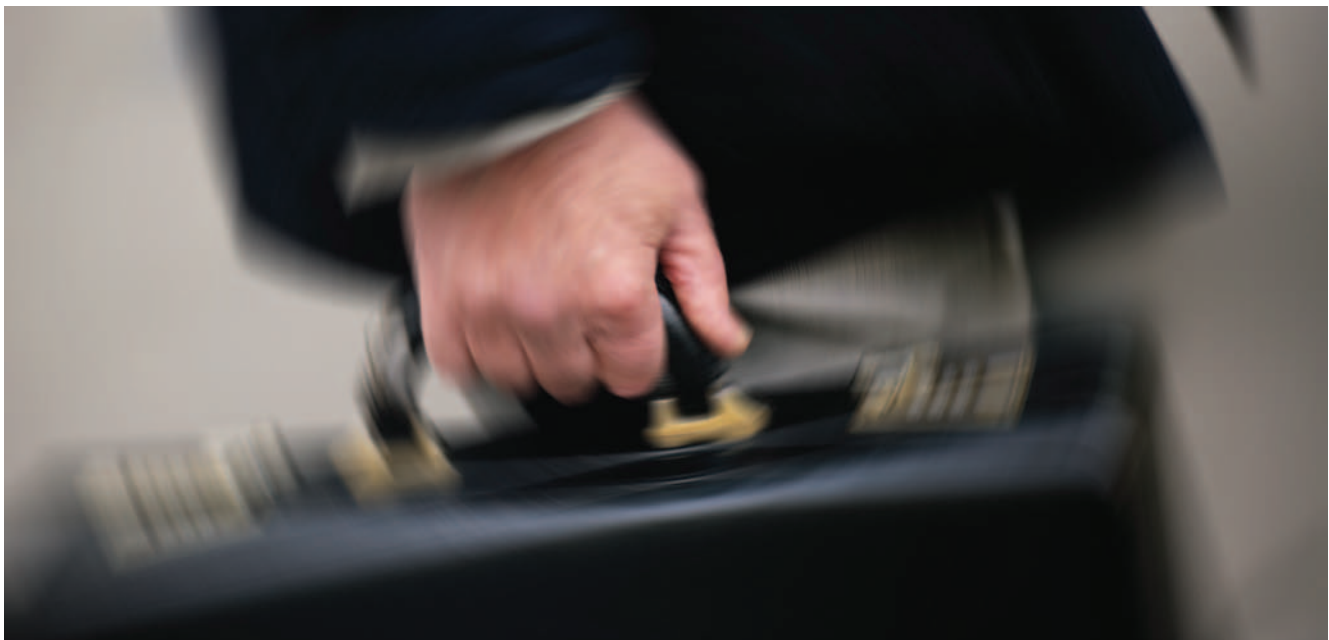


The Things People Like and Dislike About Lawyers

Thinking Out Loud is a new column that features light-hearted, humorous or tongue-in-cheek articles by members about the lighter side of practice, or their experiences of the legal profession. Members interested in submitting articles for this column may write to the editor at vimala.chandrarajan@lexisnexis.com

In this first article, Naresh Mahtani sings praises about the good traits of lawyers that he has observed, and looks at the other side of the coin as well.



In the past 22 years or so, in the course of a career in law, I have worked with, or been in contact with, many hundreds of lawyers. You get to meet many people in the course of a legal career, and you hear many things in work and social circles about lawyers (and other people, of course), those who you know personally as well as those you do not really know at all. Not only do you learn things about people, you also learn from them, and of course from every situation.

Talking about learning — learning is of course a life-long process. If I may digress slightly (as lawyers are apt to do), one of my favourite quotes, or tenets, or survival tactics, if you will, is this — there are actually only two things in life (irrespective of your beliefs, and even

if life is really a continually empty and meaningless canvas for you to paint on) — in every situation, you either enjoy something or you learn something, or both — if something happens which you like, then you enjoy it; if it's not so, then you also learn from it — therefore, Every Situation is a benefit and 'it's all good'. This idea is of course not an original one, and has been well illustrated in many books (such as *Illusions* by Richard Bach, which I recommend) and in many songs (such as 'You Learn' by darling Canadian musician Alanis Morissette, which I also recommend).

Now, as for the things I enjoy or have learnt about lawyers — I decided to list them out in this article. I love lists, serial-numbered, and as systematic as possible. I think people generally like lists. In fact,

lawyers are very fond of lists. Lists of questions, preliminary issues, checklists, for example. (Incidentally, for those who love lists, I recommend *The Book of Lists* by Irving Wallace, which contains lists of every interesting trivia under the sun.)

There are not many new things in this list. And these are generalisations of course. Lists continually evolve (for example, astronomers have recently discovered planet number 10 in the solar system, and there will be more). And not all traits are black and white. There are shades and distinctions (1.3, 1.2 and so on). Most lawyers have a mixture of such traits, and there are also the less common traits. Now, without further ado, here goes:

These are the things people like about lawyers, or their more endearing traits:

- 1 They know, or appear to know, a lot about what's going on, in politics, business, current affairs, 'inside-info', people's lives, the 'real' story, the unpublished details. I have learnt many juicy details, about all manner of things, from listening to lawyers at dinner tables. There is such a brilliant tapestry in day-to-day life, if you care to listen.
- 2 They are very careful and logical — their opinions usually relate to a given set of circumstances, and they will have a different way of looking at things, if that is what you want to hear. With logic, facts and statistics, you can have it painted black, or white, or any colour you like.
- 3 They are resourceful — if they do not have an immediate solution to a problem, they usually know of someone who does, or a book or website about it, or they will check on it and get back to you. The possibilities are boundless.
- 4 Generally, they are discreet and careful — most lawyers have already an ingrained habit of not talking publicly about their clients' identities or matters. (Even if they mention a detail here or there, and you can easily guess which famous client or book they are alluding to!)
- 5 They are generally law-abiding good citizens — yes, this may come as a surprise to some in these times; but yes, I think too much has been made about exceptions in the past few decades. Most lawyers I know do try their best to remain within the law, and even when they have transgressed, I think we need to keep a perspective on this — everyone makes mistakes — some are big and some are small, some get caught and some don't, some win medals and some don't.

Now, a few words about the annoying, irritating, and sometimes infuriating habits about men in black robes (includes women of course, as they will outnumber men in years to come). As a preliminary point (yes, lawyers love preliminary

points, riders, caveats) — this list is not meant to be judgmental (and yours truly has himself been guilty of some of these traits or habits at one time or another, and continues to be), but is merely a spontaneous list. Take an honest look at ourselves, you can agree or disagree (it does not matter — it's only one lawyer's opinion) and then move on.

- 1 On Knowledge: Many are, or appear to be, 'know-all's', are highly egotistical and opinionated (only slightly less so than architects, who take the cake for this aspect, as recent career surveys have shown). Most lawyers are afraid, very afraid, of saying these three words 'I don't know'. I have heard complaints that many lawyers are a bit too quick about giving an opinion or advice, not realising that clients are invariably smarter about their own business or problems, that modern clients are well-read, are intuitive and can tell at the first meeting if you're bluffing your way through. I have learnt that clients would rather that you do not consider that you do know everything; that you ask more questions than dispense answers; that you listen to the answers, no matter how irrelevant and illogical or out-of-place they sound; that practical solutions do not require that you know everything. (By the way, as far as practical wisdom is concerned, 'not knowing' is always a good place to start, for anything.)
- 2 On Trust, Integrity and Responsibility: Why is there a widespread belief that it is ok to cut corners on matters concerning trust, integrity and responsibility? Integrity is integrity: I am not referring to the 'moral' aspects of this concept. Morality is a subjective matter, and most of us cannot claim to be authoritative on that subject.

Neither am I referring to merely following rules, or lawyers who have been disciplined for misdemeanours or crimes or scandalised in the media, for one reason or another. Those, by the way, are exceptions to

the generally law-abiding profession (as I mentioned above).

Rather, I am referring to the more common-place, and day to day habits. These are actually more noteworthy in the big scheme of things. Ask your clients and they will tell you that where matters like Trust, Integrity and Responsibility (they deserve capital letters) are concerned, it is the little, day-to-day things that count. People, including our clients, do remember and appreciate the bedside manners. Integrity requires that the bottom-line is not money, your ego or the winning of medals. Those are merely the boringly over-glorified consequences or by-products. (If you would like to read a good book on the subject, read the controversial and unforgettable *The Fountainhead* by Ayn Rand. It is a story about architects, but it applies to every profession — you will recognise the lawyers' equivalents in the book. We need more Howard Roarks in every profession. Also, if you have not done so, do see the film, 'The Agony and the Ecstasy', an entertaining look at the life of Michelangelo.)

For example — and this is a big one — lack of punctuality, and lawyers' working hours. For a long time, seasoned lawyers in Singapore have been known to start work at around the magic hour of 10.30am. With various excuses, from the usual, such as that they work long hours anyway prior to hearings and during deals; to the urbane, such as the common phenomenon in recent decades of lawyers not working before 10.15am to avoid paying the \$5 for entering the CBD. The latter may sound funny now, but it was a serious practical matter then. Now, I am not saying that is 'wrong' or 'bad', or that all lawyers must start work at 7.45am. To each his own, especially how you choose to run your business. All I am saying is that it is not a particularly endearing trait where clients are concerned, for them to be hunting high and low for you, and if lawyers want to start being taken more seriously by the paying public, then,

maybe, you want to have a look at more public-friendly working hours. Well, if your clients' officers work from 8.30am, they expect to be able to contact us during normal business hours, not wait for us to show up.

As far as professionalism is concerned, there is also no excuse for not keeping promises, not keeping appointments, unanswered calls, habitual (and ridiculous) lateness at meetings, general lack of punctuality and other ways of showing lack of respect to your lay clients. No, being habitually late or not turning up does not show one's importance, it shows a lack of respect for others — and remember, this is the 21st century, it's not feudal anymore, and we are expected to treat everyone with respect, including your poor non-paying client or the hapless subpoenaed witness in your case.

- 3 Impractical advice, and being too careful: When lawyers get too careful and guarded in their opinions, their advice and drafting. One example is writing letters to clients asking for their 'instructions' at every step, especially upon receiving a missive from the other side. How would you like it if your doctor gets your X-rays back from the lab and asks for your 'instructions', rather than sit down with you and explain the prognosis and alternative solutions.

I think that clients do expect practical advice and drafting. This has to do with understanding our clients' business, understanding the client (aside from the business) — ie the human being, you know, the anxious unhappy poor old woman with a heart and mind; understanding the clients' real objectives, which has a lot to do with communication (ie the listening part). Also, exploring alternatives, thinking 'out of the box' — you'll be surprised how many ways there are to skin it, even in a normal debt-collection case. One complaint I have heard from laymen is that many lawyers do not think laterally at all — they are generally

too careful and lack 'guts' or are reluctant to go the extra mile.

By the way, it's going the extra mile, going out of your way that counts, if you want to make a difference. Ask any surgeon, any inventor, any writer.

- 4 Blaming and Complaining too much — about their clients, about the courts, about other lawyers, about the government, nowadays even about themselves. We need more lawyers to do their best, make a stand for things, stand up for their clients or for themselves in court. Instead of taking it lying down, 'kow-towing' in chambers, afraid of making mistakes or a fool of themselves, and then complaining, gossiping, finding excuses thereafter. We need more doers, not talkers — and I am not even writing here on big issues such as solving world hunger or terrorism. I am writing about taking responsibility for matters that concern our own business.

Personally, I have had enough of the cliché that 'your client is your own worst enemy'. Beyond a reminder to be cautious in your business affairs, that saying is of course adverse to good business thinking. No, without your clients, you would not survive, so let's quit complaining about our clients. There is no such thing as an easy client, easy patient or an easy buyer. They are all entitled to be difficult and to negotiate. And I suspect that people have had enough negativity from lawyers and doctors — our clients already know they have a problem, they would like to hear alternative, practical, constructive, inspiring, enlightening even, solutions to their problems.

Recently, I had in my office a potential client who has litigated on a tedious matter for the past 10 years, changed lawyers about six times, gave the usual long painful litany and asked me to take up his cause — I listened to him for about one and a half hours (at no charge), eventually asked him to consider looking at things from a different

perspective, including to just drop the litigation unless he was willing to enjoy the battle, forget about the seeming 'injustice' done to him, live in 'the present' and to just start life anew. He actually brightened up and smiled and left my office thanking me for giving him that advice! I did not earn a penny from it, but surely we did not become lawyers just to make a few bucks.

- 5 Talking shop all the time — I am sure we all have heard the complaint from laymen that whenever two or more lawyers get together at a social function, that's what they do — they gossip about other lawyers, about cases, about how difficult their life is. (And yes, as you will have seen it, male lawyers tend to gossip more than female ones.) It will be so refreshing if more lawyers could generally see the big picture, continue to read, take the road, less, travelled quit complaining and be thankful for having the chance to be members of a (still) respected profession, and, well, get a life.

I could go on, but will not do so, as you probably get the picture, even if some of my peers violently disagree with me, for which I do run the risk of being beaten up in the corridors, for writing this sermon.

Far be it for me to suggest that the above list is comprehensive, or authoritative, by any means. Neither is it meant to be a scathing indictment of lawyers. As I said, I have been guilty of all of these habits, and still slip up at times. Also, let's not forget our aforesaid (lawyers love this word!) good points, which I have listed above. As I mentioned, there are many endearing traits about lawyers. In spite of all the lawyers' jokes, personally I think it is still a very relevant and useful profession. I certainly do not agree with the saying that it is a 'sunset industry'. The profession is changing, like everything else; it is being honed and we will continue to evolve, and we of the profession will continue to live, to enjoy and to learn.

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