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Takes Time - II

(Good work & clean writing takes more time than poor work and sloppy writing)

Dear Client:

I was recently approached by a client who had consulted with me. She called saying, "Oh, this'll just take an hour or two. I can afford to pay you for an hour or two."

Predicting the time to do a legal task is more complicated than that. Of course if you take a look at a finished document, it might look like it should have taken barely any time at all. You read a letter and it sounds simple and smooth, and makes the case cleanly and articulately. It seems just so easy. How long could that take?

It's, therefore, ironic that the cleaner and simpler a finished writing seems, the more time it likely will have taken. That's because making writing clear and easy-to-understand requires the planning, organizing, drafting, revising and redrafting.

Anyone can throw a bunch of groceries into a bag, but it takes time and talent to convert those same groceries into a gourmet meal. Anyone can dump a bunch of facts into a document. And anyone can type out a stream-of-consciousness document that seems smooth and reads easily, but may also contain subtle (perhaps implicit) internal inconsistencies and won't stand up to detailed scrutiny. (This is particularly prevalent in today's internet world, where many claim the expertise and knowledge that come from an internet connection.)

Writing precisely, but also so that the information is clear and easy to understand, takes time, skill, patience and dedication.

The same is also true of mastering a case.

A person recently approached me with the mind set that if you show up to a lawyer with a problem, the lawyer should be able to just reach up onto a shelf and drop the answer down on the table.

If the practice of law were that simple then you wouldn't need lawyers, Google and an internet connection would suffice.

Even if an issue is not unique, and we've dealt with it many times before, your particular facts and circumstances can often make the application of the general rule unique in your circumstances. That's one of the reasons that getting legal advice off the internet is so fraught with peril.

The application of any rule to your individual facts and circumstances requires, not only knowledge of the law in the general area (something you are entitled to expect from a seasoned practitioner in that area) but also knowledge of the precise sub-topic that is involved (which the lawyer may or may not have readily at their fingertips). Moreover, it requires an analysis of your particular circumstances and how that might effect which rule of law controls your situation.

Often, wrapping one's head around a problem requires time. Whenever I assign a legal task to a junior lawyer, I'll ask that they come back after they've had time to think about the issue. That might be hours or it might be days, depending on the size, scope and nature of the task. Often, the junior lawyer will have wandered ever so slightly from the precise area I wished they'd focused on—as I say it, because every law is connected to every other law, they're seduced by the siren song of the mermaid of the legal sea—and I have to reorient them.

It's often true for me as well. As I think deeply about an issue and wrap my head around it, I gain clarity and insight, and see aspects I didn't recognize or wasn't sensitive to before.

I'm struck by the analogy of reading political news analysis. If you're familiar with the situation, further analysis often doesn't give you more facts about it. But you do walk away with a deeper, more comprehensive understanding of what's been going on. In litigation, this deeper knowledge is oftentimes crucial, and having it allows you to develop a more holistic litigation strategy.

So "getting" and mastering the facts and circumstances of the case *vis a vie* its legal implications takes time.

Often, too, discussing it provides clarity. So please understand that when we lawyers take the time to discuss your matter with you, it's as much to gain clarity and depth into your matter as it is to keep you informed, so that you're best situated to make the best decisions for yourself. (*See, Takes Time-I*)

Finally, there's another aspect that uses a lot of lawyers' time.

When you look at a completed form, you might be tempted to think, "*Now, how much time could that have taken?*"

Consider your tax returns. Once completed, they look relatively simple. When faced with a bunch of blank boxes, however, the task seems daunting. That's because it requires so much background information and hours of organization to assemble the information in order to be able to take the few minutes required to fill out all the tiny boxes.

So it's not the filling out of the form itself that takes all that time. It's preparing the underlying information, assembling the documents, and determining the classifications (sometimes

combining intermediate numbers into totals), that requires the time in order to be able to fill out the document. So, while you can surely write 100 numbers in a matter of minutes, it'll likely take you hours to properly fill out an entire tax return.

So too with legal documents. While the actual mechanics of a task may be simple, assembling the underlying facts, arranging them, and making a cohesive, compelling narrative of them takes time.

Thus, sometimes writing a relatively short letter, if it's to be effective, can take some time. Each fact must be checked against the underlying documents to ensure that it's precisely correct. Each phrase and word must be chosen to accurately convey, not only your thought, but the emphasis and emotional resonance that you want to convey. (I am convinced that my 20-minute selection of a certain word in a certain document, resulted in our settling a complicated case.)

I am now in the midst of preparing for a trial. Though I knew the case well before I started by trial preparation this week, the depth of my knowledge has increased several fold. I now plan to make arguments that last week I didn't imagine could be made successfully.

But I am struck by how much time it takes, and the sacrifices I had to make to devote this time to the client's matter. Though I'm happy to do it, I doubt many can imagine the amount of time necessary.

I've spent days (and the better part of a holiday weekend) preparing so that we'll be ready in time.

Like with the tax return, every relevant document had to be reviewed. The relevant portions had to be extracted and organized and referenced into the category it was relevant to. Once done, each category had to be reviewed and so that insights and patterns could be gleaned from it. Obviously, the size of this task depends on the amount of documents and how many issues are involved in the case. Writing this now, I feel sheepish that three days of intense work can be summarized in a mere four sentences. I write this to impress that, as Doctor Joy Brown says about many things, "It might be simple, but it's not easy!"

Chaim

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