

LASCHER AT LARGE
By Edward L. Lascher
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Overnight Neilsens on our last outing. (When it comes to column writing, "overnight" is a term of art – if "art" is quite the right word.) Belli: The amen chorus was unprecedented; I expected to learn I'd echoed my colleagues' views, but not quite such unanimous ones. Infinitive splitting was a different story. I was amazed that (1) the subject generates so much emotion, and (2) sentiment runs so much in favor of splitting. It begins to gradually appear that there are more downtrodden infinitive splitting groupies out there than I ever deemed possible.

Bureaucratic Banzai

To doggedly continue my linguistic rearguard action, however, I offer the following cover item on Official Advance Sheet No. 27, punctuated per the original:

"In order to make your Official Advance Report of Legislature of the State of California v. Deukmejian, 34 Cal.3d 658, Pamphlet X26, 1983, accurate, it is necessary to use the crack and peel pre-gummed corrective page located between the green and white page sections of this pamphlet."

Infinitives are small potatoes by comparison to what that splits. The English translation, in case anyone is interested, is: "There was a mistake in the last pamphlet; stick the replacement page over it."

Real fans of bureaucratese will look at the inside directions, where we are told to tear out the corrected page and "adhere it in its appropriate place". Nominations are now open.

Judicious Specialization

Anyway, this month I'm breaking down and joining the bandwagon for court reform, persuaded, at last, that they need reforming. In this age of specialization, I don't think those who run the judicial machine have taken that principle far enough by a long shot. Having a probate court, a juvenile court, a family law court and that sort of thing is crude. What we truly need are courts tailored to the realistic needs of a huge metropolis moving into 1984. I have a few start-up ideas which the L.A. Super Court should be installing forthwith. Others should suggest themselves once the concept is grasped.

PUBLICITY COURT: The hardware needs of such a department are somewhat demanding: a north or east exposure, beige or pastel furnishings and background, a clerk, bailiff or reporter (according to the vagaries of the moment) obtained from Central Casting, and extra air conditioning to accommodate the bright lights. Interview salons would replace chambers and jury room.

There would, however, be no need for a judge, witnesses, opposing counsel, or any of the other normal impedimenta. That kind of stuff just gets in the way of a good profile and is superfluous to the motivations of the lawyers for whom this court is designed.

Access would be limited to those with a prescribed level, on the box office charts or a minimum number of column kilometers over the most recent 18 months – not counting community newspaper coverage, but with double credit for People magazine and the Hollywood trades. Once a lawyer qualifies for that court, he or she may have unlimited access, just so long as nobody else is using the facility. Most of the ones I'm thinking of wouldn't notice an iota of change.

INTRANSIGENCE COURT: In our neck of the woods, we have two lawyers who frequently try cases against each other. Well, not exactly try them; more like putting on a two-person, bare knuckled greased pig contest. I know of one newly appointed judge who learned that, after this diabolical duo was en route to his department, the PJ had undergone a sudden attack of conscience and recalled the case. "Just couldn't do that to old Joe right away." The neophyte thus hauled back from the abyss deemed himself forever after as much in the PJ's debt as did Androcles' lion.

From what I see of practice in L.A., there must be hundreds of lawyers of that ilk thirsting for dubious battle with one another. We should strip a courtroom of everything that can be thrown, pad the walls, construct a jury box impervious to light, heat and sound (none of which do any good in that kind of trial, anyway) with one-way glass, so jurors can be seen but not see.

Then, first thing every morning, put two lawyers, a day's worth of witnesses and a recording machine inside the courtroom – they can see the jury as something to perform to (although the jury can't see back) – and lock the doors. Every afternoon at four, a judge (escorted by four Green Berets) can come in, listen to the recordings, and impose the contempt sentences. This is repeated on succeeding days (replacing jurors from time to time, of course) until one side collapses. Judgment would be entered, awarding one credit to the survivor. As is true even under the present system, by that time both sides will long since have forgotten what the case that started the feud

was about, so there's no need to grant any relief to or against clients.

SCOFFLAW COURT: This department has been suggested by Hillel Chodos, one of the great moralists among us. Unlike the two I have mentioned before, it would require the full time services of a judge. However, quality of judicial experience or legal acumen would not be considerations. Instead, that assignment would require a background as a drill instructor for Prussian Underwater Demolition Commandos.

Instead of the usual way in which courts deal with civil contempts, injunction violations, and similar miscreance – which, as everybody knows, is by telling the offender he has been very naughty and, if he does it again, he will be brought before the judge and told he is even worse: "Bad litigant!" – the regular departments would be free to transfer enforcement problems to this court. In irons. The jury box could be removed and replaced with a sweat box. The court wouldn't need spectator seats, just chains hanging from the walls. Electricity could be saved by using a few guttering torches. (Some day I hope actually to see a flame gutter, but I digress. It sounds good.)

RIGHTEOUSNESS COURT: This is sort of the opposite of the last one. It would be the exclusive bailiwick of the American College of Sanctimonial Lawyers. Only those whose every client is a saint, bearing with Job-like patience the execrable failures of opposing parties and lawyers to accede to their every prayer, would be eligible for this department. And nobody would be allowed to practice there without producing an even hundred letters of recommendation. Letters from himself, that is, recommending that opposing lawyers confess grounds for disbarment for their temerity in opposing the writer's objectives. The motto of this court should be emblazoned on its wall and consist of an Aramaic translation of the famous motto: "My client. In his, her or its (as the case and/or cases may be) intercourse with the other side, may he, she, etc., always seem right, but my client right or wrong!"

This department will require a very large courtroom.

STRAGGLERS' COURT: This department needs to be situated in a long, narrow space. (Perhaps the 8th floor hallway would be good; it isn't used for anything anyway) That is to allow installation of banks of telephones along each wall, managed by volunteer operators who can take incoming calls and enter the details on thick pads of Judi Council-approved forms reading: "Attorney _____ is held up in Department-Division-Circuit _____ and will appear (1) by 11 o'clock; (2) Thursday; (3) next time it rains. Check as many as applicable." In between, the operators could conduct a telethon for or against herpes, or whatever.

Immediately adjacent would be PRIORITY COURT: This, of course, is the ultimate short cause department. Only matters with a time estimate under 63 seconds would be eligible for consideration. Not matters which will take a particularly short time, mind. Rather, those whose perpetrators are allergic to waiting, but totally immune to any deleterious effect of fraud or perjury. Once again, checkable forms would be all-important. "I have to be in Department _____ by _____ a.m. to (a) make a free phone call, (b) deliver the Holy Grail, (c) handle an emergency name change", et very much cetera.

INTERROGATORY COURT: This court would handle all motions dealing with discovery paperwork. One would enter from the hallway and select one of two doors. The one on the left, usable only by personnel of law firms which, in the past 18 months, have expended less than a ream of ruled and numbered paper on discovery – incoming, outgoing, moving, resisting, etc. One would step through the door and find that no business would be transacted, but those allowed to enter would be treated to a relaxing hour of soft music performed by an aeolian choir. The other entrance, for those whose paper consumption was greater, would open directly onto a slide into the courthouse furnace. For counsel.

LOQUACITY COURT (also known as the Long Cause Department): This is an ultra specialized tribunal of limited application. (No, really. Bear with me.) It is open to any case, but only if both lawyers qualify (see below), is presided over by judges who have spent no less than six years in Tibetan and/or Benedictine monasteries, and allows neither juries nor nonparty witnesses – the last on Eighth Amendment grounds.

The qualifications of counsel entitled to wear distinctive insignia indicating they have been fully fledged into The Borers' Bar, the cream of the cream of the crop? Certainly not those who are merely verbose, long winded, boring, inconsiderate of others, unable to stop, redundant, or any other favorite pejoratives one might care to attach. That describes all but a handful of us.

Neither, for that matter, could one sneak into that elite group by crude means, such, for example, as merely reading to the court the entirety of that portion of the Harbors and Navigation Code relating to the Humboldt Bay Harbor, Recreation and Conservation District and then adding: "Of course, that doesn't apply here." No, obvious, simplistic ruses like that don't make one a true artist.

Instead, prospects will have to work up the chairs, past journeyman bore, through master logorrhoeic to the true elite of lawyerhood: He who can

go for hours upon hours about nothing, dexterously destroying any possibility that his view could prevail.

(I say "he" for ultra sexist reasons. Perhaps because men have been around the bar in substantial numbers for more years, we have this distinction cornered, and I am confident we will continue to do so for years – although I can see possibilities off in the future. But it takes time. As do all bad things.)

Just think of the endless possibilities. Day and a half motions to continue. Ten day agency adoptions. Three week estimates on an application to substitute a named party for a doe. It will be one of the really fun courts. There is one thing I forgot to mention, though: Experience in murder or condemnation trials will not be counted. Lawyers in those fields are overqualified.

Well, look, I'm just one guy and I've got work to do. I can't solve all the problems of the judiciary in one issue. This gives enough for a head start. Now that you've got the idea, have at it.

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