

## Defence of the Legal Profession

# My profession is phenomenal | Jasmine Daya

By **Jasmine Daya**



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(January 16, 2020, 3:56 PM EST) -- The only constant in life is change. To believe that over a decade, the practice of law would not change is perhaps the starting point of the flawed and depressing commentary provided by Howard Levitt in the *Financial Post*. I do not know him personally but I felt compelled to provide a counter version to his disappointing take on the current state of my profession.

It is a privilege to practise law in Ontario. I wake up every morning excited to hit the office. I am proud to serve my clients and exhilarated to not completely know what challenge the day will bring or sometimes what part of the province I may be required to attend. I have fantastic staff, students and associates. I have formed so many incredible friendships with lawyers and other people in the industry that I would have never met

if I weren't practising law.

There is no doubt that there is an increase in competition in the industry, but to blame Diamond and Diamond LLP instead of recognizing that they were basically a game changer demonstrates resentment for the modernization of the legal profession in Ontario. The Law Society of Ontario relaxed the marketing rules years ago and Jeremy Diamond was the first to use that to his advantage. I recall the day when he told me with excitement and his boyish grin, "Jasmine, in a few days you will see me everywhere." He was not wrong. Years later, we are all still seeing him everywhere.

Instead of lawyers focusing on their strengths, serving their clients with passion and remembering that it is an honour to be a lawyer, the increased competition has created resentment and anger among many lawyers, which is likely fuelled by jealousy. Generally, people don't like change and lawyers are no different. Once upon a time, people found lawyers through word of mouth instead of online — but the same can be said about most industries.

The practice of law is a profession but it is most certainly also a business; to suggest otherwise fails to recognize the necessary costs of funding a private practice litigation law firm. It is not for the faint of heart. Personal injury firms in particular use the contingency fee model to enable individuals "access to justice."

Most of my clients would not be able to pursue their claims without this model as litigation is costly and years can go by before a settlement is reached. My clients are not paying an hourly rate or being billed by the minute, which is the traditional manner in which lawyers bill clients. Instead, I will work as many months or years as is necessary to get the best possible result for my clients and they do not need to worry about their legal bill.

The suggestion that contingency fee agreements will cause lawyers to settle early and for less is upsetting and simply wrong. The resentment towards this model may be due to many lawyers not being able to afford to operate in this way. It's not cheap.

The contingency fee arrangement benefits the public, which includes my clients, and that is the reason it resonates with the average person. If this model were not necessary for clients to pursue claims, it would not exist. Believe me, if I could get paid as I completed work, that would definitely be my preference.

In personal injury, it may take three to five years to settle a file and I still need to pay my staff, professional dues, insurance, IT support and other office overhead as well as fund the cost of litigation without seeing a dime until settlement. Lawyers have an ethical obligation to act in the best interests of their client. Furthermore, if a lawyer does not achieve an appropriate result, a client can sue the lawyer for solicitor negligence.

In a contingency fee arrangement, the more my client receives, the more I get paid, so why would I settle for less? Also, all the lawyers in my industry know each other; it takes years to develop a reputation and seconds to ruin it. If I was known to fold, my firm would not survive.

Although lawyers may not be making the same amount they once did due to a shift in the corporate climate, automation and increased competition, it is most certainly an amazing profession and one I am proud to be a member of. If any of my three children tell me they want to be a lawyer, I will most certainly support them and be their greatest cheerleader, because there isn't a damn thing I would rather be doing right now than practising law. I want them to feel the same enjoyment and satisfaction in life. How many can say that about their jobs?

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