

How Do You respond to "How can you as a [\_X\_] lawyer do this despicable [\_Y\_] thing?"

I'm curious, how do you respond (politely) to a colleague/etc. who calls into question your personal belief or action because of your profession, where "X" is your area of practice and "Y" is your use of a ubiquitous product or service? E.g., "Why would you pay for lunch with your Visa card when you sue credit card companies?", or "How can you post on Facebook when you're a privacy rights advocate?"

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Actually, those are valid questions. I get "How can you defend a guilty person?"

I respond that defending a guilty person is relatively easy - you put the prosecution to its proof, make sure your client doesn't get steamrollered, vigorously advocate, and leave it up to a jury. The HARD part is representing an innocent person. Those are the cases that keep you up at night.

Russ Carmichael, Pennsylvania

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The response is, well it isn't an all or nothing world.

Yes, you can be a privacy advocate, you can even think that Facebook needs to up its privacy and yes you can still use them.

Because it is not all or nothing.

Also, that argument is that because someone acted badly or wrongfully in one instance doesn't mean they are completely irredeemable and without merit. The legal system is not about lawyers eschewing everything else in the word. It is about when there is a problem, helping to solve it

Erin M. Schmidt. Ohio

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(1) As someone who does work in this area, I understand the risks and benefits involved in such, and take that into account when engaging in such activity.

(2) In order to properly understand and represent my clients, I have to continue to be familiar with practices in this field. If I were to discontinue doing so, my direct knowledge would become obsolete and my ability to do my job would be impeded.

(3) I am not morally against any of these products/services/platforms existing. I just want to make sure that that client/customer/user rights are respected, and the work I do furthers that purpose.

Cynthia V. Hall, Florida

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"I won't tell you how to live your life. Please don't tell me how to live my life."

Or the less polite "Go screw yourself, jerk."

Jonathan Stein, California

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I also like to tell people who ask this, "guilty of what? Have they been overcharged?" And sometimes it is more effective to remind people that defense lawyers defend the Constitution when they represent someone who appears to be guilty.

If the person is truly guilty of a heinous crime, the prosecution will be able to prove it. And if there's some doubt, well, that's why we have a Constitution.

Wendy Lascher, California

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I get sick unto death of layfolk who say, unable to bolster whatever point they're failing to make or position they're failing to defend, "Well, ^I'm^ not thinking like a \_lawyer\_." So if the question is "How can you \_as\_a\_lawyer\_ do/believe/think X?" that's different from the more general question of "How can you \_X\_ when you ^Y^?"

Similar to the Schopenhauer resource I shared the other day, both of these questions are perhaps best understood through the lens of Suzette Elgin's "Gentle Art of Verbal Self-Defense" books. While it might seem that a substantive question is being asked, effectively a judgment is being rendered, and one from which there is no rational appeal, and, worse, trying to have a meta-discussion about the gap between the apparent inquiry and the effective judgment only makes matters worse.

Elgin discusses potential counters to this kind of thing, and they all fit under the heading of "don't play along."

But before Elgin came along, Emerson had your back: "A foolish consistency is the hobgoblin of little minds, adored by little statesmen and philosophers and divines."

Robert Thomas Hayes Link, California

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I had a FB friend comment on a post related to COVID 19 that because I was a lawyer that I belonged to a particular political party and believed X about issue Y. Only about 2-3 close people know what I believe about Y. I have never commented or posted about it before. He is now a former FB friend.

Eric C. Davis, Alabama

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I like none of your business.

As for guilt, I was once asked if I thought OJ was guilty. When I said no, the person asked how I could believe he didn't do it. I told that person that I didn't say I didn't believe he didn't do it. I said that I didn't think he was guilty. The State could not prove what it charged him with.

Mitchell P. Goldstein, Virginia

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The billboard for this local attorney has had its share of attention:

<https://www.overlawyered.com/2015/03/just-because-you-did-it-doesnt-mean-youre-guilty/>

Res ipsa loquitur.

Richard J. Rutledge, Jr., North Carolina

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A lawyer ought not ask that question because we are all supposedly educated in the notion that everyone deserves representation, and no assumption should be made about the character of one who represents a client accused of a crime or a company which engages in legal, but perhaps distasteful conduct.

My response, were I to be asked that question by a fellow practitioner is "easy" and no further answer forthcoming.

Barry Kaufman, Florida

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Hmm.. by the questioner's logic (if you can call it that), anyone who did car accident cases wouldn't drive, anyone who did med mal wouldn't see a doctor, anyone who did employment cases would work for themselves. We enforce and protect rights when someone breaks the rules. It doesn't mean all credit cards are bad, etc.

Altho.. hmm... since I do Elder Law... I think I'll never get old !

Michael D. Caccavo, Vermont

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