



Lawyers

by John D. Whitaker

I know this may sound a little paranoid, but I get the feeling lawyers are not very popular these days. We have all just endured an election process that could fairly be characterized as a street fight, and I am not sure that much was settled. I am sure that a lot of people are angry at lawyers over the result so today I write to defend my brothers and sisters of the bar.

First, it is important to recognize that there is a certain degree of bias against lawyers which is built directly into our system. Legal disputes involve at least two parties who usually see the facts of the case differently. If they agreed, there would be no dispute. Each side thinks they are on the side of truth, justice and light, while they view the opposition as being corrupt and inherently evil. This myopic view of a case allows the opposition to view the lawyer on the other side to be just as evil. They call this guilt by association. When a case is decided against a party they have a tendency to blame the opposing party, his lawyer, and the judge. They also may blame their own lawyer for a poor result. If you ask someone who has been involved in litigation and lost, they have a tendency to think the whole system is corrupt. Our business is unique in that when we win a case, the losing side can get angry at us, and when we lose a case everyone can get angry at us.

The image of lawyers on TV is also unfair. I was watching ER the other night and I feel that the image of doctors portrayed on that show is very positive, and it should be. If you watch legal shows like "Boston Legal" or "The Practice" you see lawyers generally portrayed as unethical and slimy. Charles Darwin once said that "great is the power of steady misrepresentation." These TV shows do not accurately reflect how Wyoming lawyers practice law. It may make for



good television, but it is not accurate.

Our system is based upon equality. People are supposed to be equal under the law. We all would agree with this proposition until we lose a case. Then, somehow instead of accepting personal responsibility for the actions which bring us into court we want to blame the system which includes the lawyers. People scream when some criminal gets away with something based upon some vague concept usually referred to as a technicality. This term trivializes what is actually happening. When judges dismiss cases it is generally based upon a violation of our Constitution. This should never fairly be called trivial or technical. Constitutional violations must always be a big deal. The Constitution applies to us all, and when it is violated against any of us it is violated against all of us.

Another problem with our image is that some lawyers really are better than others, just like some cars are better than others. If you have a lousy car you won't get very far. The public perception is that when the side you are rooting for loses, somehow the system failed. The fact is that our judicial system is not perfect, and usually the better you know the system, the better you do. When we talk about equality in this context we mean that the same rules should be applied to all people equally. Some lawyers just know the rules better than other lawyers, and it is not fair to say that hiring a competent lawyer is somehow cheating.

In the old days, civil disputes were settled with weapons. If you were a good shot, you usually won. We could commandeer City Park and set it up so that every Friday our citizens could fight duels to settle disputes — we could rename City Park Zell Millerville. We wouldn't need lawyers, we would all save money and we wouldn't need a new courthouse.

So, how good of a shot are you, really?

The Wyoming State Bar does not certify any lawyer as a specialist or expert. Anyone considering a lawyer should independently investigate the lawyer's credentials and ability, and not rely upon advertisements or self-proclaimed expertise. This informative column is brought to you by John Whitaker who practices personal injury and criminal law throughout Wyoming. He can be reached at JDWTL@aol.com or by calling his office in Casper at 265-6204.