

NO RESPECT

By Elizabeth Dinan / Staff Writer

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Did you hear the one about how you know when a lawyer is lying?

His lips are moving.

Marsha Kazarosian has heard it - about a thousand times. And she still isn't laughing.

A second-generation attorney, Mass Lawyer's Weekly's 1999 Lawyer of the Year and newly anointed president of the Essex County Bar Association, Kazarosian says one of her goals as the president of the local bar for the next two years is to put the kibosh on lawyer bashing.

Not that she's humorless. The 46-year-old Haverhill attorney actually has a very good sense of humor.

It's just that she's sick of her profession being the brunt of all the jokes.

"Why do some people feel so entitled to hold lawyers in such low regard?" she asks. "I can't help but believe that if people heard more facts and less jokes, it wouldn't be so easy to diss a lawyer. It may even engender some well-deserved respect."

We have two words for her: lotsa' luck. And we tell her it sounds like an all-uphill battle, what with the dim view of lawyers in near global proportions.

"You're right," she says. "It'll keep me busy for two years. But I think if the public had the real information, it wouldn't be such a difficult task."

We then tell her we typed the words "lawyer jokes" into a World Wide Web search engine, smacked the enter key and discovered 178,002 links, all bringing us to yucks with lawyers as the punch line. Then we ask if she'd like to have some fun.

"That depends what your definition of fun is," she says with Clintonian flair.

Well, how 'bout we pitch some lawyer jokes, each representing a specific negative perception of lawyers, and she hit back with her pro-barrister spin?

She's game.

We told you she has a sense of humor.

It's all perfectly legal ...

Q: What do you call a lawyer who doesn't chase ambulances?

A: Retired.

Kazarosian: When you have cars that, for a few dollars more, could have had properly positioned fuel tanks, but because the manufacturer ignores the engineers and your teenager dies when a rear end fender-bender explodes the car, who fights these injustices?

There are lawyers out there who advertise now and they never used to do that. But for most accident cases, people are coming (to lawyers) because they're victims and they're not going to go up against the big insurance companies. We front the cost and we say if we don't get you the money, you don't pay me. It's because of contingency fees that the little guy can go up against the big guy. Otherwise, you'd never be able to do it.

"Everybody in my family follows the medical profession," says John. "They're all lawyers."

Kazarosian: Say for example, your aunt has been seeing her family physician for 25 years. The doctor repeatedly ignores her family history of colon cancer, refuses to order colonoscopies, despite the fact that your aunt is experiencing blood in her stool, stomach problems, anemia, etc. ... and won't refer her to a specialist for testing. Your aunt is finally seen in the emergency room by another doctor who orders tests and discovers that she is in the fourth stage of colon cancer, which has metastasized to her liver and she has only three months to live.

Is a lawyer a joke now?

Q: What's the difference between lawyers and terrorists?

A: Terrorists have sympathizers.

Kazarosian: Years ago it was a profession that people respected. In older days, it was a gentlemen's type profession. People had trust and you weren't ashamed to say it. But now people think it's funny to equate lawyers with bottom feeders and scum suckers. It's more of a fad now to put lawyers down. Even in the movies.

We need education, really. To at least show the other side. As lawyers, we spend more time trying defending our clients than defending our own image.

It was so cold last week, I saw several Salem lawyers with their hands in their own pockets.

Or:

Q: Why does the law prohibit sex between lawyers and their clients?

A: To prevent clients from being billed twice for essentially the same service.

Kazarosian: First of all, most lawyers don't get paid for all of the hours they work. For a divorce case, I put in 25 percent more hours (than what's billed). Do you know how many times divorce clients will call you? And now e-mails?

And if the clients have no money? That never stops anyone who wants to hire a lawyer. You know why? Because lawyers are the only professionals in the world who get paid only if they are successful and pay your costs in the interim.

When was the last time your doctor said, "You know what? If I can't cure this hernia, you don't have to pay me a penny. And by the way, I'll pay out of my own pocket for all of your medication and for the hospital expenses while you are there. Don't worry about a thing. You don't owe me anything unless I am successful."

Lawyer: One skilled in circumvention of the law.

Kazarosian: Lawyers don't testify, clients do. You don't create the doubt, you point to it.

And I'll bet when you call a lawyer and are trying to convince him or her to take your case because you have been done an injustice, you're not going to tell that lawyer any of these jokes.

Q: What's the skinniest book ever published?

A: Legal ethics.

Kazarosian: Say you're a young, black man driving a Mercedes. A police officer sees you, follows you for a few blocks because your ethnicity makes you suspicious and then, to get a closer look, calls for backup. Two cruisers rush up behind you with sirens and wigwags, pull you over, yell at you to put your hands outside your window, demand to see your license and registration, ask what you're doing in a Mercedes and whose Mercedes is it, demand to know what your business is in the "nice" neighborhood that you're driving around in and ask each other while they're patting you down if there were any calls in the neighborhood about break-ins during the past hour.

Are you thinking about calling a lawyer when you're smacked up against that car and treated like a criminal for simply driving a nice car in a nice neighborhood?

And if you didn't have lawyers, you wouldn't have protection against illegal search and seizures.

Q: Why are lawyers like nuclear weapons?

A: If one side has one, the other side has to get one. Once launched during a campaign, they can

rarely be recalled. And when they land, they screw up everything forever.

Kazarosian: A children's pajama company disregards the warnings of its researchers about the flammability of the fabric used in the manufacture of the pajamas and refuses to spend the few extra pennies more that it would cost to safeguard the clothing against fire. Your two-year-old child is burned to death in his bed while he slept in his warm, safe pajamas because the material ignited so fast that the poor child didn't have a chance.

Because lawyers fought for their clients' rights and to improve their standard of living and quality of life, children can be sure that their pajamas don't ignite. Cars are made more safely - seat belts, safely positioned gas tanks, air bags ... Remember (Ralph Nader's book) "Unsafe At Any Speed" (about the Corvair)? It wasn't fiction.

Lawyer: An individual whose job it is to protect his clients from others of his profession.

Kazarosian: We live in a country that says you have to prove beyond a reasonable doubt, so kudos to the lawyers who put them to task.

When you take criminal cases, people say you're getting criminals off. The client says, 'It's not my fault' and it's up to you to prove it.

Judging lawyers

Q: What's wrong with lawyer jokes?

A: Lawyers don't think they're funny and other people don't think they're jokes.

Marsha Kazarosian knew by the age of 5 that she wanted to be a lawyer. She'd watch as her father, Paul, would go off to practice law in the same Victorian office building where she now runs a practice and thought that's exactly what she wanted to do.

And she figured the years of undergraduate studies at UMass-Amherst and subsequent '82 Suffolk Law degree would bring her a certain professional cache. But instead, she's found a shift in public opinion, leaving her and her fellow barristers feeling a bit like Rodney Dangerfield.

You know, not getting any respect. Outside of the profession, anyway.

Within the legal community, Kazarosian is known as the attorney who won the landmark discrimination suit against the Haverhill Country Club for not allowing women to obtain "primary" memberships to the golf club. Lawyers Weekly, a trade journal, honored her for the victory, also noting that at \$1.7 million, it was the largest jury verdict during the entire year 1999. The same year, Lawyer's Weekly bestowed her with a "Lawyer of the Year" title.

Throughout it all, Kazarosian says she hears lawyer jokes wherever she goes, including family

gatherings. And the lack of respect she senses even comes from clients she represents. Successfully.

Like the divorce client looking for a speedy relief hearing, one which the lawyer conducted and which resulted in everything the client was looking for. Without exception. But she took criticism from the client who was upset because Kazarosian was civil to the opposing attorney.

"I was friendly to the other side and she was ticked off," says Kazarosian. "She was unhappy because we didn't fight. We have the ability to fight a case for our clients and still have respect for each other. You're doing your job."

As a trial attorney, she's also constantly hearing beefs about big settlements, with the McDonald's hot coffee suit as a much-used example. She's so tired of dispelling the McDonald's lawsuit myth, she carries around copies of a flyer highlighting the "facts" of the case, including that the burn victim offered to settle for \$20,000 and, when McDonald's refused, took it to court. It was a jury that awarded the victim \$160,000 in damages for her extensive injuries and fined McDonald's \$2.7 million in punitive damages for the company's "callous conduct."

"People say this is a jury run amuck," says Kazarosian. "How do juries run amuck? Juries are thinking machines. The difference between juries and the public is the juries hear all the little details. It's like Monday morning quarterbacking, but without ever seeing the game."

Are there too many lawyers, as we so often hear?

"There are a lot of different aspects of law," says the bar president. "If there are too many lawyers and not enough problems, that's going to take care of itself."

With attorneys so despised these days, Kazarosian is asked to identify a root case. She goes straight to the O.J. Simpson murder trial.

"That did more damage to lawyers because they were so awed by their own publicity that it was truly a circus," she says. "No judge I know would allow that kind of a circus. And O.J. got off because the prosecution was so busy showboating. They got what they deserve."

But most lawyers deserves respect, she argues. And she plans to spend the next two years fighting for it.

Again we tell her, lotsa' luck.