

Living In An Uber Age

First, let's love all the lawyers | Marcel Strigberger

By Marcel Strigberger



Marcel Strigberger

(September 5, 2019, 8:54 AM EDT) -- Our profession is a noble one. But unfortunately, lay people often view us negatively, as sharks, shysters and ambulance chasers.

We face a barrage of unflattering lawyer jokes. There is even a joke about same: "Lawyers don't think they're funny; and non-lawyers don't think they're jokes."

I note Chaucer's *Canterbury Tales* does not include a lawyer. Of numerous callings, nowhere is there a "Lawyer's Tale." Why? Maybe the pilgrims did not want one along the pilgrimage.

Perhaps Chaucer initially had a lawyer in there but canned him. There just may have been a draft tale that reads like, "And then there was the lawyer from Yorke, who carried a big purse. And he was a windbagge. He tried to impress us with his Latin and we could ne understand him. And so, the miller gave him a bige kick in the arse.

And we were all happy, pater noster".

So, the question becomes, why is our profession generally viewed unsympathetically?

My thoughts.

Dollars

We are talking hundreds per hour. I have heard more than once colleagues saying something like if I ever get divorced, I couldn't afford myself. (Never mind the part about if they would hire themselves, they'd have a fool for a client.)

Honesty and transparency

Most lawyers are above board, not padding their bills.

But what does the public see, or not see? We live in the Uber age. If you want to go from A to B, Uber will instantly confirm up front the exact cost, such as \$13.43. And the customer can verify this service, seeing he is not going from A to C.

We can understand why a client will get rattled when he sees his lawyer's bill for thousands, "... and he has not even gone to court yet."

I won't talk about those lawyers who strayed and are now in jail (or as Chaucer would say, "in gaol, and goode for them.")

Ambulance chasers

There is no shortage of lawyers. But the public must find disturbing those ubiquitous ads. I shall not quote any but suffice it to say they do not come across anything like, "We try harder."

(Actually, after 50 years Avis changed its tagline to "It's your space").

Many ads cross the line. There is actually a local firm that posts its ads on the walls over urinals. This adds a new dimension to the phrase, "over the top."

Communication

Lawyers are generally perceived as being long winded. I wanted to connect to a Starbucks Wi-Fi recently. I had to run a gauntlet of conditions, spending 15 minutes doing so. Meanwhile my cappuccino cooled off. (I will confess I also had the inexplicable urge after reading the document to bill someone.)

Most lay people likely simply "agree," griping about those overpaid lawyers making life complicated.

Lawyers also use confusing and excessive terms including but not limited to "hereinafters," "whereases", and of course, "including but not limited tos." It's all too much, pater noster.

Judges too can get carried away with unexplained jargon. I once witnessed a judge erroneously give a man 90 days in jail despite the Crown agreeing with defence counsel to a fine. The Crown immediately rose to make further submissions pleading for a fine but the judge, smugly said, "I see. However, I cannot change my ruling. I'm functus".

The gentleman's lawyer who almost had cardiac arrest tried explaining to his shocked client that functus was a nice Latin word, meaning the judge's mandate is over and he cannot reconsider, though he probably could have but thought he couldn't. I doubt this incident witnessed by a courtroom full of people, elevated respect for the law.

Duration of case

Most cases linger, often taking years to resolve. A dentist's work say is generally done within an hour. (Fortunately!) The best we can do about this issue is to clearly explain the process to the clients, reassuring them that the reason for the delay is not their lawyer spending too much time golfing.

The law itself

Often a client has a great case but for the fact that given the passage of them, it is statute barred. The public does not know that generally, you have 10 days to notify a municipality if you slip on a sidewalk, or six months to sue the government for a tort as in the latter you are suing the Queen and she gets special protection.

Nor do most people know that an accused has the right not to testify and the judge cannot tell a jury that there is a good reason why he is not taking the stand, like he's probably guilty and he does not want to risk confirming it. Of course, these weird laws are made by those golfing lawyers.

What can lawyers do?

It would help to bill reasonably and transparently. Our ads should not look like they were commissioned by the Ringling brothers.

And we should bend over backwards to communicate adequately with humility and simplicity. As Einstein said, if you can't explain it simply, you don't understand it well enough.

Perhaps I can sum it up with a quote from a wise lawyer, namely Atticus Finch, the hero in *To Kill a Mockingbird*: "You never really understand a person until you consider things from his point of view ... until you climb into his skin and walk around in it."

I rest my case.

Marcel Strigberger retired from his Greater Toronto Area litigation practice and continues the more serious business of humorous author and speaker. Visit www.marcelshumour.com.

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