

# Lawyers told to practice reform



WASHINGTON (AP) — Lawyers are out of the political crossfire these days, but there's no guaranteed amnesty for a profession that can easily become a target. So steps toward self-reform undertaken now could prove useful later.

The American Bar Association is trying just that, its president saying that lawyers must offer realistic solutions to the problems of a balky and costly legal system "or rightly stand accused of being part of the problem."

"Justice in the United States takes too long, costs too much and is virtually inaccessible and unaffordable for too many Americans," ABA President R. William Ide III, an Atlanta lawyer, said in urging his colleagues to make 1994 the year of change and reform.

Ide said lawyers have to recognize that many Americans consider them "a major part of the problem with our justice system," and attorneys won't turn around those attitudes without taking the lead for changing what's wrong.

That sounds like a belated rebuttal to the lawyer-bashing of George Bush's administration. Dan Quayle, his vice president, made the case. It closed in defeat in 1992 and there hasn't been much talk of it since. President Bill Clinton and Hillary Rodham Clinton both are lawyers. But then, so are Quayle and his wife, Marilyn.

One aspect of the argument, malpractice claims and the role of lawyers in pursuing them, is part of the debate over the Clinton health care plan. Republicans say the Clinton proposal won't do enough to curb malpractice lawsuits and awards that are a costly part of the health care problem.

The Clinton health plan calls for malpractice claims to be dealt with initially outside of courtrooms, by boards of medical experts or similar systems of dispute resolution. But patients still could sue if they weren't satisfied, as long as they had a specialist's statement that a doctor had been negligent.

Lawyers who take malpractice cases for contingency fees, meaning part of the award or settlement, could not claim more than one-third of the money. But that's the usual rate now.

Republican health care bills would put a \$250,000 limit on malpractice awards for pain and suffering, so-called non-economic damages. The Clinton plan would not, although it would permit states to set limits.

Quayle, now with a conservative think tank in Indianapolis, says the real problem is broader: the legal system itself. His opening argument on the issue was before the American Bar Association convention in 1991, when he urged a drastic overhaul in a system he said was putting U.S. business at a disadvantage in world competition.

The applause lines were sure-fire, although it didn't do the GOP ticket much good.

"Does America really need 70 percent of the world's lawyers?" Quayle used to ask. "Let's stop America's love affair with the lawsuit," Bush said after proposing drastic changes in the system in 1992, including a requirement that in some cases, the loser pay the court costs of

the winning side. Those were rejected in Congress.

Bush protested the litigation explosion, blamed it on trial lawyers in tasseled loafers, and said legal costs were dragging down the economy and costing jobs.

Bush wasn't the first president to complain about the high cost of lawsuits. Jimmy Carter said in 1978 that excessive litigation and legal featherbedding were drags on the economy. "We have the heaviest concentration of lawyers on earth," he said then. It's heavier now.

By the numbers, tackling lawyers makes sense. There is not a popular profession, and they know it.

The bar association's own public opinion polling shows growing cynicism about lawyers generally — although people tend to be satisfied with their

own.

In a poll in July 1993 for the *National Law Journal*, nearly three-quarters of those surveyed said there were too many lawyers, and 36 percent said their view of the profession had grown more negative.

The ABA, which lists 375,000 lawyer-members, is trying to change that. Ide said the association will convene "a public jury," including leaders from other professions and policy groups, to confer in the spring on legal reform proposals, some for state and federal legislation, some for lawyers themselves.

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