

The Lawyer Candidate

Most people feel there are too many lawyers in government already. In fact, there may be more lawyers in elected office than in any other profession, but that is probably because we are all such great leaders and clearly superior to other professions or occupations.

Well, maybe that's not it. Maybe we have such big egos and a presumption of ethos that we self-identify as the ones who must rule.

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Regardless of whether lawyers should run so often for public office, I think there are some hurdles for those who do that go beyond being the only safe haven for jokes anymore. The truth is that lawyers have to set aside many of their skills and much of their training if they are going to succeed at getting elected.

Let's look at the recent presidential race for illustration.

Barack Obama's best political skill is his ability to give a speech. At this point, I would rate him as the best in

my lifetime at giving prepared remarks. This is no small thing. Look at John McCain.

Most people never have the opportunity to read off of a teleprompter. It is not easy. Look at John McCain.

Reading off of the printed page is no small feat either. The advantage is that you can say exactly what you want to say and be as articulate as you can be. But the disadvantage is that most people look like they are reading. Look at ... well, you get the point. Anyone who has attempted to read an opening statement or closing argument to a jury and later wondered why they lost can probably feel his pain.

But Obama didn't learn to speak that way at law school. It is a gift. His legal experience is primarily as a law professor, and this is where his legal training failed him as a candidate for most of the campaign. Law professors generally talk for an hour or more at a time, either extemporaneously or from notes. This is deadly for law students, who in theory are at least interested in the subject matter, but it is fatal for a candidate.

You cannot wax on forever off the top of your head about anything and expect people to remain interested. See Joe Biden. He may have been the most qualified Democratic candidate, but he got almost no votes himself.


Obama knew better than to riff on forever, but his town hall meeting talks were never very effective.

The law professor in Obama came out most strikingly in the Saddleback interview with Rick Warren. Obama got an A for identifying all the issues involved in each issue and discussing the pros and cons of each. He got a C for effectiveness as a candidate.

John McCain, on the other hand, gave short and concise answers that didn't show any appreciation of nuance or sophistication. He got an A. Discussing the pros and cons of the issues is not what candidates do. It's what lawyers do. Nuance is death, mainly because it will generally be misinterpreted by the time it travels through the many media messengers and arrives at the voter.

There were other lawyer candidates. John Edwards benefited from his training as a trial lawyer by giving impassioned pleas on behalf of the poor and downtrodden. Hillary Clinton proved adept in debates at spotting weaknesses in her opponents and quickly disassembling their arguments. Fred Thompson—the only presidential candidate to ever test positive for Ambien—seemed to rely more on the lawyer skills he learned on *Law & Order* than he did in law school. I think it was easier to be the preacher or the businessman or even Joe the Plumber.

On their feet, lawyers have an advantage in debates and critical analysis. Most have done it throughout their careers. But they generally feel uncomfortable being too dogmatic in their approach or positions. They know there usually is another side of the argument.

When you know that and can respect that reasonable people can take an opposite approach, it is very difficult to be so certain about everything. Lawyers know that everything is not black and white. But in politics, red-white-and-blue will beat beige or mauve every time. 



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