

Feathers start to fly over upcoming book about why lawyers suck

Today has been an interesting day for the "Why Lawyers Suck and What You Can Do About It" book project. First thing this morning I got a phone call from someone passionately supportive of this project and everything it stands for. She has had first-hand experiences with lawyers and the judicial system and she knows what she's talking about. Then this afternoon I got contacted by some lawyers passionately defensive of their work and thus offended by my book. I don't think they got past the title as was evidenced by my communications with them.

This is not a lawyer-bashing book. It is not just another diatribe against lawyers. In fact, if you take a look at the [Sneak Peek](#) of my writing, and some of my other [writing samples](#), I think you will see that I am not throwing lawyers under the proverbial bus. I have some self-interest in that regard having committed almost half of my life to this profession. Many of the things that we as lawyers do that annoy our clients are not things that we consciously do, or at least don't do with any evil intent. Nothing will change, however, unless we take a hard, honest look at how we interact with others.

What is most interesting about the reaction of lawyers to this book title is instructive. Social scientists Richard Nesbitt and Dov Cohen conducted a series of experiments at the University of Michigan some years ago into the "culture of honor." This research will be discussed in more detail in the book, but what they did as part of their research was to provoke a hostile reaction in test subjects by having someone refer to them as "a--hole." This single word managed to provoke a visceral reaction in the test subjects that was measurable in terms of body language and physiological reactions. Nesbitt and Cohen made conclusions as to why certain groups of test subjects reacted more aggressively than others to this provocation, but I was more interested in what caused the provocation in the first place. It was a word. Not a nice word to be sure, but just a word.

I first grasped the powerful impact of words several years into my practice. I had an series of mostly written communications with another woman attorney, opposing counsel in a small subrogation case (one insurance company seeking to be reimbursed by another over a simple car accident). This should have been the least emotional of any type of lawsuit, but I quickly discovered that if I used one of a short list of words (I believe "silly," "unreasonable," and a couple similar words were on that list) in a letter, this lawyer would go batsh--t crazy! She even started refusing to take my phone calls. It took another three or four months to

close the file. It didn't bother me. You know why? My client insurance company owed her client insurance company a couple of thousand dollars. My client wouldn't cut the check until this attorney gave them a tax ID number for subsequent use on a 1099 form - standard procedure and she should have known this. Yet, she spent months arguing with me and delayed getting her money while I continued to be paid by the hour. Why? Because I used trigger words in letters that made her lose her reasonable, critical thinking skills in lieu of reacting against me.

Fast forward 12 years to my experience in a FAST Defense class. FAST stands for Fear Adrenal Stress Training, a scenario-based method of self-defense training that teaches students how to recognize and harness the power of the adrenal rush (and concurrent increase in physical strength) caused by fear of harm or attack into simple, effective defense techniques. In Bill Kipp's book "Turning Fear Into Power" he describes one aspect of the training like this -

For scenario-based training to work, there must be someone to play the role of a credible bad guy. We call this guy the woofers. Just like a dog trying to intimidate its victim by going "woof woof," the woofers' objective is to elicit an adrenal response in the student through a barrage of verbal assaults, foul language, and innuendo. . . . The impact that woofing has to intimidate and even control people is amazing, and assailants know this and use it to their great advantage.

I've been woofed in FAST training and watched others being woofed and it never ceases to amaze me how the instructor/woofers can manage to push buttons and make the recipients of their verbal attacks feel an instant adrenal stress rush. Here's the important and detrimental side of adrenal stress responses to conversations between lawyers - the body's adrenal "fight or flight" response may increase physical strength, but it decreases mental acuity. Being in primitive brain mode is essential to survival if you are attacked by a grizzly bear, but it is downright detrimental if you are tasked with problem-solving, like providing one necessary item of information to opposing counsel that is the only requirement for getting a check sent to you.

When I chose the title for my book, I knew it might sound offensive to lawyers. Nobody wants to be told that they "suck," but I am hopefully that these lawyers and others will set aside their reactive impulse to the title, and see what I really have to say.

<http://whylawyerssuck.wordpress.com/2013/09/13/feathers-start-to-fly-over-upcoming-book-about-why-lawyers-suck/>