



The Joke Shouldn't Be on You

Have you heard the one about the senior partner who walks to the podium and starts the speech with a joke?

To no one's surprise, it falls flat.

Senior partners at law firms, private practitioners, corporate general counsel, and other C-level corporate executives – from the chairperson to the chief technology officer – usually do not leave the boardroom for the comedy club circuit for good reasons. This is evidenced by occasional news reports on failed jokes or poor attempts at humor by executives, among others, at public forums.

For any lawyer or corporate executive, the pitfalls of the verbal pratfall are hardly worth chancing. And, while the hazards may be greater when uttered by a senior executive, danger lurks for speakers at any level representing an organization at an event.

First, there is the joke itself.

David Letterman of CBS, just to name one late-night television talk show host, typically works alongside four writers who toil away to develop a fresh daily monologue. By comparison, the joke most lawyers and corporate leaders might tell is virtually certain to have been heard, or read on the Internet, before – and often. At best, the audience listens politely. Or, audience members begin to talk knowingly to nearby seatmates about the joke and coming punchline, taking attention *away* from the speaker. The executive's thoughts are not advanced in either case. Moreover, attention lost is hard to get back.

Still more damaging, the joke may backfire once it is associated with the remainder of the speaker's remarks, or later when an unexpected client or corporate situation develops.

A highly skilled employment attorney that we know confided in us that he had learned his lesson years ago when, during a client-sponsored talk on sexual harassment laws and rules, he opted to tell a joke which previously had won laughter in dinner settings with friends. The joke centered on the use of the word "girls." Until the joke, the women in the audience had listened attentively to his commentary. "After the joke, the women clearly tuned out to anything I had to say," he said.

Moreover, even if the joke is novel or reasonably fresh, many attorneys and executives lack the comedic timing to pull it off. Some executives are so unaccustomed to joke telling that they fumble through it, easily botching their efforts. One former corporate chieftain of a globally known manufacturer, whom we heard some years ago, told his joke so poorly that he stumbled on the punchline and had to fix it mid-way through. It is impossible to know whether the marginal laughter had to do with the joke, or if it was "nervous laughter" due to the speaker's ineptness.

Even if the joke or quip is delivered without being bungled, it may not "translate" well into printed words or broadcast sound bites. And, considering the global nature of business, the joke may not translate well into

another language, potentially confusing a few audience members.

Some could miss that the comment is supposed to be funny: such a misunderstanding may have business consequences, may require post-joke clarification, or may even affect a company's stock price. Some years ago, for example, the chief executive officer of a well-known company quipped in a question-and-answer session at a conference that he would like to buy one of his competitor's units. Shares of both companies declined despite many analysts dismissing the idea.

Surely countless men and women from all walks of life have tried the comedy stage after being told by friends and family how funny they are: only a few are truly amusing and even fewer actually make it. Attorneys and executives should not fall for the same staff-meeting praise as they prepare to deliver speeches and presentations.

Even then-United States Supreme Court nominee Judge Samuel Alito Jr. tried going for the laugh-line in his opening remarks at his Senate confirmation hearings in early January 2006. As some media reported, the attempt failed. And, for those who may have missed the moment, some in the media recited it.

Consider a January 9, 2006, Associated Press dispatch by Laurie Kellman that noted: "Nobody said a Supreme Court justice has to be a laugh riot. Even so, Samuel Alito Jr.

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might want to think about keeping his day job, assuming he gets it.”

Other leaders sometimes suffer similar “in-print” reviews, which don’t reflect well on the person or the organization, and may detract from the message.

Then there are the potential consequences of the joke itself. What is benign to one person is hardly so to another. Ample evidence exists in media reports of various leaders apologizing for telling jokes that were seen as insulting, impolitic, or inappropriate.

Self-deprecating lines have consequences, too: not everyone with a “problem” or “condition” has the confidence of the speaker telling the joke. The joke may be more painful than

funny to some in the audience. Clearly, this will not advance the corporate message, perception of the organization, or the reputation of the attorney.

Perhaps before considering the joke-telling approach, all speakers should review a *New York Times* article from December 31, 2005, by Adam Liptak, who reported on a study by Jay D. Wexler, a law professor at Boston University, about from-the-bench humor by U.S. Supreme Court Justices.

The article noted: “Lawyers get laughs sometimes, too, but it is a dangerous business. In the guidebook the court provides a stern warning to lawyers preparing to argue before it: ‘Attempts at humor usually fall flat.’”

In short, humor is a potential third rail: lawyers and other executives would be well advised to watch where they verbally step. Clients, corporate compensation committees, and shareholders pay executives to represent the company enthusiastically, effectively deliver the strategic messages, and build the business, not to be funny. And that is no joke. ■

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