their own businesses, that was a fairly effective diversion.

I tried changing the subject by intentionally misinterpreting the question.

"So, what do you do for a living?"

"Well, I've been striving to put Thoreau's philosophy into practice. He thought the way to get the most out of life was to live deliberately. But I've been struggling with what that concept means in today's world. Some equate it with 'living simply.' I think that perspective is too narrow. What does 'living deliberately' mean to you?"

And I tried masking a non-answer with humor. "I'm a leech therapist. Not speech. Leech. As in bloodsucker. They perform a valuable function, you know. In fact, I've been getting a lot of business lately from manufacturers of plasma TVs." The "leech/blood-sucker" double entendre was my private joke. I had also researched leech therapy, allowing me to continue in the same vein if the questioner bit.

**N**one of these obfuscations would be necessary, of course, if I were willing to declare, to all people in all circumstances, that I am a lawyer. But over the years I have become more reticent about doing so, especially in social situations. It bothers me that one of the first questions Americans tend to ask people they have just met is, "So, what do you do for a living?" I feel the resulting occupational stereotypes are insidious, generating assumptions that interfere with getting to know who a person really is. In protest, I have adopted a "don't ask, don't tell" policy to subtly convey that, at least initially, I prefer to converse about other subjects.

In the summer of 1999, while singlehandedly my 26' boat on the Trent-Severn Waterway in Ontario, Canada, I met a delightful family of four and their three dogs (two of which were full-grown golden retrievers) traveling the waterway on their 20' boat. We cruised together for several days and spent the evenings socializing. Having met in a lock jammed to capacity with boaters returning home after Civic Holiday, a discussion of Canadian and American holidays naturally followed. We swapped boating stories, and my questions about the waterway yielded the legend of Lovesick Lake and other interesting tidbits of information. We talked about our children and dogs, which led to Holly volunteering that she was a professional dog trainer. But during the first two days, Dave's vocation never came up. Nor did I mention

mine. We were both on boating vacations, and it was our shared avocations that mattered.

During our third evening together, however, while Dave and I were relaxing in front of a campfire, sipping wine and solving all the world's problems, something he said caught my attention and prompted me to ask, "What do you do for a living?"

Hesitantly, with a touch of defensiveness, he replied, "I'm a lawyer." To put him at ease, I immediately volunteered that I, too, was a lawyer. We stayed up late comparing U.S. and Canadian law and practice.

After parting company, Dave's reluctance to reveal he was a lawyer nagged at me. It shouldn't have. I did the same thing. Was I being a hypocrite? What were the real reasons I held back from disclosing I was an attorney? Surely my skin was thick enough to slough off whatever cynicism and criticism I might encounter. Lawyer jokes are a minor irritant compared to some of the things disgruntled college students say about their professors.

Perhaps most troublesome, did my approach counter or perpetuate the negative public perception of lawyers? A week before meeting Dave and his family, at a marina where I had stopped for the night, a very nice couple introduced themselves and invited me over to their boat for supper. During our after-dinner conversation, the husband launched into a rant against lawyers. I asked questions and presented opposing viewpoints in an effort to understand and test

## 10 Worst Things About Being a Lawyer

- 10. Having to wear appropriate attire in court.** I'm a t-shirt and jeans person. But compared to a black robe and powdered wig, I suppose a coat and tie is casual.
- 9. Getting admitted to a bar.** Think of it as having to cross a narrow toll bridge spanning the abyss between past and future. The bridge is guarded, and the only way to get to the other side is to run a gauntlet known as a "bar exam." Succeed or fail, the attempt will forever change the image "bar" evokes.
- 8. The malpractice risk.** The bad news is that a mistake or ethical lapse can result in liability and the loss of your license to practice law. The good news is that a law license isn't needed to be elected to political office or run a business.
- 7. People ask for free advice.** Pro bono work is good for society and for the soul. But in my experience, people who can afford to pay feel free to ignore free advice. I suspect it has something to do with the attitude that "you get what you pay for." So bill them.
- 6. Having to keep clients' secrets.** They may reveal disturbing and depressing information. It can be a heavy burden that sometimes has to be carried alone.
- 5. Using an adversarial communication style.** Although extremely effective in some circumstances, it can backfire, especially in personal re-

lationships. That sunk in when I thought I was having a conversation with my wife and she suddenly retorted, "Stop cross-examining me!"

- 4. Attorneys preoccupied with fame, fortune, and power.** Although their numbers are small, their impact is not. They are difficult to work with, subvert the collegiality of the profession, and fuel the negative stereotypes of lawyers.
- 3. Working long hours.** "Sweatshop," "brutal," and "grueling" are words commonly used to describe the working conditions of new associates in law firms. Even established lawyers lament the lack of time for themselves and to spend with family and friends.
- 2. Being blamed for all the problems in the world.** It's never the jury's fault or the judge's fault or the law's fault or the individual's fault or society's fault. It's always the fault of those damned lawyers. That attitude is nothing new. In William Shakespeare's play *Henry VI*, the rebel and ne'er-do-well Cade makes a pitch to overthrow the government and describes how much better everyone's life would be if he were king. "First thing we do, let's kill all the lawyers," suggests one of Cade's supporters.
- 1. Putting up with lawyer jokes.** I have always found it interesting that people who think it is inappropriate to tell jokes about racial and ethnic groups, blondes, and gays and lesbians have absolutely no problem with lawyer jokes. What's wrong with lawyer jokes? Lawyers don't think they're funny (okay, some are), and other people don't think they're jokes.



## 10 Best Things About Being a Lawyer

- 10. The money.** Some lawyers have huge incomes. Although most make less than the public believes, they can almost always earn enough to support a comfortable lifestyle if they want and are willing to pay the price.
- 9. Having superior communication skills.** Attorneys write more than a best selling author, ask more questions than an inquisitive six-year-old, listen more than a psychiatrist, talk more than a politician, argue more than a philosopher, and read more than an editor. In the process, they develop their ability to comprehend others and express their thoughts—a valuable asset and competitive advantage in this so-called “information age.”
- 8. It generates passion.** Representing clients who have suffered injustices stirs ardor. Passion is a source of strength and energy and creativity. Harnessed and channeled properly, it can bring out your best and inspire others.
- 7. Increased self-confidence.** Controversy is inevitable, not just in law but in life. Part of being a lawyer is learning to trust your own judgment and backing it up with evidence and reasons. Each time a lawyer succeeds in convincing others an answer is correct, his or her self-confidence gets a little boost.
- 6. The ability to identify and focus on issues.** Coming up with the right answer depends on asking the right question. Sticking to the issues and avoiding personal attacks fosters dispute resolution.
- 5. An expanded world view.** To be effective, lawyers must learn to see through many different people’s eyes. Eventually they come to un-

derstand that the world is not black and white, but is full of various shades of gray; that the difference between right and wrong is not always clear-cut, and things are often more complicated than they first appear; and that people always have reasons for what they do, reasons that make perfect sense to them.

- 4. Better decision-making.** The interdisciplinary nature of law means lawyers end up knowing a lot about some things and a little about a lot of things. Their critical thinking, reasoning, and analytical skills enhance their ability to use that information effectively.
- 3. Knowing your rights and responsibilities.** Besides the obvious professional benefits, you are in a better position to protect yourself and your loved ones in the course of daily living. It also provides the perspective needed to accept the inherent and inevitable unfairness of life, allowing you to focus on the future instead of bemoaning the past.
- 2. It creates options.** The legal profession includes a broad array of employment alternatives and specialty areas. The underlying knowledge, background, perspective, and skills lawyers possess also enable them to successfully perform a wide variety of non-law jobs.
- 1. The chance to make a difference.** Since laws affect everyone at the federal, state, and local levels, the opportunities range from establishing nationwide precedents to helping individuals in need. Helping one person may seem like a small accomplishment, but all those ones can add up to a big difference.

the validity of his opinions. He didn’t change his mind. I never told him I was a lawyer. Would it have made any difference if I had?

Six months later, I was given an opportunity to resolve my lingering doubts. CMU’s pre-law fraternity asked me to give the keynote speech at its annual ceremony to induct new members. Since law, like any profession, has its good and bad aspects, I decided to structure my speech in the form of two “top ten” lists—the ten worst and ten best things about being a lawyer. Compiling the lists forced me to evaluate my experience with the benefit of 25 years of hindsight.

When I was done, I contemplated the two lists. It was clear that, for me, the pluses greatly outweighed the minuses. The closing paragraph of my speech voiced how I felt:

To be or not to be a lawyer? That is the question I asked and answered many years ago. Today, the question I ask is: “Do I ever regret going to law school and becoming a lawyer?” The answer is a definite NO. When you get to be my age, there are times you find yourself looking back, wondering what you could or should have done differently.

If I had the chance to do it over again, there are some things I would change, but going to law school and becoming a lawyer is not one of them.

Preparing the speech kindled a resurgence of pride in my profession. Delivering it to an enthusiastic audience, most of whom, I discovered, shared the idealism and noble motives that roused me and many of my contemporaries to become lawyers, reinforced that sentiment. I had been so long among the trees fighting brush fires that I had lost sight of the forest. The panorama had changed and was not as pleasing to the eye as when I was admitted to the Bar. But the majestic core remained clearly visible to the discerning observer.

Today, when people ask me what I do for a living, I answer, “I’m retired.” And if they persist, wanting to know what I did before I retired, I unabashedly inform them, “I was a lawyer.” ◆

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