

CollabOrate
Justice #4
Nozick

LADY JUSTICE, JUSTITIA, GOES TO HER THIRD PSYCHIATRIC APPOINTMENT. When Justitia enters, a tall, handsome, plainly elegant man, with a shock of graying hair and an infectious smile, rises to greet her. The black box of conscience remains on the coffee table next to the psychiatrist's chair. Justitia leans onto the divan.

JUSTITIA: I got an email this week. You are Robert Nozick, another Harvard political professor. You wrote *Anarchy, State, and Utopia*.

NOZICK: That's right. I heard you spoke with my colleague, John Rawls. He and I often come as a boxed set. You also spent a session with Capuchin, that funny little tuxedoed monkey. Tell me what you learned.

JUSTITIA: Both were kind to me and listened well. Capuchin taught me that justice wells up from deep parts of the mammalian brain. Dr. Rawls believes my sanity may improve if I stack society's economic deck so those dealt losing hands get better cards in future games. I told them both about my identity struggles. I am sure you have read their notes.

NOZICK: I read what Capuchin and Rawls heard you say in previous sessions. Can you add anything?

JUSTITIA: I had another frustrating moment this week. I sat statuesque with my sword, scales, and blindfold at the back of the Bar Association's CLE center downtown. The Bar convened a member town meeting to address a "legal technician" rule that the Supreme Court will consider in June. The proposed rule would allow paralegals, in some areas of law (to be determined), to complete pre-approved forms for their clients without attorney supervision, upon passing an examination, gaining years of experience, providing mandatory pro bono service, and insuring themselves. The proposal arose from a Bar study of civil legal need in Washington State that indicated 87% of civil legal needs go unmet because the citizens in need either will not or cannot hire an attorney. The Bar Association has thrice opposed the legal technician rule. The vast majority of speakers agreed with the Bar's Board of Governors, each citing some ding their own practice area might suffer if legal technicians were permitted. I was disheartened by the spectacular failure of imagination of some of the lawyers present, and the abject collapse of moral concern about the ugly role our legal monopoly plays in the welfare of our neighbors. That unserved 87% represents a gigantic market of potential clients (at admittedly lower rates of payment). These unserved many constitute most of Washington. I pray the Supreme Court will spank the Bar Association for its retrenchment by passing the legal technician rule, and require of Bar members qualifications at least as stringent as those proposed for legal technicians.

NOZICK: Wow! Frosty! Do you follow all the politics of the Bar Association in such detail?

JUSTITIA: No. But when most people cannot get meaningful access to the court system for everyday conflicts, I think my good name is compromised. What are your thoughts, Dr. Nozick?

NOZICK: First, I think you are feeling a bit better. You have not been so eloquent with my predecessors.

Just then, the black box of conscience flies open on the coffee table. Up pops John Rawls, now half a foot tall. "Don't listen to Nozick, Justitia. He'll whack you with his libertarian schtick: minimalist states, respect for individual liberty. It's good for the competent many; not so for the limping remainder. Nozick's peddling a dame hooked on Adam Smith and social Darwinism. He got her lipstick and a new hair-do. Yo, Bob. No offense. I'll sit now." Tiny Rawls pulls the lid back over himself.

JUSTITIA: So, your "libertarian schtick"?

NOZICK: It is not too complex. If one respects individuals, one imposes minimally. How much interference do you want from your neighbors? Interfere with others no more than that. This is just Kant, or Jesus, or Mencius. You work that out for masses of people, and one conceives the minimal state. The legitimate activities of a just society consist in protecting citizens from crime and foreign invasion. Possibly, a society should provide courts.

JUSTITIA: What about everything else? Schools, poverty, pollution, regulation, social security, Medicare?

NOZICK: Leave those needs to private institutions and individuals, acting in a market context.

JUSTITIA: So, my job would be downsized.... Hey! I'll bet you oppose the legal technician rule?

NOZICK: It's government intermeddling. In my world, your job would be mostly outsourced, Justitia. Governments would abandon their monopoly and let other individuals and social institutions do things that governments attempt now. The world would be more chaotic, but more creative.

JUSTITIA: So, that's my problem. I suffer megalomania. I need to do less, in a principled way. I should work less in courts and governments, and hang around homes, churches, and volunteer associations?

Justitia licks her lips and leans toward Nozick. He throws up his hands.

NOZICK: The file says you're looking for love. I am not your man. Time's up. I've got to run.

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