

## There's Madness in Our Method

One of the things they never tell you about at law college, or in any legal book I have ever seen, is all the madness.

When I set off as a trainee back in 1991, I imagined I would be spending my days surrounded by logic and calm intelligence. Of course this does happen from time to time, but I think it would have been very helpful to say the least if someone had given me the heads up on all the insanity (actual and borderline) which is a regular part of a lawyer's day.

But first of all let me tell you about my own dalliance with the law as a short-term client a few years ago. Looking back, I can now see how close to the edge it drove me.

I think the low point was when I became mentally unhinged as a result of a flapjack crumb.

It was a silly partnership dispute of a type very familiar to partnership lawyers. Teddy bears at dawn. People warn young lawyers about being a partner, and I am sure I have said to clients of my own a thousand times: 'It's all very well getting into a legal relationship but you should give careful thought as to how you are going to get out of it.'

A partner in a legal relationship that is turning sour is not a happy person. Think of facing a toxic brew of betrayal (actual or even imagined), legal liabilities, and endless lists of things to deconstruct whilst several months of your life swirl around the base of a fetid sink. When thinking of the sink, imagine a particularly fetid one. One of the least attractive things about being this kind of partner is the unending nature of things. Many solicitors' practices have a 'senior partner'. This does not mean that they are senior in

the better sense of the word, as in 'any good'. It does not mean that they are taller or wiser. No, a senior partner tends to get his or her status by virtue of the salutary and unimpressive fact of their not being dead (yet).

I never listened to Engelbert Humperdinck (not the singer – and certainly not the composer) as a youth for a number of reasons. But I think my Dad must have had some of his albums, because round about my time at law college I couldn't get the refrain 'please release me, let me go' out of my head. This would have been in conveyancing or possibly probate tutorials that ran late into the evening. I forgot about the ditty for fifteen years until I found myself attending partners' meetings.

The main thing I remember about these meetings was dis-invention. Was there an Orwellian sign at one end of the blessed conference room - INERTIA IS PROGRESS? Or TOMORROW IS YESTERDAY? The basic plan at these meetings was we would all be expected to come up with good ideas and then everyone else showed how clever they were by picking holes in them, as in: 'This wheel is all very good, Gordon, but what's to stop it rolling away? For example, down a hill.'

The other main thing I remember about partners' meetings was the food. And how I never ate it. Being from Preston, not eating is seen there as a capital offence. So when I came to London and heard that fashionable people knew the right amount of food to leave on their plate, I thought it was a joke. Personally, I have two special eating requirements: (1) Big (2) Portions. If I left a fashionable bit of food on my plate at home my brother would reach over with his fork and eat it! But all of that changed for me at partners' meetings. I found there was no Marks & Spencer canapé powerful enough to overcome the off-my-dinner feeling that accompanies a bunch of lawyers round a boardroom table. Think: bored room.

The probable biological explanation was that my stomach was resisting ingestion of anything from that room in case it was infected with the 'not-invented-

here' virus.

If being in a partnership is not all that attractive (see above) then leaving is truly a nightmare. I remember one partner at a firm I once worked at who looked a bit like a character from *The Magic Roundabout*, but not in a good way. He had the cult-like mantra, 'nobody leaves!' The irony of this rang in my ears, of course - especially when I left.

But the good thing about all of these bad things was that when I decided to instruct my own lawyer, the aim being to use his skills to get me the hell out as quickly as possible, I got to find out what being a legal client is actually like. Now, before saying anything else I must point out that I felt that my solicitor was good at his job and got me pretty much what I wanted. Eventually. He was a nice chap, based in Liverpool, and I have no truck with him it all.

That said, I wouldn't wish my tiny little excursion into lawyer-client land on my worst enemy. Let me give you a taste of what Gordon the solicitor client felt and saw during what must have been a period of several months of legal shenanigans. Arriving at the office in central Liverpool I was horrified at the building. I swear a reasonable-sized industrial nation state (take Iceland - please) would have an embassy somewhat smaller and more modest. There was a fresh coffee machine more valuable than my car (a nice new convertible Mini). When Mike floated out of the lift I swear there was a halo around him and a small choir of angels. The scene was so over-staged that I thought he might sing in the manner of Shirley Bassey or flip into impersonations of Frank Sinatra.

Ascending the ivory (glass, in fact) tower, I felt like Charlie in *Charlie and the Chocolate Factory*, in the bit where he and Willy Wonka crash through the roof. Without the chocolate or the good-ending bit.

The outcome we were aiming for was a 'Deed of Dissolution'. I didn't like the

sound of this. It sounded like a phrase Hitler would come up with, surrounded by his cronies in the Wolf's Lair. Later this was explained to me by my Dad (he's a lawyer - more of which later) as being a 'list'. So here I was at floor 42 in this embassy-sized pad having travelled for three hours in the vain hope that I would be avoiding paying for all the fancy excesses of my London colleagues, only to find that Liverpoolians also do 'posh'. And that a list is not a list. It's a Deed of Dissolution.

Whilst waiting in reception, I remembered that my partner (we live near Shoreditch, hence this title) had called regarding our son's education and problems getting him sorted out. I was also trying to set up my new business in the face of the banking crisis. Every letter or call I had from my bank manager - who was very nice, but seemed to be aged seventeen - was tinged with the oddness of that time: loans promised in one month took four. I was a 'new business', so therefore presumed to be rubbish and a risk. Croaking on about twenty years in the job was croaking in the wind. Like a pointless croaking frog (on a windy day). I didn't have a bank back then, just a Leprechaun whom I wanted to punch off his silly tree stump. So I was already at the end of my tether. As a result, I think I was diagnosable as hyper vigilant. It felt as though my castle was on fire and yet I couldn't even see what kind of enemy lurked out there in the surrounding forests. If rotten cattle carcasses and burning arrows had started to fall I probably wouldn't have been too surprised.

Anyway, as the process began, a bit like Scrooge, I began to see the folly of my own ways as a lawyer. Presumably, other lawyers have never thought about these things, but let me give you a taste of how what we do each day and take for granted go down client side.

Let me start with the worst offender: the forwarded email. Lawyers start work early and finish late This makes them happy because things get done without being at court and whilst the phone is silent. And all the while they get hundreds of pounds for

each letter bashed out. It's actually good practice to forward information from the opponent for instructions but lawyers have no idea what it *feels* like to be on the receiving end. As I struggled to get to the end of these wearying days, mental castle all ablaze, I desperately needed to relax for my sanity. No exaggerating. Such was this primal need that I would even watch 'Come Dine with Me' and genuinely engage with words like 'bouillabaisse', and I made myself entertain actual *opinions* about the hospitality of people in cul-de -acs with their Corby trouser presses and pointless culinary devices! (it was that bad, is my point).

It was in these moments of TV tranquillity that my Blackberry would buzz. Around 8:30pm I'd have a nice glass of real ale, perhaps some cheese by my side and the possibility of some peace of mind and then sleep and then - Bosh! In this state of mind, a teeny-weeny missive from my solicitor attaching some monstrous diatribe from the former partnership with the words: 'Any thoughts? Speak tomorrow.' This would hit me like a brick in the solar plexus. Lawyers ping bad news as if delivering brochures about canal holidaying in Norfolk. But these emails were the rotting carcasses raining into the embattled fortress of my mind. They had a number of dreadful effects: firstly, they ruined my evenings; secondly, they created a desperate need for an *explanation* or *context*. But it being 8:30pm I would have to wait through a sleepless night for one - and even then my lawyer might be out at court.

Knowing this as I now do, I don't send any emails outside of my working hours. If I don't want clients to crash into my down time why should I crash into theirs? This would be the (very good) reason why doctors don't do this. Imagine an email from your GP like this: 'Results attached. Not good. Catch up tomorrow?'

The other galling thing about this process was the drip-drip approach to information. Surely, partnerships can only dissolve in a certain number of ways. Apparently there are only seven basic plots in the history of all of literature (How do I

know this? I Googled it, of course!). Interestingly, the first of these is 'Overcoming the Monster', which neatly covers my partnership disputes. But seriously, how many juxtapositions of issues of this kind can there really be? Which begs the question: why doesn't someone create a list so that the warring partners can go through it and say what they want, like you do when you're booking a ski holiday?

As a client I would have appreciated a list. The list could have had inbuilt guidance so that I could have made informed choices about how I would like my list to look as I went through it. I expect wedding planners have good lists. Without them they would die horrible deaths at the stilettoed feet of women in very strange hats. This must be very motivating and cause their creative juices to flow like Himalayan mountain streams. The other motivating factor for these planners is the fixed fee they will have quoted which did NOT include matching peach table leg covers or professional photographs of the spouses' dogs. Contrast lawyers' billing habits, where every delay means more fees.

Lawyers' creative processes as we shall see (under 'Bob the Lawyer, can he fix it?' - A rhetorical puppet show for clients) are not so fluid. They are more of a puddle in the middle of land with a mild inward dent in it. And also to finish the puddle metaphor, the land is a bit muddy

So, as I was pinged with emails which left me histrionic with rage, my will to live was constantly sapped, and my delicate finances pillaged. I kept wanting a wedding planner or even a tour operator type of person and not a lawyer-type person. Anyone who might give me a brochure, a list and a fixed price, and most importantly a picture of what to hope for.

The ultimate fear of a client of course is that with lawyers all over the show the dispute will escalate into litigation and court costs - all in public, surrounded by men in dresses with funny headgear. The tip-toeing around in lawyer-land with this horrible

prospect lurking was a bit like hanging out with soldiers, not knowing whether they have live or blank ammunition in those pouches.

This had an impact on me in a number of ways. When my lawyer sent me an email or a letter I would have to adopt a mental strategy for reading and digesting it. Normally, and I am not exaggerating, I would go down to Old Mother Thames and look at the horizon and breathe deeply before clicking on the email. As time passed I could only do this mid-afternoon, after I had convinced myself that the key issues in my life - my family and my new business - had been safely progressed. The idea of allocating time and resource to all of this nonsense at the expense of my heartfelt desires was too much to bear.

The apogee though was the flapjack incident.

It was early one morning in an admittedly over-caffeinated state at around 4:40 am that I started to notice someone or something had taken over my computer. The cursor seemed to take on a life of its own. It swirled round and round in the darkness like a child twizzling a sparkler. I took my hand off the mouse and the dance continued. I was agog, genuinely horrified. Who could be doing this at such an hour? Was my computer being hacked?

I picked up the mouse and looked under it. Nothing. I picked up the keyboard and shook it like a Maraca. Just in time for my sanity I saw the source of this bizarre experience. A flapjack crumb. Later that day, I hallucinated twice.

So, Gordon the Scrooge of Christmas Future, now understands that many of his clients are at their wits' end. I come at them and their situation with this in mind.

Only recently, and by way of example, I persuaded an accountant to join me in an imaginary rocket. She was so angry that I couldn't get her to see how self-destructive her goal ('I want to fight them all the way!' she said) was. I had even shown her the 375,000 available accountancy jobs in London on my phone. It was only when

we got to the Moon and looked down at our tiny planet that I was able to ask: 'What do you *really* want?' to which she replied 'I'm tired. I miss my kids.' I picked up the phone and agreed a nice, peaceful settlement.

So my point is that the law is great. But like they used to do on Blue Peter (remember when they made toys out of washing up bottles?) we need to have the picture of the endgame firmly in mind. And, like water down a hill, we should take the shortest route.

And finally, after all of the above, we never even signed a Deed of Dissolution or even a list. And genuinely to conclude, my life has not altered one jot as a result!