



Jeff Geiger Counters

Lawyer Bashing is So Eighteenth Century

By: Jeff Geiger. *This was posted Thursday, April 22nd, 2010*

It is cold comfort to lawyers that at least their numbers have not sunk to the level of Congress, which has fallen to below [20% approval in some polling](#). Still, with the persistence of lawyer jokes, it is well recognized that lawyer bashing is by no means a new phenomenon. Take the following passage from the eighteenth century:

For example, if my neighbour hath a mind to my cow, he hires a lawyer to prove that he ought to have my cow from me. I must then hire another to defend my right, it being against all rules of law that any man should be allowed to speak for himself. Now in this case, I who am the true owner lie under two great disadvantages. First, my lawyer, being practiced almost from his cradle in defending falsehood, is quite out of his element when he would be an advocate for justice, which as an office unnatural, he always attempts with great awkwardness, if not with ill will. The second disadvantage is, that my lawyer must proceed with great caution: or else he will be reprimanded by the judges, and abhorred by his brethren, as one who would lessen the practice of the law. And therefore I have but two methods to preserve my cow. The first is to gain over my adversary's lawyer with a double fee, who will then betray his client by insinuating that he hath justice on his side. The second way is for my lawyer to make my cause appear as unjust as he can, by allowing the cow to belong to my adversary; and this if it be skilfully done will certainly bespeak the favour of the bench.

In pleading, [the neighbour's lawyers] studiously avoid entering into the merits of the cause, but are loud, violent, and tedious in dwelling upon all circumstances which are not to the purpose. For instance, in the case already mentioned: they never desire to know what claim or title my adversary hath to my cow, but whether the said cow were red or black, her horns long or short; whether the field I graze her in be round or square, whether she was milked at home or abroad, what diseases she is subject to, and the like; after which they consult precedents, adjourn the cause from time to time, and in ten, twenty, or thirty years come to an issue.

Jonathan Swift, Gulliver's Travels, Part IV, Ch. 5, 1726.

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I enjoy the Lilliputians as much as the next guy and recognize that it is all about who's ox is getting gored. Still, I appreciate greatly the wisdom from Abraham Lincoln, representing the true soul of a lawyer:

Discourage litigation. 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.

“Notes for a Law Lecture (July 1, 1850),” II Complete Works of Abraham Lincoln, 142 (1894).

Enjoy.

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