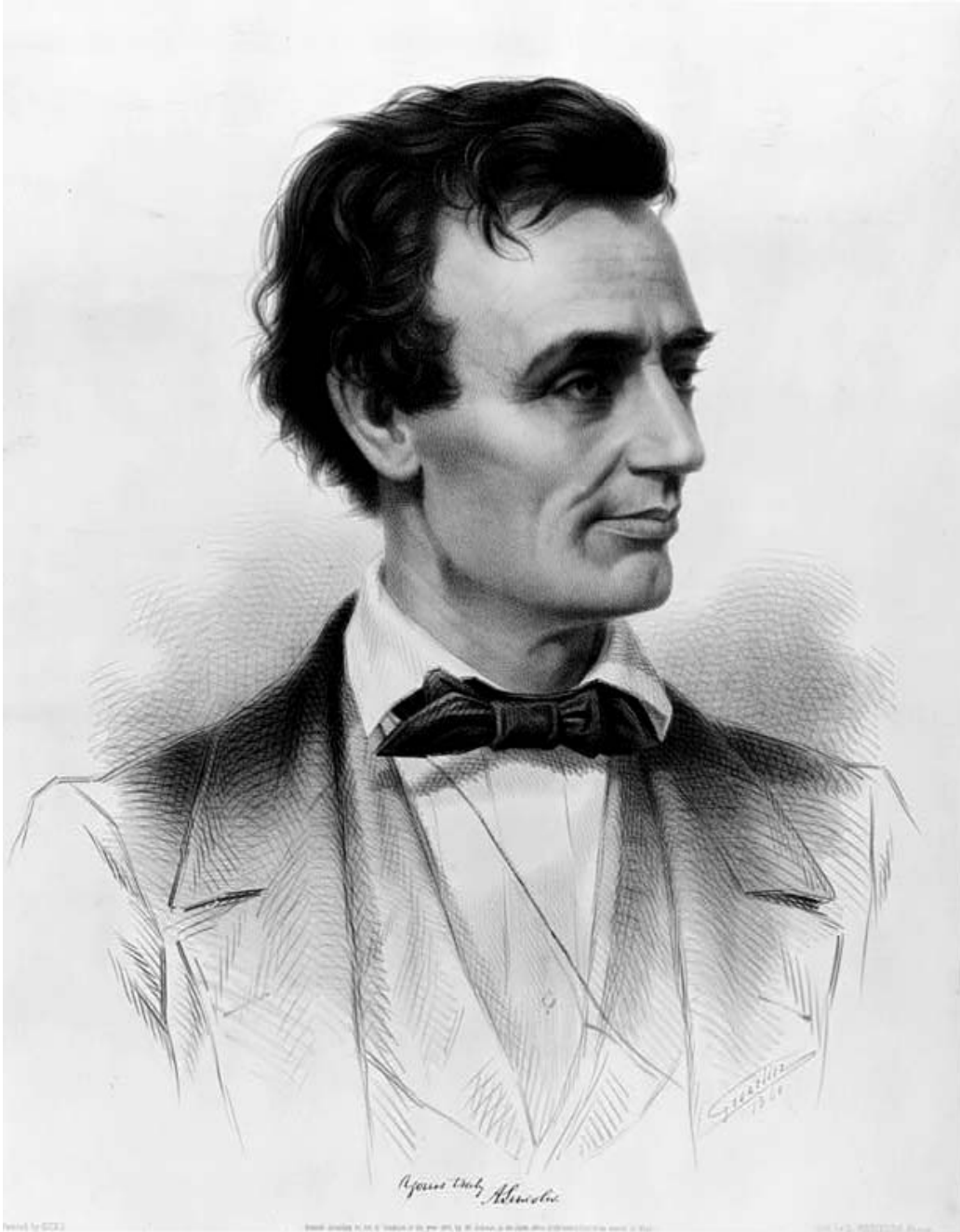


It Wasn't Always So...

Author : F.William Houraney

Date : July 21, 2012

All of us, except of course most lawyers, know that lawyers suck. They are at the bottom of the totem pole when it comes to character, conscience and decency. But it always wasn't this way. That's right; lawyers used to not suck! Well most that is; we must remember way back when Shakespeare said; "The *first* thing we *must* do is *kill all the lawyers*"...



"Discourage litigation," said one Illinois lawyer named Abraham Lincoln. "Persuade your neighbors to compromise whenever you can. Point out to them how the nominal winner is often a real loser— in fees, expenses, and waste of time. As a peacemaker the lawyer has a superior opportunity of being a good man. There will still be business enough."

Many law school students graduate with the belief that our adversarial system gives them license to win at all costs. Congress and state legislatures—populated by lawyers—are ever busy creating new causes of action. Lawsuits driven by contingency fees, with limitless potential to win punitive damages, have turned lawsuits into arbitrage. In fact, thriving investment firms now invest in lawsuit shares as if they were futures.

It wasn't always so.

Up until the mid-20th century, American lawyers did not see themselves as pure engines of profit. They saw themselves as officers of the court who might flex sharp elbows, but wouldn't stoop to win. Most of all, they saw themselves as the gatekeepers of the law.

What would Abraham Lincoln have made of class-action lawyers today who engage in lawsuit arbitrage, or those who troll local restaurants looking for easement issues under the Americans with Disabilities Act to extract easy payments from mom-and-pop operations?

"Never stir up litigation," Lincoln said. "A worse man can scarcely be found than one who does this. Who can be more nearly a fiend than he who habitually overhauls the register of deeds in search of defects in titles, whereon to stir up strife, and put money in his pocket? A moral tone ought to be infused into the profession which should drive such men out of it."

This is, perhaps, the true indictment of the profession today. What will it take for the media and the law schools to pay attention?

What John Edwards Tells Us About the Legal Profession

June 1, 2012

Imagine if four CEOs of America's biggest companies—for the sake of argument say Steve Ballmer of Microsoft, Mike Duke of Walmart, Jeff Immelt of General Electric, and Rex Tillerson of Exxon-Mobil—were all charged with serious crimes, with three of them actually going to prison. Imagine the media handwringing and teeth-gnashing over the ethical state of corporate America such scandals would inspire, as well as the rush by business schools to upgrade business ethics courses.

Of course, not a one of these four gentlemen is on trial. All four are widely admired as business leaders.

But there is, in fact, one business sector that earns more than \$40 billion a year, with revenues 50 percent greater than those of Microsoft or Intel, with just such a scandal. Four leaders of this sector have been charged with serious crimes, one of them utterly disgraced, three others going to prison. And this has happened without media wrap-ups and broad, widespread re-examination of the ethics of their profession.

I am talking, of course, about the trial bar.

Read Complete Post at