

**Binders as Foot Soldiers**

# Yikes, my kid is going to law school | Marcel Strigberger

By **Marcel Strigberger**

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(September 16, 2019, 10:43 AM EDT) -- So, your kid is about to follow your footsteps and pursue a legal career? What are your trepidations?

After my son Daniel got accepted to law school, a series of thoughts went through my mind. Although most were positive, some rattled me.

One was, is he going to ask me to help him with his law school courses? It was a good 30 years since I had graduated from McGill and I shuddered to think he was going to ask me to help him before a tort exam. It's not that I would not be willing. It's just that at this stage the only case I readily recalled was that iconic snail in the ginger beer case, *Donoghue v. Stevenson*.

Any questions about negligence and I would have had to ask him some questions starting with, "By the way, did that victim in your case also visit a pub?"

I was more lost and forgotten in property law. I even had a nightmare that he was banging on my door before a property test asking me to explain the concept of fee simple.

Fortunately, he sailed through law school with flying colours, rarely seeking my sage advice. And that actually bothered me. What kind of genius did he think he was?

After a lengthy drought of not approaching someone of my experience and stature, I actually approached him to see if he needed help. To ensure I was authoritative enough, I looked at a tort textbook briefly and asked him whether he understood the principle or ever even heard of the *Wagon Mound* case, knowing full well this would all be foreign to him. He responded, "*Wagon Mound 1*, or *Wagon Mound 2*?"

UGH! Show off.

Another concern was monetary. Was he going to hit me for handouts? Naturally I was prepared to offer reasonable assistance. But then again, although I went to law school at McGill, nowhere on my front door did it say "Bank of Montreal." This issue did not materialize either. He worked part time and managed nicely. So much for my fear of becoming the designated de facto ATM.

And knowing that legal texts can be costly, I of course offered to give him my old law school books. He said, "Thanks but no thanks," after perusing my edition of *Salmond on Torts*, and noting that it only talked about *Wagon Mound 1*.

Excuses, excuses. Lesson: Don't expect gratitude from your kids.

After his admission to the bar, I noticed that he and I practised emphatically differently, technologically speaking.

For 40-plus years until my retirement from practice over two years ago, I lived in the world of massive documents. In the army of litigation, my artillery consisted of platoons of banker's boxes.

Everything was there. And you would better have known how to access what you needed instantly. Your foot soldiers were your binders, highlighters and stickie notes.

This arsenal was basically foreign to Daniel. He practises paperless. His foot soldiers are the laptop, the scanner and the shredder. I once saw him shred a 20-plus page medical report that cost over \$3,000. This act to me looked heretical. Or should I say, virtually heretical. I don't care if it all gets saved on the cloud, (whatever that really is).

However, the biggest surprise to me, a staunch plaintiff's personal injury lawyer, was his becoming an insurance lawyer. This to me was like one of Robin Hood's merry men going into business with the Sheriff of Nottingham. If he'd be involved in *Donoghue v. Stevenson*, he'd probably vigorously fight the claim arguing the situation is no different than the worm in a tequila. He'd plead, in fact, a snail pairs perfectly with ginger beer.

They say the apple does not fall far from the tree. This apple fell right out of the orchard!

Perhaps what really pleased me most when my son told me he was going to become a lawyer, was knowing he would have to appear before a judge, and he would have to obey that judge's orders.

Growing up like most children, he would ask for something, an item or a privilege, and I would occasionally most reasonably deny his request. He would often soon turn to his mother with the same request, or vice versa if she denied it initially, and he would often get the initial denial overturned. The other parent was a de facto Court of Appeal.

I knew now that if he did not like a judge's decision, he would have to say, "Thank you, Your Honour." To try to get the decision reversed, he would have to take formal appeal steps. File a Notice of Appeal. Deliver a factum. He could not get a reversal by saying something like, "Your Honour, if you change your decision, I'll walk the dog."

This should be comforting to most parents.

The greatest joy I have derived is Daniel practising very successfully for a few years now. The biggest high for me is when someone asks me whether I am related to him. I proudly respond, in the affirmative, barely restraining myself from adding, "and I taught him all he knows about the law of torts."

For that matter, I never asked him but, is there a *Wagon Mound 3*?

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