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# Psychology and Family Law

## On Judging a Book by Its Cover

By Mark Baer, Esq.



We all know the maxim, “you can’t judge a book by its cover,” since the cover may lead to quite misguided assumptions about the actual content of the book. This principle is one of the reasons that racial profiling is very controversial, and is often

illegal. Judging a person based upon their profession is also flawed logic--because although generalizations can sometimes be made, they are necessarily often wrong in individual cases.

Take the example that many people fear working for or with *attorneys* (other than as their legal representative), because they believe that lawyers are more litigious than non-lawyers. This was the case when I was recently contacted by an SGVPA member who sought my advice about protecting herself legally, because she was seeing a hardcore litigator as a patient in therapy. She told me that he had not said or done anything that would cause her to believe that he might sue her, nor had she done anything she knew of that would subject her to a possible lawsuit. Rather, she had become consumed with the notion that she would ultimately end up in a legal battle with this patient, merely because he is a professional litigator.

I explained to her that how a lawyer behaves in his professional and personal lives is not necessarily one and the same. On the other hand, it is possible that since the attorney litigates for a living, he might be more apt to litigate his own personal matters. In fact, he would not even need to hire an attorney! (Let’s ignore the saying that “an attorney who represents himself has a fool for a client.”) However, it is also possible that because of his acute knowledge of the inherent flaws in the legal system, he would be disinclined to handle his own personal issues in such a manner. Unfortunately, this information did not readily alleviate her fears.

I then suggested to this psychotherapist that since lawsuits are matters of public record, it isn’t difficult to determine how many times someone has been a party

in a lawsuit. The records reflect whether they initiated the lawsuit or were named as a defendant. Moreover, the nature of the action would be included. I asked her whether she would have peace of mind if she knew that he did not have a history of personally initiating lawsuits. After she told me that she would be very relieved knowing such information, I suggested that she hire a private investigator to research the matter. I added that it should be relatively inexpensive and well worth the cost. I told her that if she learned that he *is* litigious, she might try and figure out a way to end her relationship with him sooner rather than later. On the other hand, if he had no such history, her concerns might be alleviated. I also told her that if she ever had such concerns in the future, she might consider having someone run a litigation history on the person *before* entering into a relationship with them. She was so grateful for my advice that she suggested that I write an article on this topic.

The ironic thing here is that although I happen to be a lawyer, I have the same bias. Recently in fact, when one of the applicants for my rental property happened to be a young attorney, I told my realtor that I would be very uncomfortable leasing my property to a lawyer. When I inquired about each of the other possible tenants, one of them sounded much more appealing to me--despite the fact that they insisted that the monthly rent be reduced by a couple hundred dollars. I found myself considering I would rather rent my house to them for less money than to a lawyer! However, my realtor counseled that he had background information on the couple, that they were extremely difficult tenants, and that they would almost inevitably be the worst choice. So I then took my own advice and looked into the young attorney’s personal litigation history, and discovered that there was none. Unfortunately, considering that he was a relatively young attorney, this did not put my mind at ease, so I decided to meet with him before making a decision. The meeting went very well and I decided to lease the property to him. Nothing in life is certain. However, as they say, “an ounce of prevention is worth a pound of cure.”

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