
Psychology and Family Law

By Mark Baer, Esq.



Historically, a lawyer's role was peacefully resolving disputes, not creating them. In fact, the Anglo-American tradition of lawyering (including litigation) was created as a substitute for trial by battle. A reversal of that role seems to have occurred as a result of a change in the type of individuals entering law school.

It is well documented that since approximately the 1960's, those individuals interested in practicing law do so to pursue wealth and power and not for the historical purpose of addressing social issues and problems or helping others. Research also shows that law students tend to be insecure, uncooperative, insensitive, aloof, immature, asocial, and less concerned about justice than established principles of behavior. They also place too much emphasis on objective reasoning in evaluating resolutions to situations and fail to properly

consider the ultimate consequences of their actions. This emotional disconnect deepens as a result of their training in law school.

In 2002, the Section of Litigation of the American Bar Association prepared a report entitled, "Public Perceptions of Lawyers Consumer Research Findings." The findings were as follows: "Americans say that lawyers are greedy, manipulative, and corrupt.... In fact, "the legal profession is among the least reputed institutions in American society.... Lawyers have a reputation for winning at all costs, and for being driven by profit and self-interest, rather than client interest." Lawyers "are believed to manipulate both the system and the truth.... Lawyers' tactics are said to border on the unethical, and even illegal. This idea does not just come from the media. Personal experiences bear it out."

In 2005, a UCLA School of Law Public Law & Legal Theory Research article entitled, "Perception of Lawyers – A Transnational Study of Student Views on the Image of Law and Lawyers" was published in the International Journal of the Legal Profession. According to that article, only 21% of the students at UCLA Law School believed that lawyers are trustworthy and ethical. "Students were not told the purpose of the survey until after they had responded..., the questionnaires were anonymous..., and the response rate was extremely high... between 95% and 98%" of the students in the classes.

People who are disturbed by their opinion of attorneys have no interest in joining the profession. Don't become too disheartened because 21% of those incoming law students did believe that lawyers were honest and ethical. Moreover, some of those who believed otherwise may have been idealistic and felt that they would be different as lawyers than those currently in the field. Unfortunately, research shows that such individuals tend to be a small percentage of the student body population of a law school from the outset, drop out of law school at a higher rate than their ruthless counterparts and tend to quickly leave the profession.

According to the 2005 article from UCLA School of Law Public Law & Legal Theory Research, in the United States, "lawyers are among the most distrusted professionals.... In the US a recent Gallup poll reiterated the same dismal results as numerous other surveys: the public image of US lawyers is extremely poor. Lawyers are distrusted more than such normally suspect groups as journalists, politicians, and business executives.... Journalists and politicians are rated as having higher levels of honesty and ethical standards...." It seems that as the public's perception of lawyers' behavior worsens, those individuals who enter the field have an increasing lack of honesty, ethics and integrity.

Be that as it may, the circumstances surrounding my applying to and attending law school were atypical because it was never my intention to practice law. After graduation, career counselors told me that the degree was only useful for the practice of law. I then reluctantly began my career as an attorney, but soon realized that I actually enjoyed the practice of law, was successful in the results I obtained for my clients and that clients appreciated having an attorney who was a healer and not a creator of conflict. In doing the research for and actually writing this article, I have realized that I am an old school attorney. Most other such attorneys I have met during my legal career have also been trained in mediation and other forms of alternative dispute resolution.

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