



ARE LAWYERS REALLY ESSENTIAL?



The Italian Decree “Cura Italia” has included lawyers among the essential services not subject to suspension of activities; but are lawyers, who have been defined “essential” by decree, really essential?

We will find the answer mainly in this autumn phase of post-Coronavirus recovery and after the end of the summer suspension of the trial terms!

Many lawyers have already distinguished themselves in clumsy attempts to grab clients. In this regard, we recall that, at the beginning of the pandemic, many lawyers rushed to offer their services, soliciting the relatives of the victims to take legal actions for damages against hospitals, doctors and nurses, i.e. against those who, in those atrocious moments, put their lives at risk to save everyone's life.

In other cases, some companies have offered free legal assistance through their in-house lawyers or trusted lawyers for any needs arising from the pandemic emergency.

But now, what do lawyers have to do and what, especially, don't they have to do to prove that they are essential?

The pandemic event has caused an infinite number of unbalances in civil, social, family, financial, economic, commercial and industrial relationships. These unbalances will lead to disputes, which will necessarily need to be resolved.

Most of these disputes will be assigned to lawyers who can pursue their resolution out of courts or through the courts. Especially when disputes affect economic or entrepreneurial relationships, it is necessary to adopt the most fruitful solutions to be pursued and, above all, it is necessary to avoid as much as possible to get to the litigation with the other party but to try, instead, to reach the renegotiation of the contractual relationship.

Litigation lawyers tend, by their nature, to stress tensions between the parties and to manage the resolution of these tensions through as many judicial proceedings as possible.

Business lawyers are concerned, instead, to preserve the controversial contractual relationships and to solicit the renegotiation of the contract in order to guarantee the business continuity.

Therefore, the work of the lawyer must tend to indicate to companies the actions to be taken and the solutions to be implemented in order to avoid litigation.



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Personally, I'm afraid that lawyers will try to take the maximum profit from this context, taking advantage of it to open an infinite number of lawsuits and other proceedings of litigation nature.

This solution will be extremely detrimental to both the companies and the court system.

I also want to analyze another significant aspect.

Italian lawyers have been soliciting mediation procedures for more than ten years; but in the end, the rate of successful conclusion of mandatory mediation procedures is 3% - 4%.

Mediation can be carried out, and even better, by lawyers and within their law firms. Rather, it is necessary to substantially change the culture and professional mentality of lawyers.

In conclusion, and in my humble opinion, the management of the post-Covid phase will end in a disaster for the already ruined Italian judicial system.