

What is This Thing Called Law? And What Do Lawyers Do?

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For much of the public, including nurses, the law seems to be strange, complex, and incomprehensible. Lawyers are Not seen in the best of light, except, of course, when one is needed. I believe this is an unfortunate state of affairs and thing there are some ways in which to dispel the “bad rap” that the law and lawyers often receive.

One way in which to try and understand something that you are unfamiliar with is to study it, read about it, and become immersed in it in a reasonable manner. So, here are some of my suggestions to help you become more familiar with the law and lawyers, not only for the purposes of this Bulletin and your professional practice, but also to increase your overall awareness of them and how they affect your life generally.

An initial way to learn more about the law and lawyers is to visit your local courthouse and observe a trial, if possible, or watch what happens in a Motions court. Doing so will allow you to see the roles lawyers play (e.g., defense attorney, plaintiff attorney, judge) and get a feel for how a court functions. The proceedings are quite regulated and you will learn right away that the judge “rules” the courtroom. You will also observe other court officials: the court clerk and security personnel, as example.

Such a visit also provides you with an opportunity to see what types of cases are filed with the court. You might be lucky enough to sit in on a trial of a professional negligence case. Or, a trial of a traffic case where each party (plaintiff and defendant) is testifying as to their version of the accident. You might also be able to scrutinize a probate court’s handling of the need for a guardian to be appointed for an elderly individual or a small child whose parents can no longer take on this role.

A Motion court observation provides a chance to witness one of the essential aspects of the law—the arguments supporting the parties’ legal positions before trial. You will probably quickly decide which attorney has the better argument and the better presentation of that position. See if you can guess how the judge will ultimately rule.

Most courts post their daily docket outside of the particular court room so you can determine the cases that are being heard that day. In addition, court personnel can help you identify what types of cases are being heard in a particular court room.

There are other ways in which to learn about the law and lawyers that don’t require a trip to the courthouse. The following are ways to experience the impact of the law on your everyday life:

1. Review your insurance policies, including your professional liability, house and auto coverages to ascertain how they help you and make any changes necessary if you find what is contained in the insurance contract is not what you expected;
2. Read a book, see a movie or follow a TV series that focuses on the law;
3. If you don't already have one in place, set up a will, durable power of attorney for health and financial decisions, and/or a living trust; if you have already executed these documents, review them for any changes that need to be made;
4. Attend one of your state board of nursing's meetings to ascertain the many issues it decides, such as nursing education program approval, disciplinary actions against nurse licensees, and proposed amendments to the state nurse practice act;
5. Attend a quality seminar or conference session on the law and nursing practice presented by a nurse attorney;
6. If enrolled in a nursing education program, enroll in an elective course on law, ethics, and nursing practice;
7. Apply for a board position available in one of your professional nursing associations;
8. Make an appointment with the risk manager of your facility and explore his or her role in your nursing practice in that institution;
9. Locate a nurse attorney in your city and ask to set up a day to spend with the nurse attorney for a first-hand look at his or her practice; and
10. When needed for whatever legal issue you face, retain a nurse attorney or attorney with whom you can work and whom you can trust, locating that individual with the help of a colleague who has worked with a nurse attorney or attorney, a professional nursing association referral list, or your state or local bar association lawyer referral service.

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