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# THE LAWYER'S CHANGING ROLE IN A RAPIDLY CHANGING SOCIETY

BY SIDNEY J. GOLMAN\*

*Mr. Golman presents a thought-provoking discussion on the status of the attorney in personal injury and workmen's compensation cases. He presents a critical — and controversial — analysis of current society and its evolution. He next discusses the individual's personal injury from the viewpoint of society and of the victim. He admonishes the attorney in this field that his role both in and out of the courtroom must adapt to the demands of society and his client. He concludes by discussing the application of the rehabilitative principles set forth and the means to achieve the fullest resortation of the client as an individual.*

THE practicing attorney in the field of personal injury and workmen's compensation, either as a representative of the plaintiff or defendant, has presented to him a challenging opportunity to be of greater and more rewarding service to his client. He can and must become involved in restoring his client to the highest potential of physical, socio-cultural, psychological, and economic attainment of which the client is capable.

To meet this challenge it is imperative that the attorney be willing to stand back and objectively reappraise his role in society as well as the role of those whom he represents and of those who oppose him. He must, I believe, come to recognize that there is a fundamental change, very much accelerated in the years since World War II, that demands of the practicing attorney a broadening of the scope of his duties and responsibilities. Being a good adversary is no longer enough.

Should the attorney be unwilling to recognize the need for the reappraisal and reorientation and persist to continue in the role of a hard adversary with his sole legal objective being that of obtaining for his client the highest possible monetary award (or in the case of the defendant the lowest possible money payment) without considering the dominance of other objectives to his client, he, together with those of the legal profession involved, will within the next quarter century be excluded from a practice in his chosen field. This result will occur not because the attorney is not needed, but rather that he has failed, as did the dinosaur, to accommodate to change in and requirements of the times.

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What are the causes and conditions which would lead one to make such dire prophecy? Is there a solution which will permit the attorney to function in the liability and compensation field on a continuing basis where the value of his services to the client and society can continue to be justified? I, for one, think that there is a solution which will not merely continue to support the need for the attorney in the specialty field, but will enhance it.

In approaching the suggested solution to the attorney's new role, the reappraisal, re-evaluation, and reorientation can only occur if he is willing to accept the following hypotheses:

That, while zoomorphic conception of man enables us to assign his place in the physical universe, the infinite dissimilarity between man in general and the individual in particular requires imperative recognition and equally imperative understanding of meaningful differences between individuals.

That, in the evolution of man and sophistication of highly developed society, the individual plays an increasingly secondary role. His individual goals are persistently in conflict with those of the purpose of society as respects his duty to society and his responsibilities to himself and those immediately dependent upon him, as well as reciprocal rights arising in the relationship.

That, because of this change in the duty and responsibility impressed upon the individual and his relationship to other individuals in the mass of society, the lawyer has been placed in the position where he must continue to justify his service to the individual whom he represents. He must extract for his client, in anachronistic values, as much from society as possible without recognition of the long term consequences of this action.

That the lawyer, while apparently preserving the rights and duties of the individual, is in reality assisting in accelerating the emasculation of the individual by application of modalities and promotionary goals inconsistent with the objectives and direction of society. The lawyer has continued to maintain the strongly adversary tactics of the past in a society which is accelerating toward a goal of absolute responsibility of society to the individual, with the consequence that all individuals within the society shall be entitled, as a matter of right, to care, maintenance, and compensation without regard to historic legal liability of one individual to another.

That the means by which political organizations of society can be inhibited from investing themselves through the administrations of the continued erosion of the individual is to accept the principle that the individual owes duties and reciprocal rights with respect to other individuals and social organizations that cannot be ignored. These duties can best be developed and administered without recourse to the judiciary, administrative bodies, or legislative enactments, with the consequent standardization of criteria for administration and consequent inapplicability to the needs of the individual, provided that, among the many concerned, the lawyer takes the lead in effectuating this self-administration of the rights and duties of individuals within the present framework of the law.

I would ask you to recall briefly the salient development of man and the role of the individual in society. Most of us, in our

educative process, have been exposed to courses in anthropology, history, philosophy, and the social sciences, but have in the press of life for existence neglected to be conscious of the meaning of what we have learned and, further, what is occurring at the very instant of our existence.

To demonstrate that which we have neglected to realize let us examine man in general and the individual in particular within the context of his environment and the history of his development. At the inception, man had only himself: his survival and his end were his own. Later followed the concept of family and the individual's obligation to it and thus the first impairment of total reliance and responsibility on oneself.

The evolution of the family into the community created greater interdependence and a diminishing need for security within oneself. Finally, but more slowly, man organized into broad developing geo-political units in which the individual had greater dependence on the social order. Individual anonymity was now possible. In this situation, he was either greater, the same, or lesser in status (whatever the values). In the early state organization, outside of common defense, the individual still retained considerable responsibility to provide for himself and his family while the community contributed little. If he was unfortunate, he made the best of his situation, and excepting charity, survived or failed on his own. Society's structure permitted and condoned this state of affairs.

With the industrial revolution came the growth of the importance of money as a symbol of exchange and a means of restitution and compensation for wrongs done to a person. The advent of the industrial revolution and the demand for more specialized work effort forced the individual to face the first real inroads upon his independence when he exchanged security for protection from misfortune. This exchange accompanied increasing transfers from one social stratum to another. Moreover, it came with the concurrent concern of the intellectuals for the impersonal exploitation of the workers; with the increasing urbanization and associated loss of opportunity to feed, clothe and house his family as he did when agrarian demand of society provided for at least a base existence. This process has but accelerated.

Even at this juncture in socio-cultural and economic revolution, considerable succor was provided by individual charity as well as by a growing body of welfare benefits provided by society. These latter were prolonged sufficiently to help the disadvantaged through a catastrophic situation, but withdrawn unceremoniously as it appeared the recipient was exploiting his disability. The individual facing a loss of social support was compelled to exercise what effort

he could to attain optimum activity and restoration. A work-oriented society was still unwilling to accept the philosophy that able people who did not or would not work were its responsibility in a total sense.

Toward the end of the industrial revolution and at the beginning of a rapidly changing technological society, values changed again. Values, mores, and ethics of the preceding culture which upheld the dignity of the individual and as well his responsibility for himself, were still those espoused in the transitional social organization, but were now corrupted in practice. The guilt of society was expressed in compassion and its desire to expiate for its past inequities. While expressing the need for the individual to be self-responsible, society commenced to provide security for all who, for whatever reason, found themselves at competitive disadvantage. Man, consequently, through his evolution, has lost contact with his heritage. His values which were changed slowly enough to be assimilated and which were considered constant are now changing so rapidly that he is confused as to the validity of his early indoctrination and present understanding of his place in society. He is accepting without recognition sets of values that subvert him as man.

Individual man now finds himself in the role in which he is constantly threatened as to his being needed. He is concerned about his job — the replacement of the type of skill which he has — what will happen to his status from external criteria and the consequent threat to his material comforts. The condition of the world, its conflicts, the threat of its people to him, war, and its total indiscriminate destruction create anxieties in him which become a part of his daily life and which he realizes he is unable to control. These threats, coupled with the loss of previously relatively constant values to which he could relate, make it no small wonder that when the opportunity presents itself to be materially protected from any one or more of the threats to his status, as it is or as he wants it to be, the individual will seize at the opportunity. In fact, it becomes more predictable that the person may seize dependency as the individual becomes more marginal or unrelated in his understanding of his relationship in the social organization. The motivational factor is now negatively oriented.

Dependency is now sanctioned and even promoted by society in its growing concern for the unfortunate, economically-socio-culturally disadvantaged, as well as the disabled person. Society aggressively provides the benefits to make continuation of the contracoup of its expressed purpose of restoration impossible. By the standards evident in administration of the welfare system, the individual does maintain some external semblance of dignity and self in the community. Society makes it a matter of right so that

he is not permitted to be ashamed; rather, he is told that he has dignity even though, in fact, he knows that he does not. He has become motivationally a drone and a parasite for he is relieved of all the obligations of life other than to maintain the inability or disability which society has led him to believe will support his existence at a level which he is willing to accept.

Where the physical injury or lack of ability to be competitive is in itself not sufficiently disabling to justify society's support, the psychological consequences supported by the physical, temporal, and spiritual standards of society, however arrived at, support the individual in social acceptance when he is able to involve emotional and contramotivational reaction within himself so as to produce the determinative factor which will gain society's support. This state of affairs feeds upon itself to solidify the state of disability and inability and often to increase it beyond all bounds of the actual incapacity.

The emotional reaction factors have for reason of convenience, time, and administrative facilities been assigned nomenclature such as conversion hysteria, anxiety neurosis, or depressive reaction, etc. These manifestations are rationalized psychiatrically as arising out of the injury or hopelessness of the social condition giving support to the inability to be realistic and adjusted to the loss of existing status, thus negating restorative motivation in the individual. Is it not that when the external symbols of compensation are adequate to meet the individual's standard that he will more likely seek the dependent state? Then, is it not reasonable to examine the role of the individual in our society and to conclude that a fortuitous event occurring in the form of physical injury or lowering of socio-cultural-economic status is not necessarily a tragedy but, on the other hand, is itself viewed by the individual as a benefit releasing him from further responsibility of competition in life, if only the degree of disability or inability occasioned by the injury or status can be sufficient to be accepted by society?

The individual finds himself in a situation where he is told that because of the fortuitous event he can expect to receive rewards that are meaningful to him. He is told that he can seek relief against the wrongdoing third party, which in quantum alone will compensate him for loss of income, for medical care and maintenance, and for the very subjective pain and suffering which he has had imposed upon him. These are all related to him in dollar amounts and the impression is left with him that the greater his real or simulated disability can be made, the larger his rewards will be. He is led to expect that, in addition to those rewards, he will receive assistance from the community, state and nation as the degree of disability

warrants. The criteria are set forth for these rewards which will relieve him wholly or in part from the necessity of competing in society — a desire which each of us has to varying degrees. He, then, can only draw the inference that if he does not meet the criteria, he will be forced back into the competitive and intolerable situation from which he had been trying to escape.

The individual who in varying degrees seeks, consciously or unconsciously, this state of being has been in an emotionally intolerable situation prior to the injury. Most probably as early as his childhood he saw himself as one in a disadvantaged socio-cultural situation. He expressed his anxieties in various forms such as rebellion, school dropout, and low level of attainment. His apparent ability to function was marginal. He did function externally because he had no legitimate excuse to himself, to his family, or to society which would permit him to withdraw from the competition in the situation intolerable to him. The excuse to withdraw comes with the injury, regardless of its severity, or it comes with the growing desire in the social welfare field to provide for the disadvantaged. His ego image is protected for, while professing to want to compete and to do those things expected of him competitively by society, he is now able to avoid them because of his "condition."

The cost to society and to each of us in promoting motivation of disability and inability is incalculable; not just in an economic sense, but in the fact that it deprives the entire social unit of the contributions that can be made by all within that social unit at every level of demand. This negative motivational force feeds upon itself in that it subverts and seduces the concept of the image of what man is and stimulates the withdrawal of the rewarded individual. And at the same time the negative motivation requires increasing output of the remaining sectors of society to continue to provide for the growing number who contribute nothing, yet who are capable of producing at varying levels.

This trend, so evident today, is imposing upon the entire society the obligation of meeting the demands of an increasing number of disabled and disadvantaged people claiming support. Meeting the obligation has become judicially and administratively overwhelming. Society is unable to individualize assistance and has fallen back on the formula of an arbitrary legislative and administrative criteria with consequent increased agency personnel and abrogated authority and power to meet the challenge. This complex organizational structure poses a threat to the continued existence of the lawyer as well as the individual client in his historic rights under the law for justice in adequate historical remedy.

The encroachment is now reaching the proportion wherein we

can expect that regardless of the infinite dissimilarities in the status of the individual he will be standardized as to his rights, obligations, and needs, but his rewards and remedies will be noncontestable. These standards will have little or no application to him as an individual. Whatever little dignity or difference individual man now has remaining, will be emasculated and the prophecy of George Orwell in his book *1984* will be realized in that all man will, with the exception of a chosen few, be left in the same status of a lesser animal. He will be fed, clothed, housed, and called upon to serve society as the select choose and will be granted these benefits only because his existence is necessary to the need of the select administrators and governors in whom he invested the power originally.

It is, indeed, a strange society which on one hand purports to be concerned about the individual, and on the other hand attempts to destroy him and his capacity for creative development and contribution within his abilities.

All this is not to say that we should not help man through his catastrophe; but, we should do it in such a manner as to make it rewarding for him to remain a man and be restored to a position where he needs to compete, to contribute, and develop within his capacities. Among those concerned with the preservation of the individual and his need for personal enhancements and contributory growth, the lawyer plays an important role and can make his contribution in providing the guidelines to motivation and the "acceptable substitute" which his client will willingly accept.

The attorney must play the role of the manager rather than the advocate in the initial approach to the problems presented by his client. I see it as his duty to first understand not alone the legal rights of his client and the obligation of others to him, but to understand his client as a psychological as well as physiological being. The attorney must attempt in the initial stages to develop the socio-cultural picture of his client to include family background, family situation, environment, and culture as well as attempt to get an impression of the real goals and relationship of the client toward himself and society. In accomplishing this, his objective should not be to maximize the client's disability but rather to minimize it. The goal should always be how best can rehabilitation of the client in a total sense be accomplished even to the extent of returning the client to a status superior to that which he enjoyed prior to his physical injury though the result may be in a lower monetary award.

The attorney should at all times, in the management of his case, attempt to enlist the opposing counsel and opposing interest in resolving the apparent conflict engendered in the adversary situation and to accept the reality of the proposition that the interest of all

concerned is the common goal of restoration of the disabled, leaving the economic equity to be resolved by knowledgeable agreement arrived at during and after successful rehabilitation.

If the interest and cooperation of the opposing interest can be obtained, then the implementation of techniques toward the total rehabilitation goal should be programmed even though the end result will be to lessen the monetary damage to the client and consequent reduction of the counsel's fees.

The tools, techniques, and modalities available to the attorney are many: First, and most important, as previously discussed, is the client himself. If you have done your job well in understanding and evaluating your client, you will be able to manipulate him in such a manner as to produce a positive motivational force directing the client toward maximum physical, psychological, and socio-cultural restoration. Remember that only the client rehabilitates himself, but he requires direction, available technology, and astute manipulation to reach those goals.

Next, the attorney must start out with the consent of the client for flexible objectives and develop the program by utilization of medical restoration for the physiological problem and as well subtle and concurrent manipulation of the client in psychological motivation; these are concurrently involved, but must be utilized to avoid fragmentation of the client through compartmentalization of application of techniques. The utilization of the finest medical specialists who are oriented to the philosophy that, in addition to their technical capabilities, their most important function is to comprehend the goals of their patient and to show evidence of a willingness to subtly work with the claimant in obtaining these goals. The medical practitioner becomes a tool, albeit a very important one, in the successful programming of the rehabilitation process.

Concurrently with the medical restoration must be developed a program of realistic vocational goals for the individual wherever feasible. These must be related to his capabilities and to the remaining physical function and abilities he can demonstrate. The earliest possible acceptance and institution of the program in this direction is one of the imperatives and must be developed without hiatus usually found between those of physical and vocational rehabilitation programs. Available to the attorney is the service of competent counselors (before the selection of the counselor, the attorney should assure himself of the competence of the counsel and the acceptance by the counselor of the concert of objective and his function therein). There are both state and private agencies willing to provide these services and in many cases they are entirely without charge. Again,

while these services are utilized, the attorney must oversee and direct them in relation to the total program.

The attorney should next attempt to obtain for his client economic benefits available from state and federal agencies. But in obtaining them, he should never let his client forget that these are to be utilized only for the interim period between injury and ultimate restoration as a productive member of society; that they are merely to carry him through the catastrophe, and are not to be looked upon as permanent benefits which the client can transfer into a meaningful life oriented to the maintenance of inability and disability. The present levels of some of these tax-free benefits makes dependency most attractive to many people, and can be detrimental to the goal of independence and responsibility.

In third party liability cases of serious physical injury where there is likely to be a substantial period of temporary disability and long term and expensive medical treatment, the attorney should attempt to obtain from the more sophisticated insurers economic assistance with respect to medical bills and possibly even short term aid to compensate for wage loss. This can better be obtained, of course, when legal liability is clear than when it is in doubt. However, the severity of the injury itself makes the cooperation self-serving to the interest of the insurer.

Concurrent with the foregoing the attorney should carefully evaluate his case, as should the defendants, and attempt at an appropriate time to bring about a disposition of the case on an equitable basis. The attorney should not permit the case to drift along without resolution to the situation of trial, for in permitting that to occur the passage of time alone can only have an adverse effect on his client. The client in order to protect what he has, *i.e.*, his claim, must maintain as high a degree of disability as possible and the restorative effort undertaken is then wasted to a considerable degree.

I realize that this concept of total management and manipulation by the lawyer of his client in the direction of mitigation of injury has received approval in lip service from many areas of our society. However, as a practice, with some rare exceptions, this implementation of approach to the problem has been avoided. The reason for this avoidance, I believe, results from the historical development of the role of the attorney as an advocate and a contestant and from the unwillingness of all interests concerned to become involved in pioneering a concept with which they are not familiar.

Historically, the attorney is an advocate who pleads for his client in court attempting to maximize his client's injuries and minimize his ability to absorb the resulting damage, with the defendant, too, resorting to the court and to the jury to demonstrate that the

client is a fraud or is exaggerating his injury. The client in these situations has become a mere catalyst for the services of the lawyers, doctors and others involved in the prosecution and defense of the case in adversary proceedings.

What is proposed herein is not theoretical, but is demonstrated in over five hundred third party and workmen's compensation cases in which I have represented either the plaintiff or defendant. The result with respect to the individual has been astounding. With some rare exceptions, the injured party has become a whole human being with respect to his socio-cultural and economic restoration in the community, even though he remains substantially physically disabled. He has come to use his remaining abilities to their utmost, adjusted within tolerances psychologically and motivationally, and in many instances, far exceeded his preinjury goals in life. I am sure that many attorneys have, from their own experience and observations, seen what they consider amazing results with respect to the restoration of individuals. These, of course, have occurred rather infrequently and principally because the individual who suffered the injury was highly motivated, with developed skills, intelligence, and education or potential for education that were above average. Most of the clients with whom I have been involved are predominantly average or below average in the foregoing qualifications prior to injury. In undertaking leadership in manipulation of the motivational forces within the client toward total rehabilitation, you as the attorney will have done more in promoting the welfare of the client, of yourself and society, than will any other professional or nonprofessional group involved in the case. You sit in the position with respect to your client, more so than anyone else, to influence, control and manipulate his objectives toward that which is most beneficial in the long run to him and to society. He is looking to you as his total advisor.

The attorney can not absolve himself from the responsibility imposed upon him by the nature of his profession, as the temporal advisor of man, by permitting the ultimate decision as to how his client will be rewarded, to be decided by a judge or a jury, whenever, by his own efforts, he could have obtained the optimum restoration of his client with minimization of his disability, by meeting the real needs of his client, and by providing the client with greater benefits in worth than he would otherwise obtain.

In the management of the case you as the attorney will be required to become deeply involved with your client and with those who are called upon to serve him. You can never delegate this responsibility, but must at all times provide continued guidance for others necessarily involved with him and must exercise judgment

with respect to recommendations made by other professionals serving the client. You are the captain and will make the ultimate decisions with respect to the interest of your client and his treatment and management.

We have now had an opportunity to demonstrate these techniques and this practice in the United States, we have also had an opportunity to observe legal and medical practice in Europe, and in several countries subject to the Common Law and to explore the opportunity for application of the concepts expressed above. In most of the countries, the state through its Social Security System plays a much more active and larger role in liability and compensation than is found in the United States. The lawyer maintains rigidity with respect to his function, as he has done here, in that he is a total advocate and adversary. He does nothing to resolve the real need of the client as he is only concerned with the law. He is content that ultimately the judge or judge and jury will determine the rights and obligations of the parties. He does not attempt to influence the medical course of the case, nor does he involve himself with the motivational needs of his client nor in the restoration and rehabilitation of his client. He leaves that entirely to the doctors, para-medical groups, social workers, and the state. These groups, on the other hand, compartmentalize their attention and their services to the patient and do not involve themselves in what they consider to be the historical duties of the other services. There is little or no communication among the services rendered to the client.

The result has been that the real needs of the patient as a total human being have not been recognized or understood and have been ignored with respect to his treatment. His restoration to the optimum level of his capacity, considering that his motivational forces have not been awakened, has produced a longer period in the hospital and institutionalization with consequent deterioration in the person; a process so destructive that, when the legal decision as to his rights has finally been made, the individual for the most part grossly over-handicapped and, regardless of his award, is a detriment and negative factor to his family, community, and society in general.

Attempts to effect change in this historical pattern of dichotomy in function of services and in responsibility and involvement are coming to fruition both here and abroad. After fifteen years of effort to educate clients involved in the total management of liability or compensation cases including innumerable trips throughout the United States and overseas for conferences and speeches, we have progressed to a limited acceptance of the concept and its application within this country and are now on the threshold of its development in Europe where we have been asked to make a feasibility study in

France and Switzerland on a number of cases in appropriate settings encountered in attempting to break down the historic traditions and relationships. But this is not an impossibility for we believe that the concerned interests will become aware by demonstration in scheduled cases that the result effected will be a benefit rather than a detriment to the client. It will mean, of course, that in accepting the concept of total management and its application, the lawyer as well as others involved must accept the destruction of the dichotomy of traditional roles and substitute that of interrelationship of ostensibly separated professions and services.

The obstacles have been considerable but I have found that the thinking man in the various professions involved, once he has found that there is no attempt to subject his integrity nor to deprive his client of meaningful awards, has been willing to permit the application of these modalities and techniques and has even gone so far as to permit me to undertake the direction and management of the case even though I am in a position of representing an adverse party with the real interest in common.

The success or failure of this program depends upon how well the attorney has achieved sophistication. He must be aware that the manipulation toward rehabilitative goals requires a highly individual and integrated service to his client. He must always evaluate those whom he chooses to assist in the program. These include medical, para-medical, sociological, vocational, and psychological personnel involved or likely to be involved in the care, treatment, and rehabilitation of the client. It is not sufficient that he undertake rehabilitation by sending an individual to a rehabilitation center and then permitting the ancillary services to take over. He must evaluate the quality of this service and understand that there are differences between and among the rehabilitation services available as to quality and motivation as there are between attorneys, doctors, or any other group professing a service and competing for clients.

Rehabilitation is popular and institutions and organizations purporting to provide medical, sociological, vocational, and psychiatric services have sprung up all over the United States. Nearly every larger hospital has its rehabilitation wing. For the most part this amounts to physiotherapy, muscle evaluation, vocational evaluation, and other gimmicks involved in physical restoration. In a serious case, for the most part these services are worthless. In addition there are physical rehabilitation centers associated with teaching institutions and while the quality of their service is superior to those in the general hospital they are primarily teaching oriented and the severely injured client is likely to become a clinical subject with consequent delayed restoration. There are rehabilitation hospitals

not associated with universities or general hospitals for the severely injured which specialize in types of injury or closely allied types of injury. In the main these are probably better facilities for our purpose of early restoration. However, in selection of this type of an institution one should not be as much concerned with the appearance of the plant or with slick catalogues and brochures as with the quality, dedication and involvement of personnel who are involved with the client. As a rule, the larger the institution the more likely the patient is treated not as an individual, but as just another patient who is being processed in a program that is not tailored to his particular need. There is a tendency in the larger institution to pass the patient around among the various services and personnel with the medical director only periodically being involved with the patient. Under these circumstances the patient in fact becomes quite fragmented with respect to treatment and is seldom able to relate to an individual for a sufficiently long period of time to effectively deal with the real problems of his rehabilitation which are his psychological and motivational attitudes toward his injury. You will find that the techniques applied in all these institutions are essentially the same with respect to the technical aspects of his care, but great differences appear in the involvement of the staff, intimately, in the patient's problems.

There are both private and public rehabilitation organizations concerned with vocational rehabilitation. The Federal Government supervises a vast program concerned with vocational rehabilitation on a national scale in support of the various state agencies. Most are sub-agencies of the State Department of Education but there is a trend away from this and to separate departments. The expressed purpose of these is to provide vocational counselling, education and economic assistance for the client in attaining vocational goals.

Unfortunately most of these agencies are so involved in producing mass rehabilitation, in making studies of needs of further and expanded services, in developing statistics, and in other minor distractions that they avoid, with some exceptions and these exceptions depend upon the dedication and motivation of the individual counselor, great involvement with the very seriously injured and handicapped. Notwithstanding this tendency of avoidance in the difficult and serious case, the agency can be made to diligently and effectively direct its effort to provide successful vocational rehabilitation services to the client if the attorney stays involved and acts as an observer of the activity and a goal when the interest or the program of the agency seems to lag.

It is realized that what is proposed in this article has been sketchily outlined and each area only superficially explored. The

purpose of this paper was to bring to the attention of the legal profession and to other professional and non-professional groups concerned with the field of personal injury and workmen's compensation the need for a more enlightened understanding of the relationship of the injured.

To set out for consideration what I deem to be the goal of restoration of the individual to the highest level of independence and contribution, as the only valid and acceptable objective for all involved, as opposed to the validity of quantum of reward as the objective and to propose in attaining what I consider the only valid goal, that the attorney using modalities and techniques suggested here, adopt the role of the manager and become involved in the medical, cultural, socio-economic and spiritual problems presented in his client to attain maximum restoration.

In summary: There is a continuing and accelerated trend in society to designate the individual and to set standards and criteria for judgment for reasons of administrative convenience that do not recognize the dissimilarities among people. There is in the evaluation of the social organization an abrogation of the responsibility of the individual, with society taking over the responsibility of providing compensation for inability and disability with security and freedom from competition greater for most than could be earned in being returned to competition and required contribution of effort of the individual. There is a demonstrated solution to this unfavorable trend (of promoting inability and disability) in which the attorney can play a key role in motivation of his client.