

In the Matter of My Law Degree

by **Barb Howard**

We are moving. Packing must begin. But, first, a weeding out of the things that should not be packed. The junk. I bravely start in our ersatz storage space—known as the crap closet. In the closet, along with ski boots that don't fit anyone in our house, a loosely-strung badminton racket, a ball pump, and a clothes iron (so that's where it was!), there are certificates of education of the type that one might hang on an office wall if one didn't work primarily in one's kitchen. Among them is my law degree. Roughly three times larger than the others—making it about the height of a beer fridge—the law degree stands out from the pack. There it is: ironic (given its relative size and how little law I practiced), non-reflective (figuratively, but also literally because I paid for non-reflective glass), and, frankly, with all its self-importance and Latin curlicue-ness, kind of goofy. I won't go so far as to say the degree looks like a joke.

How many lawyers does it take to screw in a light bulb?

I practiced law in the late '80s and early '90s. The tasks I was given as an articling student and junior associate kept me busy and in lawyer clothes (it was the no-shoulder-pad-is-too-big era). By setting up small companies, closing down small companies, and telling individuals why they should become small companies, I thought I was successfully doing what downtown people did. Company stuff! I had only worked in an office once in my life—at a summer job where my main responsibility was to write tiny words on tabs for file folders and which I quit spur-of-the-moment when I got offered a job as a canoeing instructor. In any event, at the law firm I didn't trouble myself with the larger picture of what I was accomplishing or about how much law I was actually practicing. I was twenty-five years old and making money. In one performance review I

was told that I smiled a lot. Too late, I realized that was a tip-off, a hint that I wasn't going to be smiling for much longer.

The managing partner, the guy with the manicured hands and perpetual ski tan, soon invited me to his office to tell me, essentially, to take my smiling face, my shoulder pads, and briefcase, home for good. He said I seemed nice but that I never seemed to “get it” (“it” being the practice of a law, I guess) and suggested another profession, really any other profession, might be a better fit for me. He said, recalling the recent firm ski trip, that he hoped that we would cross paths on the slopes sometime. On my walk home I imagined how we might cross paths on the ski hill and the managing partner did not fare well in any of the scenarios.

“Let go” was the euphemism for firing in those days—the odd implication being that there was new-found freedom involved, that it was a fine thing to be let go from your salary. If I was smiling when I got let go, it was just out of bad habit. Mostly I was wishing I had been plain fired, not let go. Being fired sounded like chutzpah and moral outrage were involved. Like I stood up for something. (Smiling?)

Hey, I don't know how many lawyers it takes to screw in a light bulb. I didn't practice long enough. But I do know they should all go about it very very seriously. No smiling. And I also know that skiing skills won't necessarily keep them on the lightbulb team.

What do you call ten law students buried up to their necks in sand?

I arrived at my legal training through an indirect path. I liked the outdoors and so, after high school, I enrolled in the faculty of Forestry at a west coast university. To the eighteen-year-old me, that was a logical move. (I didn't learn about logic until law school, and I didn't pretend to be logical until I had children.) My parents seemed doubtful. My dad started referring to me as Smokey the Bear. He was a lawyer, which at first glance may seem highly significant to me and my law degree. And I suppose that it was. However, and I know this will be unbelievable to anyone who, unlike me, grew up

in a “tell us about your day” type of family, I had no idea what being a lawyer meant or what my dad did at work. He never talked about it other than to refer to it generically as “the office” or “work.” As in, “I’m going to the office” or “some of us have to work.” Certainly, because my dad was a lawyer, I knew that there were such things as lawyers. But I’d like to think I could have figured that much out myself.

My mother, a woman of quiet wit and uber calm, and with the power to crush any ill-conceived dream with a single practical observation, suggested I shouldn’t feel pressured to go to university just because my older siblings were degree holders. She said there were other options for people like me. Like me? You know, she said, outdoorsy types. Sporty types. I should have given her words more thought but, at the time, with my teenage chip on one shoulder and my teenage ego on the other shoulder, it felt like she was calling me that old cliché—the dumb jock. Come to think of it, she probably was calling me that.

So, of course, being eighteen, I ignored everyone’s input and forged ahead with my Forestry plan and, of course, soon discovered that hiking in the woods was not the same thing as identifying the woods, understanding the woods or, for that matter, cutting down the woods. This was long enough ago that, even though the course content no longer reflected it, the hearty refrain to my faculty song was “cut, burn, and pave!” I learned a few things about nurse logs, cork boots, and waterproof pencils. Still, there was a problem. I liked the words dendrology and silviculture more than I liked studying dendrology and silviculture. While I was in Forestry, I was also taking English courses. In Forestry, we could only read good books in our spare time, whereas in English we read good books as part of our course work. And, full disclosure, I got better marks in English.

One night, at a gathering of the woodchoppers at the university pub, I confessed to a Forestry prof that I was thinking of switching to the faculty of English. He said, do it. Then he bought me a beer by way of celebration. I never was sure if we were celebrating me or celebrating the fact that Forestry would be rid (let go!) of me. (In fact,

they weren't rid of me—for years I stayed on their intramural teams and hung around their parties like an invasive species.)

So I finished in English. And then, like thousands of uncreative Arts students before and after me, saw no way to make a living other than by attending that privileged temporary haven from the working world: law school. Long story short: I did not distinguish myself in law school (except perhaps that one night on the broomball rink) but I did graduate and obtain the large certificate that ended up in my crap closet.

What would I call ten law students buried up to their necks in sand? Drunk. Once your gut is full of beer and law student comradery, burying yourself in sand might seem like a grand idea. A funny photo op. I came home from my first year of law school so bloated with boozing that I looked like a puffer fish. In my graduation photo, two years later, there is no visible improvement. Maybe a better question would be to ask how many law students of that era became full blown alcoholics during or after law school. That's a stat that should be kept. Still, from what little I remember, it was super fun. I was probably smiling the whole time.

How do you save a drowning lawyer?

I articulated and practiced briefly at the aforementioned firm, and then, after being let go by said firm, I got a job at a big-ass oil company. What let-go Calgary lawyer from my era didn't work at an oil company? Oil companies were welcoming and, in those days, didn't seem to expect too much from workers at my level. No nights or weekends, every third Friday off, and a helluva Stampede party. At the oil company it seemed no one ever missed lunch. Lunch was important. I spent mine on a bench in the Devonian Gardens—writing stories. I wrote fiction. But, sure, a few law colleagues, barely disguised, might have ended up on the page. Some as heroes and heroines, some as ski-tanned nutbars. The oil patch job wasn't exactly drowning me, but the writing certainly buoyed me. More writing, I decided, would be a good thing.

I left the oil company for a legal writing job that I could do mostly from home. I wrote case summaries at a publishing company that was a de facto holding pen for pregnant lawyers, female lawyers with preschool children, and female lawyers who did not “get” the profession. I fit all those categories. Although lawyers are typically portrayed as being long winded, the women in the holding pen were efficient with words. They didn’t have time to fuss around. They knew their shit. They didn’t take shit. That was impressive. However, in the world beyond the holding pen, the job was seen as lower grade. Women’s work. Once tainted with a case summaries job, it was a rare lawyer who could claw their way back to private practice.

When I worked for the legal publisher, I did my summaries at home and, once a week, I put on some shoulder pads (smaller ones than I wore in the ‘80s) and drove a floppy, yet succinct, disk of my words to the downtown office. Email was newfangled and considered too risky a conduit for this type of groundbreaking information. While working from home, with no overlord to keep track of how I was using my time, I began writing fiction during the daylight time when my kids were at daycare--which is when I was, in theory, supposed to be writing the case summaries. I also began a lifelong practice of rationalizing my outdoor activity time as the same as working out in a downtown gym over lunch. This all led to a panicked writing of the case summaries in the middle of the night when my kids were asleep. I learned this skill of burning the candle at both ends at law school, and am thankful to have it. Others might call it time mismanagement.

I quit the legal summaries job, my last law-ish job, when the publishing company decided they wanted everyone to work in the office. That would have thrown a wrench into my fiction-by-day, law-by-night, outdoor-activity-whenever-I-felt-like-it system. I began calling myself a writer even though most people rolled their eyes. Twenty years ago I wrote a contest-winning story (loosely linking a beekeeper and a kid I threw up with in elementary school after we binged on powdered Kool-Aid) in *Canadian Lawyer* and established—at least to the five or six people who read it—that I did indeed do some writing. I was no John Grisham. No William Deverell, although their names were,

and are still, mentioned to me at every turn. In any event, with that resounding one-story success and an unhinged optimistic view of how fast my literary star would rise (still waiting on that ...), I settled into my writing life.

How do you save a drowning lawyer? One answer might be: send her to a legal publisher where, outside of the traditional legal pools, she is able to envision writing as a career. Throw her a life ring and let her kick to a different shore.

A lawyer, a writer, and a marriage commissioner walk into a bar.

Over the decades I've gone through various phases in my relationship with my lawyer-past. My bios, supplied for stories and books and events and in courses I teach, illustrate a shaky progression. When I first declared myself as a writer I didn't have any publications and so I used my lawyer-past to flesh out an otherwise empty bio. I felt it said, hey, give me time, I was busy before this run at writing. And, I was proud I had made it through law school, albeit without flying colours. I only practiced for a few years but I did have that oversized degree as tangible proof that I graduated. Then, about fifteen years ago, after a few publications and around the time I was working on an MA in Creative Writing, I entered a phase of embarrassment that I ever was a lawyer. I met a few established writers who told me they could have gone to law school but they didn't because they knew it would suck out their souls. One writer told me she went to law school for one year and then dropped out because it was conformist and restricting. They all indicated they were SO not lawyer material, and I understood it, as I believe it was intended, to mean that lawyer material was a bad thing. I took "lawyer" out of my bio and entered a period of pretending that I had no educational or working past, that I emerged fully-formed from a creative writing petri dish. I did a fine job of deleting from my bio not just the lawyer aspects but all the traditional and comfortable trappings in my life, including my husband, my kids, my proclivity for (and free time for) outdoor activities. I assumed "lawyer," and all my other life accoutrements, made me look too mainstream and shoulder-padded to possess any creative abilities.

More recently, I have re-introduced “former lawyer” into my bios, in part because I have been digging around in my lawyer past, and in law in general, and I am exploring the interface between law and writing. Many individuals participate in both professions. In the creative writing classes I teach there is usually at least one lawyer enrolled. One obvious overlap is that lawyers and writers draft, edit and nitpick over written words. In my experience, both lawyers and writers tend to read widely beyond their job requirements. Of more interest to me, though, is the way both professions are based on narrative. In law, the story—the “what happened” or the “what if this happened”—underlies everything. The five w’s (who, what, where, when, why) of storytelling could form an outline for any lawyer interviewing a client, building a case, or drafting a contract.

Lawyers and writers are trained to look at scenarios from every angle. Writers call those angles Points of View and while they might only choose one or two through which to tell a story, an experienced writer will consider all the Points of View, the mindset of all the main characters, in order to create a rounded text. Similarly, a lawyer must study a legal situation from the perspective of all the stakeholders, or characters, in order to not leave holes in a contract or court case.

In a civil suit, the parties are usually called the plaintiff and the defendant. In Canadian criminal cases, the parties are usually called the accused and the Crown. In contractual documents, the sides are often called the something-or and the something-ee. In writing, similarly, the parties to the story are often called protagonists and antagonists. In real-life law and in most good writing, the sides are rarely as clear and dichotomous as the models suggest. Perhaps someone is withholding information, perhaps someone’s backstory makes unreasonable actions seem more reasonable, perhaps a third party, a secondary character, arises and throws a wrench into the expected narrative. It’s the grey areas that make both law and literature interesting. Arguably, it’s the grey areas that make literature, well, literature.

There are also commonalities in the nature of the relationship between lawyers/writers and their clients/readers. That is, the very relationships that are the source of their incomes. Just as there is a contract between a lawyer and her client, there is an implied contract between an author and her reader. A client expects a lawyer to handle their narrative situation. A contract is formed when the client pays the consideration of a retainer or fee. Similarly, be it fiction or nonfiction, a reader expects the author to handle and deliver a story. Arguably, a contract is formed when the reader buys a book. Arguably, a contract is formed when any reader, not just the book purchaser, opens a book and puts their trust in the author to spin a story. If you open my book and fall asleep after two pages, I probably have not upheld my writer-end of the contract. I haven't delivered the goods.

And, finally, lawyers and writers provide checks and balances on each other. Through stories, writers remind lawyers that they could be as upstanding as Harper Lee's Atticus Finch ("upstanding" in the way he is generally viewed to be in *To Kill a Mockingbird* as opposed to recent deconstructions and his portrayal in *Go Set a Watchman*) or as vile as Charles Dickens' Mr. Vholes (the name says it all). Writers create works that warn lawyers that if they don't take care of the institution of law they could produce folly or unfairness or worse. The term kafka-esque would not have arisen without a writer (and, as it happens, an insurance lawyer) named Franz Kafka.

Lawyers provide assistance and legal balance for writers. Most writers can't afford a lawyer but, when a situation goes really bad, who you gonna call? Maybe a publisher or a writing organization who calls a lawyer on your behalf? Maybe a friend of friend of a guy who used to date your neighbor is a lawyer who feels the need to address copyright breaches, disappearing publishers, libel suits, and the Will your famous writer-spouse forgot to draw up? When they are available and affordable, lawyers can be useful. And at the highest level of the law, the union between lawyers and writers is forever sealed

because lawyers are integral to maintaining that key Charter right for writers: freedom of expression.

What's the difference between a dead skunk and a lapsed lawyer?

Perhaps I'm dreaming, but I'd like to think that there are many differences between a dead skunk and a lapsed lawyer. At the very least, there seem to be some obvious physical differences like, say, the number of legs.

A similarity between the dead skunk and this lapsed lawyer is that neither of us can practice law. I had one short phase of thinking I might re-write the Bar exams and re-enter the legal world. But, like the skunk, that phase died. The process would cost too much money, take too much time, and I had too little interest. It galls me to say it, but maybe that managing partner who said I didn't "get it" was right.

Back to the crap closet and my law degree. I decide to keep the iron, thinking I will try a few sessions with it but feeling pretty sure that I don't own enough iron-able clothes to make it a serious pastime. I fill a garbage bag with fossilized runners, hazy swim goggles, and all the other items that will never be used or re-used by anyone, and I drive to the local dump. Among the things I toss in? My law degree. I never missed it when it was in the closet and it's just too big for where I'm headed. I don't know if I "get" what I am doing now, or if I am better at it than I would have been as a lawyer, but I do know that I am enjoying the direction. I have no regrets about getting that degree and no regrets about dumping the physical representation of it.

A few more differences between a dead skunk and this lapsed lawyer? Okay, one of them is alive. And that one is still smiling, not at the dead skunk or at a joke, but at how things have a way of working out over time.



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