

How Lawyers Got A Bad Rap

Article by: Richard Hall

We have all heard the jokes and negative comments surrounding lawyers but have you ever wondered how it all got started. Just as with any profession, there is bad and good. Are there unethical, incompetent attorneys? Of course! Just as there are unethical, incompetent plumbers, physicians, and restaurant workers. However, for some inexplicable reason, it seems lawyers have had more than their fair share of "bad". The complexity of the law and the demand for legal services from the boardroom to the coat room validate that the profession does have value, so why the bad press?

Well let's begin with fees. The hourly bill may just have been the beginning of the end for the legal profession. No one is in a good mood when an hourly meter is running, particularly when you can't control the number of hours that you purchase! Traditionally, Lawyers have relied on the hourly rate, as their standard for billing. With this billing arrangement, the law firm would maintain a record of everything done for you to include phone calls, written letters, court appearances, consultations, etc. You are then billed an agreed upon hourly fee for all of the time that was spent working on your behalf. In addition, you could also incur additional expenses such as transportation, document fees, even phone calls. While this practice is standard in many professions, many consumers believe that attorneys inflate expenses in an effort to make additional profit.

In truth, most service providers use an hourly rate to calculate a fee. In example, an accountant might quote you a fee of \$250.00 to review your taxes. The fee is not out of line with your geographic area and the accountant comes highly recommended so you opt to hire him/her at this rate. What you may not realize is that the \$250 flat fee may be based on the accountant's knowledge that the review will take 2.5 hours of time at \$100 per hour.

Many attorneys have become a bit more market savvy and offer alternative billing arrangements. Rather than hourly bills and separate expense charges, they may offer case rates, retainer agreements and other solutions. The key is in providing value for the dollar charged, and creating long term relationships.

Another area that has eroded the reputation of lawyers is the unfortunate lapses in ethical behavior. While most attorneys do in fact adhere to the standards of law, the few bad apples have made it difficult for the public to trust lawyers. For example, in the state of South Carolina a young man was on trial for a murder that most believe he never committed. His family sold their home, cars, and gathered all the cash possible to hire a good defense lawyer. Believing their son was in the best hands possible, they discovered that the prosecuting attorney was married to their lawyer's sister and that pertinent information had been shared, resulting in a mistrial. As you can imagine, this put a black mark against those attorneys, as well as others who were innocent but within the same community.

Personal injury law has been another source of questionable ethics. Billboard and commercial advertisements abound with the promise of high dollar settlements for your case. This marketing tactic only adds to the negative perception of the legal profession, as it makes them appear as ethical as snake oil salesmen.

Additionally, most of us have heard the horror stories about attorneys collaborating back room deals with physicians. In this instance, an attorney wanting to win a case involving a car accident or injury on the job might send his client to a "special" doctor that will validate and even overemphasize the level of injury. The doctor testifies in court in support of the plaintiff, giving the attorney and case strong credibility. Again, these practices are not standard for all personal injury lawyers but unfortunately the actions of a minority have significantly impacted the majority.

The attorneys that engage in unethical practices deserve to be drummed right out of the profession. Sadly, it is unlikely to happen because just as there is a market for competent, ethical law practitioners there is also a market for the legal underbelly. People that desire to bring forward fraudulent lawsuits, illegal adoptions or even illegal immigrations will turn to attorneys who are willing to work around the established rules of law.

Most attorneys are honest, hard-working individuals who take their work very seriously. Because of this, we see a number of law firms working to change public opinion. There are dishonest "professionals" in any field. We can look to education for current examples. There seems to be a spate of sex scandals involving schoolteachers, yet, the four cases that have been highlighted in the news within the past year does not mean all schoolteachers are sex offenders.

The same is true with lawyers. Yes, we have seen cases in which some are not honest and sadly, those are the cases exploited through the media. What you do not hear much of are stories about the reputable attorneys that solve cases and help improve or even change lives. While the public may not be quite ready to elevate lawyers to hero status maybe, just maybe we can start a kinder, gentler trend of being a little nicer. Richard A. Hall is founder and President/CEO of LexTech, Inc., a legal information consulting company. Mr. Hall has a unique breadth of experience which has enabled him to meld technology and sophisticated statistical analysis to produce a technology driven analytical model of the practice of law. As a busy civil trial attorney, he was responsible for the design and implementation of a LAN based litigation database and fully automated document production system for a mid-sized civil defense firm. He developed a task based billing model built on extensive statistical analysis of hundreds of litigated civil matters. In 1994, Mr. Hall invented linguistic modeling software which automatically reads, applies budget codes, budget codes and analyzes legal bill content. He also served as California Director and lecturer for a

nationwide bar review. Mr. Hall continues to practice law and perform pro bono services for several Northern California judicial districts.