
What's a lawyer worth these days?

Medical students have hypochondria, imagining they have all sorts of diseases all over the place. Law students see torts and breaches of contracts around every corner, without having to worry about if the damages would justify an action in the first place.

Lawyers have their own particular affliction. They tend to become especially risk-adverse and avoid all kinds of liability. Usually we consider this a good thing because it makes us better lawyers, catching every loophole or legal nuance.

But nobody expects their legal career to end in an instant, suddenly and without prior warning, especially if you've just started out.



OPINION

**OMAR
HA-REDEYE**

That's what happened to Michelle Danicek in April 2001, just a month before being called to the Bar. Her damages were recently assessed at nearly \$6 million by the Supreme Court of British Columbia.

Some are already calling foul, since Danicek's firm does insurance litigation and presumably she would have had some exposure to this type of work. For example, she might have been familiar with

Waddell's Signs, a test used by some clinicians to identify non-organic origins for low-back pain.

But lawyers really do get injured too. And so do articling students.

The Saskatchewan Health and Back Pain Survey found that about two-thirds of the population will at some point in their life experience neck pain. Soft-tissue injuries are real, and can be debilitating. They can even ruin a career.

Malingers exist, and there is fraud in the system. But there are better ways for a young lawyer to make money than fake an injury. Besides, we don't practice law for the money, we do it because we love the work.

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NEWS

Lawyers don't produce anything: Justice Scalia

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Right?

The vast majority of Danicek's award was based on lost earning capacity, by an adjudicator who shared the same esteem for the legal profession. It still begs the question as to why we as a society would value a lawyer's career so much.

Last year, Justice Antonin Scalia of the U.S. Supreme Court told C-SPAN that we were dedicating too many of our brightest minds to the legal profession. "Lawyers, after all," he said, "don't produce anything."

I suggest the opposite. The emphasis on the legal profession is the hallmark of civilization, and it's nothing new. The jurist in Roman

society was considered the utmost gentleman, the epitome of sophistication. But the Romans had something that we've somehow lost along the way.

According to Alan Watson and Khaled Abou El-Fadl in the *American Journal of Comparative Law* (2000), the Roman jurist was not terribly interested in legal reform, practicality of laws in contemporary society, or devising legal tricks. Roman jurists were not even particularly concerned about winning court cases.

The law for a Roman jurist was all about developing their skills in legal interpretation. We all do legal interpretation; of statutes, contractual clauses, and similar cases. But how many of us have a passion for it and cherish the exercise for its intellectual reward alone?

Although lawyers facilitate commerce and the peaceful resolution of disputes, perhaps the real value of lawyers is in the "lawyering" itself.

So next time someone asks you what a lawyer is worth, you could respond by emphasizing the importance of the rule of law. Or you could share the joy involved in legal interpretation.

And if that still doesn't work you could just tell them, "About \$6 million, all in." ■

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