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Humorist, scholar — and a stand-up lawyer

U of M professor has talent for jokes, tort law

By LAWRENCE BUSER
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Andrew J. McClurg thinks the legal profession desperately needs an injection of humor, though not the kind the public seems so quick to share.

Lawyers regularly rank at or near the bottom in surveys on job satisfaction, and anti-lawyer jokes that portray them as sharks or greedy predators only add to the problem, says the University of Memphis law school professor.

So this lawyer is not shy about going on the offensive with lawyer-bashing strangers, even when on vacation.

"The woman at the canoe rental place asked what I did and I said, 'Law professor,'" McClurg says. "Without hesitating, she said, 'I hate lawyers.' Without hesitating, I said, 'I hate people who rent canoes.'"

Match wits with this professor at your own peril.

Known as "Tortman" by students and faculty alike around the Memphis law school, the Hollywood, Fla., native is a former humor columnist for the American Bar Association Journal.

He's written five books, including a parody of legal education called "The Law School Trip (the insider's guide to law school)," and is co-editor of "Americus Humoriae: An Anthology of Legal Humor." Humor can be effective in almost any setting, even funerals, McClurg preaches, but he cautions there are risks in being funny and proposes that a warning label should be committed to memory.

McClurg is a divorced father with one daughter and a cat named Mr. Marbles. His daughter, Caitlin, 25, works for a medical technology company in Denver, though she received



Mike Maple/The Commercial Appeal

University of Memphis law professor Andrew J. McClurg sprinkles his lectures with a dose of humor.

a free legal education at an early age.

"My kid's nickname is Tortgirl because, no kidding, one of her favorite

lic place and I'd say, 'Tortgirl, spot the tort.' Then I'd time her as she ran around trying to identify the nearest defective-premises condition.

"Sound sick? Probably, but I've taught thousands of first-year law students to play 'Spot the Tort' over the years and they've lived happier and healthier lives because of it."

A sign on his desk reads "The Tort Stops Here" and his office wall is decorated with letters and plaques from former students, including one signed by the class with a photo of a banana peel, a classic symbol of slip-and-fall personal-injury cases.

In his book entitled "1L of a Ride: A Well-Traveled Professor's Roadmap to Success in the First Year of Law School," McClurg offers tough-love advice such as this:

"If you're in an intimate turbulent relationship that you know deep down is going to end at some point anyway, the summer before law school is a good time to say goodbye."

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LAW

He's the webmaster of lawha-ha.com, an academically oriented humor site for law students and legal professionals, and author of "The World's Greatest Law Review Article," a spoof on over-attributed legal tomes that includes eight footnotes in the first sentence alone. (Footnote No. 10: "Pretty cool italics, huh?")

The article was published by the ABA Journal and led to his monthly column "Harmless Error" that ran for four years.

"I clerked for a federal court judge who used to say 'Counselor, you're coming dangerously close to violating Rule 100,'" says McClurg, adding that lawyers had no idea of such a rule. "Finally, one lawyer asked and the judge shouted 'Don't take yourself so seriously!'"

McClurg's talent for humor leads him to worry about being portrayed too much as a funnyman, but the Herff Chair of Excellence in Law that he holds would seem to put that concern to rest.

"He was selected (in 2006) because he possesses a very distinguished record of classroom teaching, research and publication, and public service," says U of M law

school Dean Kevin Smith of McClurg's selection for the prestigious Herff Chair. "We also saw that the combination of his experience, personality, and energy would make him a leader on the faculty, as it has."

McClurg has received numerous academic honors, including the University of Memphis Distinguished Teaching Award and Excellence in Legal Education Award. He also was lead singer and rhythm guitarist for a classic rock band called The Vynals which recently broke up. "It just ran its course," he says.

He is a nationally recognized scholar in the field of tort law, products liability, privacy law and firearms policy. Yet he very nearly gave up teaching torts after his fiancée, Kody Logan, was killed in a horrific interstate traffic accident in 1998 near Little Rock.

"In the end, I decided I was meant to teach torts and only knew how to do it one way," says McClurg, who wrote a heart-rending law review article in tribute to Logan called "Dead Sorrow" that is required reading at some law schools. (Find the article at lawprofessors.typepad.com/tortspdf/files/DeadSorrow.pdf).

"One thing I've done differently since Kody's death is, through all the 'fun' we try to have in torts, I frequently remind my students that

THOU SHALL LAUGH

"Humor is a valuable product for lawyers, whose livelihood depends on successful communication. But like most products, it needs a warning label:

"WARNING: Apply product sparingly at first. Check results. If people around you are smiling, gradually increase dosage. If people around you are booing, discontinue use and consult a comedian. Do not insert feet in mouth during product use. Failure to exercise care in the use of this product can result in severe injury, including, but not limited to, embarrassment, rejection, loss of friends, black eyes, judicial reprimand, adverse jury verdicts, and discharge from employment. On the other hand, used safely and effectively, this product carries a lifetime guarantee of better communication skills and improved quality of life."

From Andrew J. McClurg's "10 Commandments of Torts"

these cases involve real people, both plaintiffs and defendants, who have suffered."

Another personal tragedy, a hunting accident three years later that claimed the life of his older brother, Douglas, caused McClurg to curtail his scholarly study of firearms policies.

It was a topic that always prompted lively debates between himself, a pro-control advocate, and his lawyer brother, who was a decorated Vietnam veteran, expert marksman and gun-rights proponent.

"These days people think that (the death of his brother) is what prompted me to get into the issue, but the exact opposite is true," says McClurg, who now only occasionally teaches a seminar on gun control and gun rights. "It's another

hard course to teach where I have to separate my personal story from the discussions."

Smith calls McClurg "a superb teacher" who also is faculty advisor to the law review and has donated money for awards to be given for best student publications in the review. Another recent donation by McClurg helped establish a stress-relieving recreation room with a foosball and ping-pong tables for tort-weary law students.

His classes on torts — civil lawsuits stemming from intentional harm or negligent conduct — are fast-paced affairs where McClurg works the room like a talk-show host, challenging his students to defend their takes on complex court decisions.

"He had a really great way of keep-

ing the class interesting and getting students to want to participate," says former student Danielle McCollum, now with the Shelby County District Attorney's Office. "It wasn't just go in, talk about a case and get lectured to."

Before taking the final exam, she added, the professor allowed students to create a one-page cheat-sheet and use it in class.

"You had to go through all your notes and figure out 'What am I going to put on my cheat sheet?'" McCollum recalls. "By the time I took my exam, I didn't even use it because I knew what was on the cheat sheet already."

It's all part of McClurg's aim to help law students lighten up and, eventually, enjoy being a lawyer.

"I don't think having law students living in terror is a good thing," says McClurg, 57, who encourages his students to stand up for their profession. "I think there is a real need for humor because a lot of the law is tedious, stressful and gruesome. Humor really is a valuable learning tool, but you don't want to overdo it so that it's a distraction."

"Some students will think they don't have to study because Professor McClurg is such a nice guy — and then they get their grades."

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