

**CLEVER TITLE: EVEN MORE-CLEVERER SUBTITLE
ABOUT SOMETHING TO DO WITH HUMOR AND LAW**

Andrew B. Delaney*

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* Andrew B. Delaney is a partner with Martin Delaney & Ricci Law Group in Barre, Vermont. He likes to write sarcastic and irreverent law review articles, play tricks on his coworkers, and laugh at his own jokes.

INTRODUCTION

I used to think I was smart. Then I went to grad school and found out there are a lot of people who think they're smart. A shocking number of these people go to law school.¹ So actually, I'm more like a lemming—so much for that “special-little-guy” theory Mom had. I'm trying to get beyond that whole “me-so-smart” mentality, though, and at the same time ensure that I will never survive a Senate confirmation hearing for a Supreme Court seat.²

So why write another article about humor and law?³ What's important about humor in the legal context?⁴ Well, when something is funny, people generally have an easier time remembering it.⁵ And there's a lot of law to remember. Put another “more-law-professor-like” way, incorporating humor into legal education increases the efficacy of the educational process. Additionally, it goes a long way to improving outlook and mental health.⁶ Comic relief is necessary.

I'm going to have to come up with a bunch of studies and whatnot about humor now. Shit.⁷

1. I can't speak to every person with an overinflated ego (I'm sure some go to med school or become radio personalities), but I'm sure that *most* of them ended up going to law school. Law schools seem to be to overachievers what stagnant pools of water are to mosquitoes. Except for the kids on the articles committee on law reviews—I'm not entirely sure why, but it seems that the kids on article committees are genuinely smart (and good looking, too). It's very curious.

2. Also, because I probably was totally in the running for a SCOTUS seat before I wrote this Article, and my other Articles . . . and did drugs in college . . . and got a DUI . . . and went to a third-tier law school . . . and wrote all those “funny” summaries of Vermont Supreme Court opinions for *SCOV Law*. See generally *SCOV LAW*, <https://scovlegal.blogspot.com/> (last visited May 17, 2026).

3. Um . . . because I felt like it? But I like the contemplative appearance of all the rhetorical questioning—can't you just imagine me stroking my chin and looking thoughtful right now?

4. Lots of things. I'm pretty sure that without a sense of humor, lawyers will go completely crazy and hurt themselves or others. That or they'll go into tax law. Neither one of these outcomes is pretty.

5. See Sarah J. Yablon, *Laughing Your Way to Academic Success*, 53 *CONN. L. REV.* 1, 7 (2020) (discussing how watching television is better than reading newspapers and also discussing testing spit, idk).

6. See *id.* at 8 (explaining how law students are furry little balls of anxiety and stress and how humor can help relieve anxiety).

7. Researching stuff is a pain in the ass. I did so much research in law school that I have horrible flashbacks whenever I have to write a motion or brief. Maybe I won't really research anything, and I'll just cheerfully abuse footnotes so that it *looks* like I spent a lot of time researching stuff. Or if this pile of garbage ever gets published, the kids who have to edit the thing for publication will spend days tracking down stuff to back up my bullshit. I love legal scholarship.

I. THE PRINCIPLES OF PROFESSIONAL PEDANTRY

Many, though not most, lawyers have a hyperactive and twisted sense of humor.⁸ It's kind of an unofficial job requirement in certain firms. God help you if you're a strait-laced individual who happens to land at one of those firms.⁹

Lawyers are people too.¹⁰ We laugh, cry, and bleed just like everyone else. But some of us have a proverbial stick implanted in our proverbial posterior orifice and think that we shan't mix the humor with the profession 'cause that would be *unprofessional*.¹¹

The point of this Article is to illustrate the need for humor in legal scholarship, learning, and life.¹² It's easier to learn when learning is fun. I believe it takes a little extra effort to make something boring fun. And believe it or not, law *isn't* boring. It's intriguing in its own way, and sometimes, especially when I need to get an article published to keep up my "legal scholar" reputation, it can be fun.¹³

There are also huge physical and mental health benefits associated with laughter.¹⁴ Stress can be a killer. Humor is an antidote.

8. See *infra* Part II (describing various humor-in-law attempts). Or spend a few hours with almost any trial lawyer. You'll see.

9. I work at a firm where strait-laced folks live in constant fear. Our employment manual says: "People who lack a sense of humor should seek other employment. Seriously, what were you thinking?" I am not making this up. I wrote the thing. MARTIN & ASSOCIATES, P.C., EMPLOYMENT MANUAL § 2.2 (2012). One Friday, many moons ago, I was doing my best to avoid "real" work and noticed we lacked an official employee handbook, so I put in place several very important policies like the safety policy of "[d]on't do stupid shit"; the security policy of "[l]ock the door when you leave, dipshit"; the ethics policy of "[i]f can get us disbarred, don't do it"; and the vacation policy of "[y]ou can take it. You won't get paid for it." *Id.* §§ 3.11–12, 4.11, 7.12.

10. You may not believe this, but it's true.

11. You might think that wasn't funny. You may be one of those lawyers that takes themselves too seriously. See Telephone conversation with Stefan Ricci, one of the author's law partners at Martin Delaney & Ricci Law Group (Feb. 2, 2025) (asking rhetorically: "Why do lawyers take themselves so fucking seriously?").

12. By now, I'm sure "serious" academics are pulling out their hair muttering, "Point?!? The point?!? There's no point to this nonsense! Rubbish!" Sorry.

13. This idea is not new, but I don't care. In 2003, when law school for me was just a maybe-someday concept, a few law professors got together and put together a compendium of legal humor called *Amicus Humoriae: An Anthology of Legal Humor*. We will be stealing from their work liberally throughout this Article. This practice in the legal writing world is *not* called, as one might expect, "plagiarism" but instead "citing sources," and sometimes, "recursive citation." ROBERT M. JARVIS ET AL., *AMICUS HUMORIAE: AN ANTHOLOGY OF LEGAL HUMOR* 171–211 (2003).

14. Dexter Louie et al., *The Laughter Prescription: A Tool for Lifestyle Medicine*, 10 AM. J. LIFESTYLE MED. 262, 263 (2016).

Now, lawyers love to talk.¹⁵ I bet you're thinking, "No way!"¹⁶ But it's true. In fact, because lawyers love to talk,¹⁷ this Article is going to be many pages longer than it really needs to be.¹⁸

There is a class in law school during which the professor will do his or her level best to destroy your sense of humor, and it's a required first-year course.¹⁹ And it gets worse during the 2L and 3L years. Despite all this, some people escape intact and even go on to fulfilling careers as stand-up comedians or cartoonists.²⁰

A. *Is It Too Late for Me?*

It may be. After all, you're reading an article about humor and law, published in a law review.²¹ This is what we in the business call a "red flag."²² But let's assume for now that there's still some hope for you and that

15. In fact, one of the few known ways to get a lawyer to shut up is to ask for some free legal advice.

16. In a *really* sarcastic inner voice, which might continue with, "Thank you, Captain Obvious!"

17. And I are one.

18. Honestly, we could probably stop this charade and call it quits right now. It's not going to really get any better—*different* perhaps, but not better. For what it's worth, the original draft had "ten-to-fifteen pages" instead of "many," which is to say I'm not a full-fledged sadist.

19. This class is called "civil procedure." It's extremely painful. Sometimes when daydreaming in class, one might expect to hear, "[i]t rubs the lotion on its skin." Ironically, it's also one of the few classes that will prove useful when practicing law, but nobody knows that until it's far too late. "It rubs the lotion on its skin or else it gets the hose again" is a line from the 1991 movie *The Silence of the Lambs* spoken by the character Buffalo Bill. THE SILENCE OF THE LAMBS (Orion Pictures 1991).

20. For example, Demetri Martin went to Yale, got a full ride to NYU Law, and finally dropped out at the beginning of his 3L year to pursue a career in stand-up comedy. See ANDREW B. DELANEY, *Delaney's Collection of Eclectic Trivia, in HIS HEAD* (2026). Okay, the Editors told me I can't cite that. Fine. Here's your source. See, e.g., *Wisecracker: Yale Graduate Demetri Martin Leaves 'em Laughing at Bridges Auditorium*, CLAREMONT MCKENNA COLL. (Mar. 1, 2012), <https://www.cmc.edu/news/wisecracker-yale-graduate-demetri-martin-leaves-em-laughing-at-bridges-auditorium>. Stephan Pastis got a law degree from UCLA and practiced the worst kind of law to practice—insurance defense, ask anyone—for nearly a decade before seeing the light and creating the very amusing comic strip *Pearls Before Swine*, featuring Rat, a character he dreamed up during a boring class in law school. See Tom Heintjes, *Swine Connoisseur: The Stephan Pastis Interview*, HOGAN'S ALLEY <https://www.hoganmag.com/blog/swine-connoisseur-the-stephan-pastis-interview> (last visited May 17, 2026); Stephan Pastis, *About the Author*, SIMON & SCHUSTER, <https://www.simonandschuster.com/authors/Stephan-Pastis/260427239> (last visited May 17, 2026).

21. Nobody—and I mean *nobody*—except people involved in law to the point of despair reads law review articles.

22. Everything in a law review article gets footnoted for some reason. Don't ask me why. I don't make the rules. Anyway, a "red flag" means, among other things (or *inter alia* if you want to prove you went to law school or took Latin for a semester), "a danger signal." *Red Flag*, DICTIONARY.COM, <https://www.dictionary.com/browse/red-flag> (last visited May 17, 2026). Personally, I like this definition: "Also called powder flag. *Nautical*. a red burgee, designating in the International Code of Signals the

your jokes don't consist of witty observations about the rule against perpetuities.²³

II. HUMOR AND EFFICACY IN LEARNING

Efficacy is a word that someone like me might use at a dinner party to sound smart.²⁴ All it really means is that something “works.”²⁵ Humor works. “Humor has been associated with a host of positive physiological and psychological effects.”²⁶ In fact, humor has been shown to better the learning environment and increase comprehension and retention.²⁷ “Unfortunately, some educators believe their role or their topic is too serious to engage humor or view humor as merely a disruption.”²⁸ Some of these educators teach 3L courses at law schools across the United States.²⁹

As my dear friend Jack explains, “comedians get to tell the truth.”³⁰ That little boy in the fable who had the wherewithal to note that the emperor was nekkid?³¹ He probably grew up to be a stand-up comedian.

letter ‘B,’ flown by itself to show that a vessel is carrying, loading, or discharging explosives or highly inflammable material.” *Id.*

23. *But cf.* Marianne M. Jennings, *Does Secured Transaction Mean I Have a Lien? Thoughts on Chattel Mortgages (What?) and Other Complexities of Article IX*, 17 NOVA L. REV. 689 (1993) (somehow making Article IX of the Uniform Commercial Code hilarious). *See infra* note 41 and accompanying text (discussing one of the first “funny” law review articles and its use of a footnoted rule-against-perpetuities joke).

24. *See supra* note 1. Many of us, coincidentally, went to law school where we learned that to effectuate an augmentation in the perceived cognitive acumen of one’s verbal articulations, it is imperative to engage in the utilization of grandiloquent lexemes and convoluted syntactical structures, thereby obfuscating the fundamental semantic content while simultaneously engendering an aura of pseudo-intellectual gravitas. This linguistic stratagem necessitates the incorporation of abstruse terminology, often derived from esoteric academic disciplines, interwoven with unnecessarily prolix phraseology and tautological redundancies. The resultant discourse, while ostensibly erudite, serves primarily to occlude lucidity and impede genuine communicative efficacy, paradoxically undermining the very intellectual pretensions it seeks to promulgate. *See what I did there?*

25. *See, e.g., Efficacy*, MERRIAM-WEBSTER, <https://www.merriam-webster.com/dictionary/efficacy> (last visited May 17, 2026) (defining *efficacy* as “the power to produce a[n] . . . effect”).

26. R. L. Garner, *Humor in Pedagogy: How Ha-Ha can Lead to Aha!*, 54 COLL. TEACHING 177, 177–80 (2006).

27. *See id.* at 179–80.

28. *Id.* at 179.

29. As the adage goes, “the first year, they scare you to death; the second year, they work you to death; and the third year, they bore you to death.” Have fun finding a source for that one. [Editor’s note: We enjoyed all ten seconds of it!] Dena Lefkowitz, *Exposing and Easing Fear of Young Lawyers in the Profession*, ACHIEVEMENTBYDESIGN (June 5, 2020), <https://achievementbydesign.com/exposing-and-easing-fear-of-young-lawyers-in-the-profession/>.

30. Telephone conversation with Jack De La Piedra, Elder Justice (Aug. 15, 2025).

31. HANS CHRISTIAN ANDERSON, *The Emperor’s New Clothes*, in STORIES FROM HANS ANDERSEN WITH ILLUSTRATIONS BY EDMUND DULAC 204, 218 (1923).

Let me be clear,³² to apply humor to teaching a complex subject requires not only a thorough understanding of the material in the first place, but also creativity, insight, and great teaching skills.³³ Thus, done correctly, using humor in education increases the perception amongst students that the instructor is making an “extra effort to get the message across.”³⁴ That perception is generally true.

As with nearly anything, there’s a good way and a bad way to incorporate humor in education.³⁵ Alas, cheap shots—one of my favorite social crimes—are the bad way.³⁶ For humor to be effective in the teaching setting, the smart people write, “it must be specific, targeted, and appropriate to the subject matter.”³⁷ Fine. So be it.

Specific to legal education, there are instances where humor has been incorporated or attempted.³⁸ But not enough.³⁹ In 1975, a student at the University of Pennsylvania published an Aside titled *The Common Law Origins of the Infield Fly Rule*.⁴⁰ Footnote 2 contains a joke that references—using the Latin phrase *inter alia*—the rule against perpetuities.⁴¹ A couple articles cover the topic of law school exams.⁴² The *Bluebook*—one of the

32. Read this sentence in former President Obama’s voice, please. I also promise that this will be the only time in this Article that I will, in fact, be clear.

33. See, e.g., Angelo Spörk et al., *When Students Write Comedy Scripts: Humor as an Experiential Learning Method in Environmental Education*, 29 ENV’T EDUC. RSCH., 552, 555 (2023) (explaining the basics of humor and noting that humor requires surprise, insight, a target, and needs to be understood).

34. Garner, *supra* note 26, at 179–80.

35. *Id.* at 178 (explaining that “the effective use of humor is not akin to mere joke telling”).

36. Examples of cheap shots include, but are not limited to: (1) “That’s what she said” interjections at any remotely suggestive comment; (2) responding “Hi [emotion], I’m [your name]” to any person’s stated feeling; (3) stating the painfully obvious as though it’s a profound insight; (4) reminding friends of their most embarrassing moments from years ago at the worst times; (5) “yo mama” jokes; and (6) puns so painful they should require medical-consent forms.

37. Garner, *supra* note 26, at 178.

38. See generally Thomas E. Baker, *A Compendium of Clever and Amusing Law Review Writings: An Idiosyncratic Bibliography of Miscellany with in Kind Annotations Intended as a Humorous Diversion for the Gentle Reader*, 33 DRAKE L. REV. 105, 106 (2002) (“The world of the American law review resembles Middle Earth for all its strange inhabitants, secret rituals, and foreboding folklore.”).

39. *Id.* (“Law review articles—and the people who write them and the people who read them—are serious to a fault.”).

40. Aside, *The Common Law Origins of the Infield Fly Rule*, 123 U. PA. L. REV. 1474 (1975).

41. *Id.* (“Depending upon the circumstances, other rules which may or may not apply to a particular situation include, *inter alia*, FED. R. CIV. P., Rule Against Perpetuities, and Rule of *Matthew 7:12 & Luke 6:31* (Golden).”); see *supra* note 22. Clearly, the author had some issues.

42. See Harold See, *Criteria for the Evaluation of Law School Examination Papers*, 38 J. LEGAL EDUC. 361, 361 (1988) (giving points for “[u]se of colorful ink,” “[i]llegible handwriting,” “[h]alf truths about the law,” and “[a]nalysis of an issue that may be relevant in another course”); C. Steven Bradford, *Viewpoint: The Gettysburg Address as Written by Law Students Taking an Exam*, 86 NW. U. L. REV. 1094,

most worthy targets of ire and lampooning—has been discussed.⁴³ Footnotes get their due. For example, one article that includes a great parenthetical—”I’ve had that shit up to here.”—focuses on footnote 3 of *Carolene Products*.⁴⁴ One article consists of the line: “Law Review articles have too many footnotes.”⁴⁵ The footnote that follows this line is three pages of tiny type, appositely.⁴⁶

One article aspires to become the most-cited article ever and explains: “A great tradition of the American bar is under increasing attack. The tradition I refer to is name-calling.”⁴⁷ In an arguably more earnest attempt at fame, *The World’s Greatest Law Review Article* explains that unbelievable

1094 (1993) (“A Cameroonian proverb states that ‘[h]e who asks questions cannot avoid the answers,’ and, unfortunately, that proverb applies to law professors.” (footnote omitted)).

43. See, e.g., Richard A. Posner, *The Bluebook Blues*, 120 YALE L.J. 850, 851–52 (2011). Referring to his previous wishfully titled Article, *Goodbye to the Bluebook*, 53 U. CHI. L. REV. 1343 (1986), he noted:

I made a number of specific criticisms of *The Bluebook* in that piece, and I will not repeat them. I don’t believe that any of them have been heeded, but I am not certain, because, needless to say, I have not read the nineteenth edition. I have dipped into it, much as one might dip one’s toes in a pail of freezing water. I am put in mind of Mr. Kurtz’s dying words in *Heart of Darkness*—”The horror! The horror!”—and am tempted to end there.

Id.; Patrick M. McFadden, *Fundamental Principles of American Law*, 85 CAL. L. REV. 1749, 1750 (1997) (noting the need to footnote *everything* in legal scholarship and explaining, “This Article, for example, solves one of the biggest problems in legal scholarship: the need to find authority for statements that are obviously true or completely unsupportable” and providing a rather elegant and humorous solution to the problem).

44. Aside, *Don’t Cry Over Filled Milk: The Neglected Footnote Three to Carolene Products*, 136 U. PA. L. REV. 1553, 1553 (1988) [hereinafter *Don’t Cry Over Filled Milk*] (discussing footnote 4 in *United States v. Carolene Products Co.*, 304 U.S. 144 (1938), that introduced the concept of tiered levels of scrutiny to the wacky and wild world of constitutional law). Footnote 3 discusses how many states prohibited “filled milk” in 1938, which is basically reconstituted milk with non-cow fats. *Carolene Products Co.*, 304 U.S. at 150 n.3. The authors of the Aside explain: “Part I of this Aside describes footnote three’s contribution to the development of citation overkill in American law and the impending triumph of form over vulgar functionalism. Part II does not exist.” *Don’t Cry Over Filled Milk, supra*, at 1555. University of Pennsylvania at it again, huh?

45. Lori McPherson, *Law Review Articles Have Too Many Footnotes*, 68 J. LEGAL EDUC. 457, 457 (2019).

46. *Id.* at 457–59.

47. Gerald F. Uelmen, *Id.*, 1992 BYU L. REV. 335, 335 (1992) (“From the earliest inception of our profession, lawyers have been masters in the art of invective. We are frequently retained because our inarticulate clients need our voices to hurl epithets at their enemies. The greatest lawyers of the age were noted for their skill, dexterity and wit in insulting their opponents, as well as the judges who ruled against them.”). As to the author’s scheme to become the most-cited law review article ever, see the article’s first asterisk note:

This article may simply be cited “*Id.*,” followed by a page number which need not relate to any of the page numbers in this article. No reference to the author or this law journal is necessary. We will get all the glory we need in the *Guinness Book of World Records*, where this article will be enshrined as the most frequently cited law review article ever written.

Id.

amounts of *really* great material were omitted in progressing from footnote 11 to 28,343.⁴⁸ And *The Shortest Article in Law Review History* proclaims, simply, “This is it.”⁴⁹ Even my favorite “normie” author, Dave Barry, has written a law review article.⁵⁰

Some articles discuss law school faculty meetings,⁵¹ dean searches,⁵² and facetious scholarship opportunities.⁵³ There is a “pocket part” to the *Devil’s Dictionary* written by a law student in 1980.⁵⁴ There’s also a primer on suing the devil.⁵⁵

In 1991, two practicing lawyers published a compendium of judicial humor.⁵⁶ One of my favorite law professor authors—who’s currently

48. Andrew J. McClurg, *The World’s Greatest Law Review Article*, 81 A.B.A. J. 84, 85 (1995).

49. It nonetheless has two footnotes following this one line, because of course it does. Erik M. Jensen, *The Shortest Article in Law Review History*, 50 J. LEGAL EDUC. 156, 156 (2000).

50. Dave Barry, *Traffic Infraction, He Wrote*, 17 NOVA L. REV. 665, 665 (1993) (“Probably the greatest thing about this country, aside from the fact that virtually any random boner-head can become president, is the American system of justice.”). Technically, it’s a piece he wrote about traffic court that Nova re-published, but it still counts.

51. See Ron Lansing, *Faculty Meetings: “A Quorum Plus Cramshaw”*, 17 NOVA L. REV. 817 (1993); Anthony D’Amato, *Minutes of the Faculty Meeting*, 1992 BYU L. REV. 359, 359 (1992) (“A motion was made to approve the minutes of the previous meeting of the Faculty. A point of order was raised to the effect that the minutes of the preceding meeting could not be found. An amendment was then offered to the main motion to approve the minutes of the preceding meeting irrespective of what they contained. There was a general heated discussion as to whether this was constitutional. At 6:24 p.m., a document was found. While it was not the minutes of the preceding meeting, it was in fact the hours of the preceding meeting. A substitute motion was then offered to approve the hours of the preceding meeting. The motion carried.”).

52. Paul A LeBel & James E. Moliterno, *The Joe Isuzu Dean Search: A Guide to the Interpretation of Announcement Letters*, 39 J. LEGAL EDUC. 265, 267 (1989) (explaining, among other things, that “[t]he Search Committee will make every effort to maintain the confidentiality of applications” *really* means “[w]e realize that one of the few things that would be more embarrassing than getting this job is applying for it and not getting it, so your secret is safe with us.”).

53. Erik M. Jensen, *A Call for a New Buffalo Law Scholarship*, 38 KAN. L. REV. 433, 435 (2006) (explaining the author’s excitement discovering the *Buffalo Law Review*, his subsequent disappointment at lack of articles specific to Buffalo Law, and lamenting: “Why is there so little buffalo scholarship today?”).

54. Robert J. Morris, *The New (Legal) Devil’s Dictionary*, 6 J. CONTEMP. L. 231 (1979).

55. Charles Yablon, Essay, *Suing the Devil: A Guide for Practitioners*, 86 VA. L. REV. 103, 103 (2000) (“It is somewhat surprising, therefore, that one notorious perpetrator of injury, misery, and wrongful conduct has remained curiously immune from the current onslaught of civil litigation. I am speaking, of course, about the Devil incarnate, Satan, Prince of Darkness.”).

56. JOHN B. MCCLAY & WENDY L. MATTHEWS, *CORPUS JURIS HUMOROUS: A COMPILATION OF HUMOROUS, EXTRAORDINARY, OUTRAGEOUS, UNUSUAL, COLORFUL, INFAMOUS, CLEVER, AND WITTY REPORTED JUDICIAL OPINIONS AND RELATED MATERIALS DATING FROM 1256 A.D. TO THE PRESENT* (1991).

“playing with con law haiku” because he can’t help himself⁵⁷—wrote a book review that on its own is pretty entertaining.⁵⁸

And there’s humor in day-to-day practice.⁵⁹ There’s usually a way to work amusing Yogi Berra quotes into pleadings and motions.⁶⁰ One of the best examples of humor in day-to-day practice⁶¹ I’m aware of is when the “world’s leading news publication” submitted an amicus brief to SCOTUS in support of a parody Facebook page in October 2022.⁶²

And of course, who could forget the sex-offender shuffle,⁶³ “Dear 16-year-old Me,”⁶⁴ or the “so you want to go to law school” bit?⁶⁵

All this is to say that there is a body of work in law that incorporates humor. But like I said before, we need more.

III. THE CRISIS AND COMEDY

Here’s the serious part of this Article. This is the part I don’t enjoy writing because it’s not light and breezy or juvenile. There’s a mental health crisis in the legal profession, and it’s been going on since our forebearers were drinking three-martini lunches to deal with stress. Mental health issues in the practice of law are an occupational hazard.

57. I have a few law professor authors that I’ve stolen stuff from, but I’ve stolen a *lot* of stuff from Thomas E. Baker. I ran across his work in 2009, while serving a voluntary sentence on a law review myself.

58. See Thomas E. Baker, *A Review of Corpus Juris Humorous*, 24 TEX. TECH L. REV. 869 (1993).

59. See, e.g., Debra Cassens Weiss, *Call Me Captain Justice: Lawyer Requests Euphemisms After Prosecutor Seeks Ban on ‘Government’ Word*, ABAJOURNAL (Nov. 4, 2013), https://www.abajournal.com/news/article/call_me_captain_justice_lawyer_requests_euphemisms.

60. How do I know? Because I do it often. My favorite Yogi quote to use in legal writing is: “It’s like *déjà vu* all over again.” *Yogi-isms*, YOGI BERRA MUSEUM & LEARNING CTR., <https://yogiberramuseum.org/about-yogi/yogisms/> (last visited May 17, 2026).

61. Day-to-day might be a bit of a stretch since most of us aren’t writing SCOTUS briefs, but you get my drift.

62. See Andrew Cohen, *Peeling Layers: The Onion’s Head Writer Dishes on Satire and the World’s Funniest Amicus Brief*, UC BERKELEY L. (Nov. 18, 2022), <https://www.law.berkeley.edu/article/peeling-layers-onion-head-writer-mike-gillis-dishes-on-satire-and-worlds-funniest-amicus-brief/>. The brief itself? It’s actually on the Supreme Court’s website. *No. 22-293*, SUP. CT. OF THE U.S., <https://www.supremecourt.gov/search.aspx?filename=/docket/docketfiles/html/public/22-293.html> (last visited May 17, 2026).

63. Scott Gairdner, *Sex Offender Shuffle*, YOUTUBE (Nov 30, 2009), <https://www.youtube.com/watch?v=VfCYZ3pks48>.

64. HueToobz, *Dear Me, Don’t Go to Law School (Alternate)*, YOUTUBE (Feb. 29, 2012), <https://www.youtube.com/watch?v=y05HnXomG88>. Sadly, this video was released *after* I completed my law studies.

65. David Kazzie, Author, *So You Want to go to Law School?*, YOUTUBE (Oct. 14, 2010), <https://www.youtube.com/watch?v=nMvARy0IBLE>. See *supra* text accompanying note 64 (release date).

Statistically, “lawyers are the most frequently depressed occupational group in the United States and are 3.6 times more likely to suffer from depression than nonlawyers.”⁶⁶ We deal with horrific shit day in and day out. A sense of humor is a necessity because if we don’t laugh once in a while, all the stress associated with practicing law builds up and leads to both mental and physical health consequences.⁶⁷ To add to the general sense of fuckery, it’s not something we often talk about.⁶⁸ As of 2023, some states made an effort to mandate continuing education on attorney wellness and substance abuse, but it is a distinct minority.⁶⁹ We tend to isolate, perhaps because we hold so many secrets. We experience “Secondary Traumatic Stress,” which is probably better described as second-hand post-traumatic stress.⁷⁰ If you told me 20 years ago that I’d be writing an “academic” article about “poor lawyers” and their collective mental health, I would have laughed and told you to get the fuck out.

But legal education is set up in a way that makes it dreadfully serious from the get-go. And don’t get me wrong. There’s a lot of shit that you shouldn’t joke about.⁷¹ But we spend a lot of time learning how to take

66. See Michael Steven Webb, *Dissenting from Death: Preventing Lawyer Suicide*, ABA (Nov. 24, 2021), https://www.americanbar.org/groups/senior_lawyers/resources/voice-of-experience/2010-2022/dissenting-death-preventing-lawyer-suicide/ (citing Nee Foundation study).

67. See, e.g., Abiola Keller et al., *Does the Perception that Stress Affects Health Matter? The Association with Health and Mortality*, 31 J. HEALTH PSYCHOL. 677, 677 (2012) (“High amounts of stress and the perception that stress impacts health are each associated with poor health and mental health. Individuals who perceived that stress affects their health and reported a large amount of stress had an increased risk of premature death.”); see also Caroline Kaercher Kramer & Cristiane Bauermann Leitao, *Laughter as Medicine: A Systematic Review and Meta-Analysis of Interventional Studies Evaluating the Impact of Spontaneous Laughter on Cortisol Levels*, PLOS ONE, May 23, 2023, at 1, 2 (“Current evidence demonstrates that spontaneous laughter is associated with greater reduction in cortisol levels as compared with usual activities, suggesting laughter as a potential adjunctive medical therapy to improve well-being.”). How’s that for some science?

68. Though some of us—like *moi*—have therapists who unequivocally *earn* their fees.

69. Illinois and Vermont, for example, require at least one hour of wellness Continuing Legal Education (CLE) per reporting period. Iowa requires an hour of wellness CLE *or* diversity, equity, and inclusion CLE. Nevada, North Carolina, Oregon, and South Carolina have CLE requirements that touch on substance abuse and wellness. See INST. FOR WELL-BEING IN L., SURVEY OF WELL-BEING CLE STATUS BY JURISDICTION (2023) (charting state-specific requirements) (available at <https://lawyerwellbeing.net/state-task-forces/> by scrolling to the bottom and selecting “Survey of Well-Being CLE Status by Jurisdiction” under “Other State-Specific Resources”).

70. See, e.g., Andrew P. Levin et al., *Secondary Traumatic Stress in Attorneys and Their Administrative Support Staff Working With Trauma-Exposed Clients*, 199 J. NERVOUS & MENTAL DISEASE 946, 953 (2011) (noting that a study of the Wisconsin public defender’s offices “indicated a significant level of distress among the attorneys compared with administrative support staff”).

71. Originally, I wrote “can’t,” but my friends and I will joke about necrophilia, so “shouldn’t” is the right word here.

ourselves too seriously. There is a drive for perfection that is dangerous.⁷² It's one thing to take the rule of law and the principles and ideals—the moral integrity of the profession and our duties to our clients—seriously. There's nothing wrong with being respectful of the rules. We don't have to be irreverent about everything.

But when we take *ourselves* too seriously, it leads to things far worse than being the kind of person that nobody wants at a dinner party. It leads to feelings of guilt strong enough to lead to suicidal ideation.⁷³ And being too serious too much of the time can make it difficult to connect with other human beings. Humor can be connective.⁷⁴

There is a distinction to be made here, of course.⁷⁵ Researchers have identified differences between humor styles and well-being.⁷⁶ While “positive humor” is generally associated with positive perceptions of social status and well-being, humor that is “self-defeating” can correlate with feelings of not mattering to others.⁷⁷ But that's not an absolute. Self-deprecating humor—which would potentially fall into the “self-defeating” bucket mentioned above—can be an indicator that one is happier and better socially adjusted than most people.⁷⁸

Much as I would love it to be, humor is not the panacea for all of the ills of the legal profession. There is nuance. Humor is not appropriate in every situation. Sometimes—as my wife will remind me—we have to be serious. The courtroom is not the place to try out one's jokes for open-mic night

72. See Brian Clarke, *How I Almost Became Another Lawyer Who Killed Himself*, N.C. BAR J. 28, 29 (2014) (“I was trying to be all things to all people at all times. Superstar lawyer. Superstar citizen. Superstar husband. Superstar father. Of course, this was impossible. The feeling that began to dominate my life was guilt . . . Guilt that I was letting my bosses down because I was not being the perfect lawyer to which they had become accustomed. Guilt. Guilt. Guilt.”).

73. See *id.*

74. See Laura E. Kurtz & Sara B. Algoe, *Putting Laughter in Context: Shared Laughter as Behavioral Indicator of Relationship Well-Being*, 22 PERS. RELATIONSHIPS 573, 583 (2015) (making a very qualified conclusion that shared laughter is correlated with better romantic relationships in the authors' study). Also, duh.

75. I think this is a law of the law, perhaps of life in general.

76. See Kristi Baerg MacDonald et al., *No Laughing Matter: How Humor Styles Relate to Feelings of Loneliness and Not Mattering*, 10 BEHAV. SCI. 165, 165 (2020) (noting that “[h]umor styles are unique, but often over-looked, variables that also have considerable associations with measures of mental health”).

77. *Id.* at 166.

78. See Jorge Torres-Marín et al., *Is the Use of Humor Associated with Anger Management? The Assessment of Individual Differences in Humor Styles in Spain*, 120 PERSONALITY & INDIVID. DIFF. 193, 199 (2018); Univ. of Granada, *Self-defeating Humor Promotes Psychological Well-being, Study Reveals*, SCI. DAILY (Feb. 8, 2018), <https://www.sciencedaily.com/releases/2018/02/180208104225.htm> (“In particular, we have observed that a greater tendency to employ self-defeating humor is indicative of high scores in psychological well-being dimensions such as happiness and . . . sociability.”).

(though funny things do happen in court and acknowledging that is not a crime). A little more laughter in the law, however, is a good start.

IV. THE HEURISTICS OF HUMOR

Here's something funny. I don't (well, *didn't*) really know what *heuristics* meant when I wrote the heading above. Sure, I've heard and read the word many times. I've probably even used it a time or two in my writing, possibly even correctly. But my understanding of the word was more or less, "I dunno. Something to do with learning . . . and I know it sounds fancy." So, when I wrote the topic heading above, I was going for alliteration and dumbassed into the right word. I write like Bob Ross paints—happy accidents.

Heuristic, in its adjective form, means "involving or serving as an aid to learning, discovery, or problem-solving by experimental and especially trial-and-error methods."⁷⁹ As a noun, *heuristics* means heuristic studies or procedures.⁸⁰ That seems to fit.

Humor can be effective in public-facing disputes. One area where this is self-evident is in some of the cease-and-desist letters and responses to cease-and-desist letters that have gone viral.⁸¹ There's no reason to avoid humor when it can advance a client's case. Under the right circumstances, it can double as a marketing tool.

Other areas where humor can help are in negotiations, initial drafting of motions and pleadings, and the day-to-day communications required for the practice of law. In negotiations, if you can make the other person laugh, they're more likely to be reasonable. It's hard to take a hard line while you're amused. When I initially draft a particularly difficult motion or response, an off-the-cuff, irreverent, and snarky response can dispel a lot of the initial anger and frustration and allow me to focus on the real issues in the case. And injecting a little humor in day-to-day communication can really provide some relief from the drudgery.

Humor can also be effective in keeping attention. Unfortunately, I forget who said it, but someone asked me once, "What's the one group that people

79. *Heuristic*, MERRIAM-WEBSTER, <https://www.merriam-webster.com/dictionary/heuristic> (last visited May 17, 2026).

80. *Id.*

81. See, e.g., Staci Zaretsky, *The Greatest Response to a Cease and Desist Letter, Probably Written While Drunk*, ABOVE THE L., <https://abovethelaw.com/2013/12/the-greatest-response-to-a-cease-and-desist-letter-probably-written-while-drunk/> (Jan. 6, 2014) (referencing three snarky cease-and-desist responses written in 2013, one of which was written by yours truly); see also *Threats with a Smile: The Cease-and-Desist Letter in a Time of Social Media*, NOVAGRAAF (Sept. 29, 2020) (describing humorous cease-and-desist letters written on behalf of the Doobie Brothers and Netflix).

happily pay to watch talk—no music, no visual aids, no PowerPoint, no juggling—for an hour or more?”⁸² The answer, of course, is stand-up comedians. While I’d never suggest that one should turn an opening statement into a joke fest, the presentation skills required for effective comedy—timing, use of space, storytelling, delivery, and connection—can all translate well into trial practice.

So, I propose that law schools make an effort to include humor in the curriculum. Given that humor can have a positive effect on both comprehension and retention,⁸³ it makes sense to look for ways to incorporate it. Let’s see a seminar on the use of humor in legal correspondence.⁸⁴ Let’s take a look at stand-up comedy as performance art and apply it to trial practice. Let’s have a required 1L course that gives the students a chance to laugh once a week and let off a little steam—that course can be the vehicle to show how it all ties together and highlights the absurdities that can otherwise be maddening that first year.⁸⁵ This course is not without logistical issues, but it should be doable.⁸⁶ Learning to *not* take oneself so seriously is imperative for one’s future well-being. The scarcity of humor in the legal-education process is having a detrimental effect on law students and graduates.

Ask yourself what attributes your best professors or teachers had? For me, one of those attributes invariably has been a bit of a mischievous sense of humor. There are a lot of other things that come into play, but the sense of humor—and using it—is the great unifier. A little bit of fun can go a long way to a positive outcome.

Taking it a step further, let’s have some CLEs that provide some relief from the pressure cooker that is practicing law. I have ideas.⁸⁷ We could all use some instruction in taking ourselves a little less seriously. How about a CLE titled “How to Laugh at Yourself Without Sacrificing Your Overinflated Ego”? See what I did there? But you could have more “serious”

82. If you’re the person that asked me this, email me and I’ll figure out some way to get you your footnote.

83. See a whole bunch of the footnotes above.

84. This could be a standalone course or a unit in my made-up 1L *Humor and the Law* course.

85. I am not volunteering to teach this course, but I’d be happy to help write the curriculum.

86. Professor Steve Bradford notes, for example, “The only problem is that a law professor would be teaching and would undoubtedly turn it into some theoretical abstraction about the attributes necessary for humor.” E-mail from Steve Bradford, Henry M. Grether Jr., Professor of Law Emeritus, Univ. of Neb.-Lincoln, Coll. of L., to author (Nov. 18, 2025) (on file with author). On a related note, Professor Bradford’s latest book, *CABIN CATASTROPHE*, should be on the shortlist for textbooks. STEVE BRADFORD, *CABIN CATASTROPHE: SURVIVING MY APPALACHIAN MOUNTAIN RETIREMENT HOME* (2025).

87. Because *of course* I do.

CLEs that cover the audience rapport and storytelling techniques of certain stand-up comedians as applied to trial practice. One other idea is “Something Funny Happened on the Way to the Courthouse,” consisting entirely of funny war stories from the practice of law. The beauty of this CLE, as I see it, is that it gives CLE credit for what most lawyers talk about on the breaks at traditional CLEs anyway.⁸⁸

The opportunity to incorporate more laughter into law is there for the taking. Let’s take it.

CONCLUSION

In sum, humor in law isn’t merely a nice-to-have thing. It’s a potential survival strategy—like bringing a flask to a 12-hour deposition, but with *far* fewer professional consequences. The legal profession’s collective mental well-being is at stake, and a well-timed joke may be our last, best hope. Without it, we’re left with only the rule against perpetuities and, frankly, nobody deserves that.⁸⁹

88. This one is really less-than-half serious, though workshopping some of these stories would be of value to those that must endure them (and I include myself in the offender group).

89. Well, almost nobody. Anyone on an articles committee that rejects this self-described masterpiece probably deserves to study the rule against perpetuities in perpetuity.