



## MOUNTAIN BRIEFS...

by Christopher D. McIntire, Esq.

The legal column for non-lawyers

From Shakespeare's comment: "The first thing we do, let's kill all the lawyers" to more modern comments: "Q. What's the difference between a dead dog in the road and a dead lawyer in the road? A. There are skid marks in front of the dog," the thought of eliminating lawyers has always received popular acclaim. This week's column explores why lawyers are so unpopular in society.

The reason lawyers are unpopular is quite simple: lawyers have a tendency to make things inefficient. For those who enjoy economic or political power, for those who desire economic or political power, or for those who are simply enamored of economic and political power, lawyers are terribly inconvenient. For years, the power of General Motors was so pervasive as to cause one of its CEO's to comment: "What's good for General Motors is good for the country." Yet along come a bunch of petty

little lawyers representing injured consumers, insisting that General Motors install seat belts; replace iron dashboards with vinyl, padded dashboards; and redesign its gas tanks so that, in collisions, the gas is not spewed into the passenger compartment.

Those holding political power have found lawyers equally inconvenient. It was a small population of lawyers who insisted upon the end of codified racial discrimination; it was lawyers who insisted that government be maintained in the open; it was lawyers who challenged arbitrary police training standards; and it was lawyers who challenged the arbitrary exercise of municipal ordinances which were so oppressive that the United States Supreme Court labeled them Municipal "extortion."

While these examples of "justice served" are now obvious, the lawyers fighting for these causes were as fiercely criticized by those

in power, ascribing to power, or simply enamored of power, as fiercely as lawyers are criticized today. And the criticism was then, and is now, earnestly believed.

Our country's founding fathers believed, rightly, that human nature contains some inherent flaws, several of which become apparent only when a person is offered a position of power or influence over other people. One of the basic "principles" of power is that power seeks to increase itself. Thus, those who enjoy power are expected to (and do) seek to increase their power which roughly translated is the ability to act without accountability. And as believed, correctly, by our founding fathers, those who enjoy power earnestly and honestly believe that however they act, they are acting for the public good.

This principle applies as equally to economic power as political power. The decision by Ford Motor Co. to maintain production of the Pinto and Maverick with knowledge that a light-impact collision would cause the gas tank to explode was, at the time, justified on the grounds that redesigning the gas tank would increase the cost of the vehicle (by \$16), and that society was better off having vehicles that were cheap, even though incredibly dangerous. Although this now appears outrageous, it didn't then and the attorneys challenging Ford Motor Co. for its design of the

Maverick and Pinto gas tank were criticized as greedy, muckraking parasites — just as attorneys are being criticized today.

The exercise of political power is even more self-justified, for in such instances, not only is there a large political ego involved, but many politicians ascribe to the "Norman Rockwell" view of a wholly beneficial government. For politicians, it is virtually impossible to convince them that their actions are arbitrary, unreasonable, or unconstitutional, and the City of Big Bear Lake is a prime example. In one recent case, the City's established policy of requiring street dedications in return for a building permit was labeled "extortion" by a Court. The City's debacle in its attempted prosecution of the North Pole Fudge Company for sign ordinance violations was comical in its persistence, having the audacity

to challenge even North Pole's proud display of an American flag! But even now, it is a virtual certitude that those most insistent upon the prosecution of the North Pole Fudge Company will defend their decisions no matter how ridiculous the case was seen to residents and visitors to the Big Bear Valley.

But there should be no surprise nor even condemnation of such stubborn beliefs: this is what power is, this is what power does, and this is precisely what our founding fathers knew of the nature of power. By promoting "inefficiency," lawyers are standing up for the principle of democracy which our founding fathers found so sacred. Lawyers require open government. Lawyers require honest government.

Lawyers require businesses and government to be accountable for their conduct and misconduct. This

is what lawyers do, and this is the lawyer's place in society. And society, as we know it, could not function without lawyers.

Yet still we poke fun at lawyers and, in many instances, the criticism is warranted. So while I hope that the concluding lawyer jokes in this week's column are enjoyable, I ask only that we nevertheless stand up to those who wish to make lawyer jokes a national policy: "Q. How do you get a lawyer out of a tree? A. Cut the rope. Q. What is the definition of a shame? (As in 'that's a shame?') A. When a busload of lawyers goes off a cliff. Q. What is the definition of a terrible shame? A. When there was an empty seat."

Next week will be a discussion of the lawyers who represent government, insurance companies, and major corporations.

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