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Finding the solution

## Pasadena attorney says lawyers need to be problem solvers

Jim McConnell, Staff Writer

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Mark Baer, a Pasadena attorney, is a big advocate of problem solving. He says most attorneys can spot problems but don't know how to solve them. (Leo Jarzomb Staff Photographer)

In his long-running TV ads, a Los Angeles-based lawyer proclaims, "I'll fight for you!"

Pasadena-based lawyer Mark Baer would counter that with, "I'll help you solve your problem."

Baer, who has been practicing family law for 20 years, feels his speciality calls for something other than a winner-loser mentality.

"Law schools train attorneys to spot problems but not how to solve them," Baer said. "By teaching lawyers to identify problems but not training them to solve them, the practice of law has shifted from resolving conflict to creating it.

This is particularly detrimental in cases dealing with children and families as it causes wounds that often last a lifetime."

Baer is calling for the nation's law schools to teach problem solving as part of their curriculum. And not just one course in it.

"You don't major in any speciality in law school," Baer said. "Basically, law school prepares you to pass the bar. It is after you pass the bar that you go out into the real world, maybe serve an internship, and eventually decide what you want to specialize in.

"So many lawyers, depending on their undergraduate major, really don't bring a lot of problem-solving skills to the profession. Or an understanding of human nature. It is time law schools started teaching those skills."

Baer points out this shortcoming may not affect a criminal lawyer's performance, but in family law it can be a serious flaw. "When you are dealing

with stress-filled situations like divorce, paternity questions and family battles over an estate, sometimes the courtroom is the worst place to solve them," Baer said. Kevin Stapleton of the Covina-based law firm Stapleton &

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Stapleton agrees with Baer, up to a point.

"Problem-solving skills are important," Stapleton said. "However, the nature of law practice is that you are the advocate for your client. There's one on each side. And the judge is the mediator between them.

"It's true that a client needs to have reasonable expectations, but it is also reasonable for him or her to expect that you will present their side to the best of your ability. That may be to negotiate a settlement or it may be to take the case to court."

Both Baer and Stapleton agree that divorces often bring out the worst in both sides, especially if minor children are involved.

Baer gives the example of a divorce he recently handled. A couple, with two school-age children, were splitting up. His client, the husband, was adamant that he wanted to force the sale of their house. However, he also wanted the two children to remain in the public school system where they were currently enrolled.

"When I went through this with the husband, and he did some cost comparisons, he realized it was in the children's best interest, and his own economic best interest, to allow his ex-wife to continue to live in the house, rather than force a sale," Baer said. "A sale would have forced the ex out of the house into a rental in a lesser-regarded school district. It would have also removed the tax benefits that come from owning a house."

Had he gone to a less-experienced lawyer or one with an aggressive approach, he could easily have wound up in a lose-lose situation, Baer said.

"What are your rights in a divorce? Only two: you have the right to become unmarried, and you have the right to remain a co-parent. Everything else is negotiable. Given that, do you want a

problem-solver, or do you want someone who is going to fight over every dish?"

Baer feels, big-picture, the problem is that society is more and more specialized and more and more myopic.

"Common sense is not so common these days," Baer said. "It requires a knowledge of the full picture. And you have to be able to separate emotion from the issue at hand.

"A good family lawyer will be able to bring those qualities to a case. But if they aren't taught problem-solving skills in law school, where can they get them?"

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