New Jersey Lawyer

December 2007 / No. 249

Balancing the Scales

Balancing the Law: A Novel Approach
Litigating for the ACLU–NJ
From Justice to Laughter
Photography Survives a Career in Law
Finding Meaning Through Service

Also in this issue
Lawyer’s Bookshelf
Attorney Ethics
Law Office Management
Legal Arts
FROM JUSTICE TO LAUGHTER

by Shaun Eli Breidbart
Why is it a popular career move for attorneys to become stand-up comedians? Other professions don’t have similar career changes—there isn’t a preponderance of dentists who become jazz trumpeters, for example. Subway motormen don’t often become tap dancers.

But Al Lubel left trial law for the stage, winning “Star Search” and appearing on “The Tonight Show” with both Johnny Carson and Jay Leno, and Dan Naturman went directly from Fordham University’s School of Law to New York’s comedy circuit. Naturman, who recently made his second appearance on the Letterman show, has also appeared on “Late Night with Conan O’Brien,” and has had his own special on Comedy Central.

Jeff Kreisler, another lawyer turned stand-up comedian and comedy writer, recently won the Bill Hicks Spirit Award for Thought-Provoking Comedy at the New York Underground Comedy Festival. Karen Bergreen also left corporate law for the stage. In addition to making regular appearances at top New York City comedy clubs, Bergreen teaches comedy, to children. Maybe some of these children will skip law school and go straight into comedy, as did comedian Jill Twiss, who decided a few days before law school that she would be better suited to making people laugh. And she does, appearing frequently at comedy clubs in New York City, upstate New York and in her former home state of South Dakota.

Dean Obeidallah went from law to stand-up comedy and just finished touring the country performing with his stand-up comedy troupe Axis of Evil, a group of professional comedians with Middle-Eastern ancestry. The group was recently featured on their own Comedy Central special. The son of a Palestinian father and a Sicilian mother, Obeidallah says that on Sept. 11, 2001, he went from being a white guy to being an Arab, which didn’t particularly make air travel easy for him, but did give him more notoriety as a comic.

Is there something particular about stand-up comedy that attracts people from the practice of law, or is it simply that law and comedy have similar skill sets? Is structuring a joke a bit like structuring a legal argument? You put down a bunch of facts directing people to a conclusion, and then you make a wrong turn to a faulty conclusion, or a punch line, in order to prove your point. Courtroom theatrics may look good on TV, but it’s often just emphasizing the law, or the facts of the case, that wins. There’s very little pounding the table. And similarly in stand-up comedy—it’s stating the evidence, telling the story, making the observation, that leads to the funny conclusion.

Perhaps, too, it’s the Professor Charles Kingsfield factor from “The Paper Chase”—students choose law school because
Jay Leno” or “Late Show with David Letterman?” That’s like making partner.

Plus, we get paid for it. It’s a great way to make a living, although it does take a number of years before a comedian’s income reaches even a first-year associate’s starting salary. Of course first-year associates have to wear business suits, and may have to put up with abusive senior partners, whereas comedians, even if we suffer from the occasional heckler (and it’s less common, and less tolerated than you think), we get to retaliate. Whether it’s facing a cold, unfriendly audience or just a plain, old-fashioned, drunk heckler, possessing the microphone as well as years of experience gives us the upper hand. Unlike lawyers, comics almost always win. And there are no ethical rules against comedians dating clients. For more than 20 years, Jay Leno has been happily married to a woman he met in a comedy club.

One thing that many attorney-comedians have in common is that their material might be a bit more intellectual than typical comedian fodder. Another thing many—such as Bergreen, Kreisler and Naturman—have in common, is that they attended Ivy League schools and have been featured in the Ivy League Comedy Show-case™, a show I put together specifically to promote smart, clean comedy. So while not every attorney can become a comedian, all can reap the benefit of the career change of some of their ex-colleagues.

Following are interviews I conducted with attorney-comedians Paul Mecurio, Karen Bergreen and Don Petersen:

Paul Mecurio
A graduate of Georgetown University Law School, Paul worked as a corporate attorney for Willkie Farr & Gallagher in New York, and as an investment banker for CS First Boston. As a comedian he’s made dozens of national television appearances and has won an Emmy and a Peabody for his writing on “The Daily Show” with Jon Stewart.

Shaun: When did you start performing?
Paul: 1996. I was doing banking but had a real pull to try stand-up full-time, so I was arranging to do comedy full-time, I sold my New York City apartment and started to live the life of a struggling comic.

Shaun: What made you decide to try comedy?
Paul: I sold some jokes to Jay Leno, and got taken by seeing him perform my jokes on “The Tonight Show”—it was the most powerful thing I’d ever seen. For the first time, I think the idea of creating something from nothing and seeing people react was exciting and appealing to me. As I was writing, I started thinking about performing. So, I’d sneak out of work at night to dive bars in New York City on open-mike nights, because that’s where you can get work at the beginning. I’d sneak out, then go back to work on M&A transactions. It got nerve-wracking because deals would blow up and I’d get back, smelling of beer and cigarette smoke and the senior partner would be yelling. I’d claim I was in a conference room on a conference call, but I smelled like a bar. One night I was at a downtown bar in New York City called Downtown Beirut 2—a real dive, with drug pushers, pimps—and a drunk patron got slashed. I opened with “Nice to be here at Downtown Beirut 2, I always wanted to follow a slashing,” and the guy who got cut threw bloody napkins at me. At the time I would take off my jacket and tie on the way to the club then get re-dressed in a cab going back to the office. My boss saw my bloody shirt and wanted to know what happened—remember he didn’t know I’d left the office. I told him I was working on a VERY hostile merger deal.

Shaun: Do you talk about law on stage?
Paul: Yeah, I do, I talk about what it was like. I didn’t hate the law, I had a great experience at my firm, worked on fun deals, was given a lot of responsibility at a young age, I just got drawn to comedy. It was a hard decision. I had security, but then all of a sudden I’m gonna give all this up. This was not a negative reaction to anything I did as a lawyer at all. I grew up middle-class, so being a lawyer was a great thing for me.

Shaun: Did you talk about law when you started out and were still working as an attorney?
Paul: No, I was living a secret life, and I didn’t want to alienate the other
comics, didn’t want struggling artists to think I was just some rich dude, and I didn’t want the people at the law firm to think I wasn’t serious. My girlfriend, now my wife, didn’t know either. I didn’t want to tell anybody, but the people on Wall Street, the lawyers, were the coolest about my decision. They said they always wanted to write the great American novel, etc. It was incredible support which helped fuel me and keep me positive when things weren’t necessarily that positive when you’re starting out. It’s a struggle. I remember the managing partner said, “Good for you, I’m really proud of you, now you have a career, not just a job.” They were very supportive and understanding, and admired the guts to walk away and go for it.

Shaun: Did anything about law or law school prepare you for a career in comedy?

Paul: Yes, I think that in the craft of writing jokes you have to be creative and look at all different angles of an issue to get the best joke, so in that way it really prepared me. And also in a business sense—having a business plan and an organizational sense. Having a great legal education and law experience was helpful. Having a law degree is a good education to get because it trains you to work in a certain way. You’re taught to think differently and no other graduate degrees do that. They make you more proficient in an area but they don’t alter who you are. If you take that into this business it’s a plus, because a lot of people don’t have the ability to think that way.

Shaun: What did your family say when you quit Wall Street to pursue comedy full time?

Paul: They couldn’t understand it. They weren’t on Wall Street. They saw me make it, achieve what I wanted to achieve, why would you give that up? It was certainly legitimate what they were saying, and I could understand what they were saying, because it wasn’t a logical thing to do. Parents are parents, and they worry about you.

Shaun: And what do they say now?

Paul: Now, with the success and “The Daily Show” and the Emmy, when my mother saw the Emmy Award she was really impressed and people came into her furniture store talking about “The Daily Show”...she would tell them I worked on it and they were impressed and so she’d be impressed. So through other people she saw that I’ve achieved that level of success.

Shaun: Telling jokes for money sounds like a glamorous job. What’s the down side?

Paul: Unpredictability, the subjective nature of it.

Shaun: How has your life changed since you went from attorney to working comic?

Paul: Creatively it’s very fulfilling, but it’s less predictable and less secure. In that way it’s more stressful, but more rewarding to me to be creating stuff that’s my own, that has my stamp on it. It’s changed mainly for the better. There’s a price you pay, but it’s definitely worth it.

Shaun: Do you have any advice for lawyers who want to become comics?

Paul: Be prepared. If you want to do it as a hobby, there’s not much advice to give. If you want to do it as a profession, try to discover what your point of view is, make sure it’s as unique as possible, try to hone it, then be ready, when you make the leap, to give up the security to pursue something you’re passionate about.

Karen Bergreen

Karen is a Harvard graduate and former corporate litigator who describes herself as a dictatorial mother of two, but given her calm exterior and peaceful demeanor on stage it’s hard to believe she’s a dictator at home. She has performed stand up on Comedy Central’s “Premium Blend,” on “New Joke City” with Robert Klein and on Comedy Central’s “Tough Crowd” with Colin Quinn. She’s a frequent performer at New York City’s top comedy clubs, and a much-sought-after emcee, as well as a regular feature, in the Ivy League Comedy Showcase.

Shaun: When did you start performing stand-up comedy?

Karen: I was clerking for a federal judge when I really started, but the lifestyle terrified me. Then, after being a lawyer for four years, I wasn’t crazy about that lifestyle either.

Shaun: Do you remember your first show?

Karen: I had done it a couple of times right after college. It’s a weird feeling, like being in a pageant or at your wedding. Your friends are all there watching you.

Shaun: Do you ever talk about law on stage?

Karen: Never, it’s a turn-off (for the audience). I’ll talk about it only if it’s a private event for lawyers or people who deal with lawyers—like a corporate show for finance or consulting professionals. But at a comedy club, for people out on the town, no. The impression of lawyers is different from what it really is, so real jokes won’t work—it’s too inside. I’ll do jokes about a job interview, office politics, that kind of thing. But that could be any office, or working in a restaurant, or a school.

Shaun: Did anything about law or law school prepare you for a career in comedy?

Karen: Writing a joke is like writing a legal argument—framing a set of facts to achieve a certain end.

Shaun: What kind of law did you practice?

Karen: I started out working at a big firm doing commercial litigation, then I clerked for a judge, then I did some criminal defense work while making the transition to working comic.

Shaun: Is litigation at all like comedy?

Karen: In the sense that you have to figure out how to win your audience—
the mood is different but the goal is the same, you want people to pay attention to what you’re saying.

Shaun: You talk about your family a lot on stage. Do you find that your kids have your sense of humor?

Karen: The three-year-old says things that he knows I don’t want to hear because he thinks it’s funny, like “Should I make a lot of noise?” Both kids are funny, even the one-year-old makes me laugh, likes to play tricks, stuff that makes a one-year-old laugh. He calls me daddy instead of mommy because he thinks it’s funny.

Shaun: How has your life changed since you went from attorney to working-comic?

Karen: People say mean things about lawyers, but I like maintaining my contacts with my lawyer friends—that world is more stable, it provides more intellectual stimulation, a nice balance to have in addition to having friends in the entertainment world.

Shaun: Do you have any advice for lawyers who want to become comics?

Karen: For anyone—just do it.

Shaun: Did people tell you that you were funny when you were younger?

Karen: Absolutely.

Shaun: Is being on stage the same as being funny with your friends?

Karen: No, nothing beats being funny with your friends. Now that I perform professionally, it’s more organic making friends laugh.

Shaun: Do you find they expect you to be funny all the time?

Karen: No, not with my friends.

Shaun: What about others?

Karen: When I meet new people they’re shocked when I say I’m a comedian because they don’t find me funny. Then they come to a show, and its “Wow, yeah, I see it now.”

Don Petersen

Petersen is a professor at Michigan’s Cooley Law School and a working comedian performing primarily in the Midwest.

Shaun: How did your stand-up career get started?

Don: I went through Second City Conservatory, which was probably the hardest thing I ever had to do—it’s two years worth of classes, strictly improv comedy until the very end, then we put on a sketch comedy show of sketches that we wrote. I was at least 10 years older than anyone else.

Law school was easy compared to Second City, no question about it. We used to practice all the time, there were fights, we started with 100 students and ended with six—some quit and some were asked not to continue. I think they kept me on because I was a good mediator and kept people from going at each other. After graduation we started a troupe and performed, but it was too hard to co-ordinate our schedules since I was working as an attorney. I decided to try stand-up comedy because I could do it by myself. I went to an open-mike night, and started from there.

Shaun: What’s your act like?

Don: My goal is to work every show clean. I used to do political humor, but I seemed to alienate too much of the audience.

Shaun: Do you talk about law on stage?

Don: Yes, a little bit, but I don’t do lawyer jokes, *per se*. First, I discuss what it’s like to be a member of a profession that everybody hates. Second, I do some fish-out-of-water jokes. I talk about going from a welfare childhood in Detroit to Harvard Law School. I also talk about going to my law school reunion. I had my own little firm, but all my classmates were working for the top firms in the country. And they looked up to me because they wanted to be doing what I was doing! Of course, now I’m a professor and a comic.

Shaun: Has teaching helped your comedy?

Don: Comedy helps my teaching—stage presence is helpful when I’m in front of students. And I’ve learned to look at the audience to learn how they respond, and I change my act on-the-go, depending upon their response. Similarly, I have learned to read students to see if they understand their secured transactions. Teaching helps me write some material, though, because I discover what 25-year-olds are thinking. It helps me with young audiences. Really, though, comedy has helped me be a better lawyer—talking to a jury, talking to clients. My partner didn’t want clients to know that I was performing because he feared they would think it meant I wasn’t serious about the law. But they loved it. They all wanted to come see me. And now it’s proudly on my resume. Performing is a release from a high-pressure law job. Comedy is high-pressure too, but you get instant gratification—positive feedback—when people laugh. In law ‘nobody thanks you for a good job, you only hear about it when you do a bad job. I know just walking on stage that they’ll like me, and then when I’m off stage they’ll want to know me. Whereas when you walk into a room and tell people you’re a lawyer, well, people just don’t like lawyers.

Shaun: What do you think about performing for lawyers?

Don: I’ve performed for law students—they’re a good audience, more so than lawyers. I prefer to perform for students—they study so hard that they’re looking for a break. If you can make them laugh they’re very happy.

Shaun Eli Breidbart, a comedian, is the producer of the Ivy League Comedy Showcase® which promotes clean, clever comedy. His personal comedy material is available at www.BrainChampagne.com.

NEW JERSEY LAWYER | December 2007 35