

A Lawyer Is a Problem Solver

People often say to me that being a lawyer must be very boring. I think they imagine that you are bound up in a sea of paper. It is certainly true that you do have to write things down and also read things – and of course it always helps if you are an advocate to have detailed notes about the points you intend to make. But being a lawyer involves much more than just paperwork. The reality is that, whilst you might be called a lawyer, you are really a “problem solver”.

People come to you with problems for which they seek a remedy. In a lot of ways you are like a medical general practitioner except you are not dealing with medicine. Your job is to look at their problem and then see what remedies are available at law to provide relief for that problem.

What do I mean by this?

When I first commenced practice I worked for a small law firm in Alice Springs in the Northern Territory. Like many small law firms, and as active members of the community, solicitors are frequently asked to do pro bono (free) work to help local organisations or charities.

My senior partner was the chair of the local Race Course Reserve Trust. Good racing stallions stabled at the racecourse had recently been injuring themselves by breaking out of their stables in order to service allegedly wild brood mares who had got in to the racecourse reserve.

The Trust discovered that the owners of various mares had found out that this was a good way to get their mare covered at no fee and were leaving mares who had come into season in the neighbouring paddock. The mares would get through the fence and present themselves to the stallions who, unable to resist horsey temptation, had on a number of occasions knocked down the doors of their stables in order to get at the mares. A couple of the stallions had injured themselves and, given that word had got around the small community, this was becoming rather a problem. My senior partner gave me the file and told me to work out the solution.

The senior partner looked at me in despair when I arrived in his office with my various text books outlining with particularity the remedy of cattle trespass and my proposal for an injunction. He was a very old man (at least 40) and fairly regarded me as a rather callow youth. This probably was because I was. He pointed out to me all the difficulties in the remedy I proposed. I was flummoxed – I really couldn't think of how else matters could be dealt with. “Go and read the Stock Ordinance”, he said. “Arrange for the groundsman to grab the mare, ring the stock inspector and have the animal impounded. Then the owner will have to come forth if he wants to pick up his horse before it's put to public auction - and the longer he leaves it the more the pound fees will be.” Having come from the city, it never occurred to me that you impounded horses. I thought pounds were for dogs and rogue cats.

My point is that there are often different solutions to the same problem and impounding the flirtatious mares was a far cheaper and more effective option than my proposal for injunctions.

Problem solving is what it's all about.

JOHN BOTTOMS
Principal

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