

Outrage and Kindness

It is in the small things like the way we treat clients as real people and not file numbers that really matter, says Richard Barr



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BLOOD MONEY”, pronounced *The Sun* in a large headline, as it reported with outrage that murderer Kenneth Noye had not only been released after 21 years in prison – but also ‘blew’ more than £100,000 of taxpayers’ money on legal aid to win his freedom.

As the news of his release broke, I was coming to the end of a moving and compassionate book, *The Language of Kindness*, by novelist and former nurse Christie Watson. It is a sensitive, perceptive and blunt account of a nurse’s journey. It pulls no punches over the tensions that those in the caring profession face; and how ultimately things can get so bad that even the kindest among them can suffer compassion fatigue. The book emphasises time and again the humanity of those who are treating and being treated.

So why, in a legal journal, am I talking about nursing and caring?

It is not always recognised, even among solicitors, that we too are a caring profession. Even in so-called non-contentious matters we can, in small ways, make a big difference to the lives of the people we help. In a world that is sometimes bewilderingly complex, our input not only (with luck) achieves objectives but also reassures and even comforts and supports. But while nurses and other medical professionals are generally praised for their dedication and devotion, solicitors are more often than not sneered at and even vilified, as are the outcomes they seek to achieve.

So, victims of horrible and life-changing injuries are said to have ‘won’ compensation and criminals have ‘blown’ legal aid funding paid to lawyers (not their clients) to represent them. The same language is not used about

medical care even though the monetary figures are similar. It would be far less newsworthy to hear that a murderer has received life-saving medical treatment costing £100,000 – though no doubt some would say he did not deserve it.

That attitude was encapsulated in a recent Twitter riposte to a barrister, ‘well my doctor does not charge me...’. It is clearly entirely acceptable for accountants, politicians and chief execu-

tive officers of failed businesses to be compensated generously for their efforts (or lack of them); but if solicitors (who are not hugely wealthy outside the City) dare to charge, that is a matter to make the ‘greed’ antennae of the tabloids twitch.

This is undoubtedly partly cultural. Health care in this country has been free for as long as most people can remember. But for our profession, legal aid (which was introduced at about the same time as the NHS) has been systematically eroded by successive governments so that access to justice in a wide swathe of cases is reliant on us gambling with our personal finances over the chances of winning a case on no win no fee; or being paid at such a low rate that some lawyers are taking home barely more than the hourly minimum wage.

But most of us do care and keep going regardless. Part way through her book, Christie Watson says: “It is all about the smallest details, and how they make the biggest difference.” And it is the small things: the way we treat clients as real people and not file numbers; send them letters that explain what a disbursement is and apologise for besieging them with client care speak; how we get to know them, their foibles and their worries; and sometimes inadvertently share our own on bad days.

On one such day, demands were coming at me from all directions at once and there was not even an opportunity to go to the loo (a problem nurses often face). I hadn’t got used to a new telephone system and didn’t realise that the line was open when the receptionist wanted to put a call through. I said:

“Oh no, not that bloody woman again.”

“Yes,” said the client, “it is that bloody woman and you will speak to me.” Curiously, she did not sack me or report me to the Solicitors Regulation Authority (as it then wasn’t). In fact, we became the best of friends after that, though I have never again used the description of ‘bloody woman’ – even of Theresa May.

If you are kind to ‘bloody women’, to opposing solicitors – and especially to clients – your days go better and you achieve more. But beware the genuinely difficult client. Or patient. 
For more from the pen of Richard Barr read his book of SJ reminiscence, *The Savage Poodle*, available at £7.99 + P&P from Amazon UK or direct from Richard: richard.barr@paston.co.uk

