

## THE DIARY OF HAROLD LEX

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Early in 1944 a unique experiment in institutional advertising was inaugurated in the columns of the Winnipeg Free Press and Winnipeg Tribune. Sponsored by the Manitoba Bar Association, a series of advertisements entitled "The Diary of Harold Lex" began to appear in the Saturday edition of these papers. Each advertisement was in the form of a page from the diary of Harold Lex, who, in the introductory advertisement of the series, was described as an imaginary law student with some years of experience in a law office.

There is an interesting history to the Harold Lex project. In 1941 a special committee of the Manitoba Bar Association investigating the subject of public relations concluded that there was a grave need of correcting popular misconceptions concerning the lawyer and his functions and that an intelligent programme of institutional advertising would be an aid to this end. The committee saw the unfortunate truth that the day-to-day service rendered by conscientious practitioners to their clients does not gain public prominence, while, on the other hand, the very infrequent lapse from proper professional conduct on the part of a single lawyer will attract widespread attention. Three years later the recommendation of the 1941 committee was implemented, in the hope that the Harold Lex programme would strengthen confidence in the legal profession and give the public a better appreciation of the wide range of services offered by the lawyer.

The original committee of the Association in charge of the plan consisted of Paul G. DuVal, K.C., H. S. Searth, K.C., A. H. Warner, K.C., A. M. Campbell, K.C., H. E. Swift, K.C., H. M. Hughes, K.C., and the writer. From the outset it was felt that something different from an ordinary series of impersonal, third person advertisements should be sought. The idea of revealing the experiences of Harold Lex, a law student, as recorded in the pages of his diary, seemed to offer a medium that would be interesting and unusual. By his diary Harold Lex has since become known. His service in a law office has brought him in touch with a variety of people and a medley of interesting experiences. It is the recital of those, offered sometimes with philosophic sadness over the follies of man, that makes up the central theme of the story.

The advertisements, six inches by two columns in size, illustrate the variety of ways in which members of the bar can

serve the public and underline forcibly the dangers and troubles that result when the layman enters the legal field without the necessary professional assistance. A facsimile of one of the recent advertisements appears elsewhere in this article. Here is another example from the field of real estate:

#### THURSDAY

Mr. A. was very upset when he came to my office. To his dismay he had discovered that he did not have title to the property on which he had built his home. His title covered the vacant lot next door, on which he had paid taxes. Three years previously he had purchased the lot. A well meaning friend offered to save him money by 'fixing up' the legal transfer papers. That case took a bit of untangling.

I did not have to tell him his friend's advice cost him money. He knows!

And here is an example in the sphere of domestic relations:

#### TUESDAY

One does not usually look for romance in a lawyer's office, but I had a glimpse of it today.

A client, Mr. J., just left our office to find a minister and get married. His story is interesting.

Before he came to Winnipeg to live, five years ago, his wife had divorced him in Minnesota. Here he met, and fell in love with another lady. Both wished to marry, but he thought that a foreign divorce was not valid in Canada, and this is sometimes the case. Finally he consulted my principal, who investigated, found the divorce valid, and advised Mr. J. to that effect.

Mr. J. was jubilant, but, as he said 'We've lost five years of happiness by our delay in seeing a lawyer.'

The need of consulting a lawyer about your will is emphasized frequently by Harold Lex, as in this example:

#### MONDAY

A rather unfortunate case was brought into the office recently.

Last year we had drawn a will for an elderly spinster and after it had been properly executed she took it to her home. In this will she left her diamond rings to her niece, Matilda. Some time afterwards she became seriously ill. During her illness she decided to leave these rings to another niece, Genevieve. Without consulting us, she struck out the name 'Matilda' and wrote in the name 'Genevieve', initialling the change.

After her death, when the will was submitted for probate, the Surrogate Court quite properly refused to give effect to the change, as it had not been made in accordance with the provisions of 'The Wills Act.' The result was that the apparent wish of the testatrix could not be carried out, and Genevieve was disappointed.

Where do the ideas for the various advertisements come from? When the series first commenced many people looked upon them simply as works of imagination. This was hardly the case, for the ideas were derived from actual experience. Accordingly later advertisements began to carry the following footnote: "These articles are based on actual occurrences". At first the committee had to draw upon its own experience and most of the initial advertisements in the series were formulated by the members of the committee themselves. Gradually, however, as *The Diary of Harold Lex* became better known, members of the bar began to send in ideas and suggestions to the committee — usually the result of actual incidents arising in their own offices.

The original programme envisaged the publication of an advertisement each Saturday in the *Winnipeg Free Press* and the *Winnipeg Tribune*, the same advertisement appearing in both papers. Thus in a full year fifty-two insertions would appear in each paper. The cost of financing such a programme is approximately \$2,200 annually. To meet the expense of publication during the greater part of the years 1944 and 1945 three assessments of \$5.00 each, voluntary in character, were made by the Manitoba Bar Association upon members of the bar of the province. The average return from each of these assessments was about \$1,150.

During the year 1946 the *Harold Lex* series had to be substantially curtailed, much against the will of the Association. In the first place a prolonged newspaper strike in Winnipeg put practical problems in our path. Moreover, the holding of the Canadian Bar Association convention in Winnipeg imposed on members an additional burden of raising funds in the interests of the convention and made inadvisable a further assessment for the purposes of *Harold Lex*. Accordingly in 1946 the advertisements appeared somewhat sporadically.

Just recently, however, approval was given by the Association to the carrying on of the *Harold Lex* programme by the publication of twenty-six advertisements in the *Free Press* and twenty-six in the *Tribune* in a twelve-month period, *i.e.* one appearing one Saturday in the *Free Press* and a different one the following Saturday in the *Tribune*, and so on. The cost of such a programme will be approximately \$1,100, and to meet it a fourth assessment of \$5.00 has been made. It is hoped that the present advertising programme will henceforth be maintained as the very minimum.

It is surprising how great the interest has been in the Manitoba project. Inquiries concerning it have from time to time been

*Diary of  
Harold Lex*

A Law Student

*Friday*

This is the sad story of Septimus Brown.

His wife had died, his children had married and moved away. In due course he decided to marry again. Mary Jones was his choice and they became engaged.

He obtained from a stationery store a printed Will form and filled it out, leaving everything to Mary. A week later they were married.

That was four years ago. Last month he died, happy in the belief that he was leaving Mary well provided for. Today we had to break the sad news to her that the Will was void, and that she would get only one-third of his estate instead of all of it as Brown had intended. He hadn't realized that marriage revokes a prior Will unless special precautions are observed.

A lawyer would have been able, for a small sum, to draw the Will in such form that it would have been effective after his marriage to Mary.

These articles are based  
on actual occurrences.

Published by  
MANITOBA BAR ASSOCIATION

*Consult Your  
Lawyer*

received from widely scattered points, both in Canada and in the United States. Articles on Harold Lex have appeared in *American Law and Lawyers*, well-known legal publication, *Tide*, a widely read American advertising journal, *Marketing*, an authoritative Canadian advertising magazine, as well as in other newspapers and periodicals. Communications have also been received from various Bar associations throughout the continent, seeking information concerning the programme, its cost and its results.

The experience of three years with the project makes possible some reliable opinion as to its results. From the beginning it was recognized that the programme would have to be long range in character and that results would not be immediately discernible. But by this time the worth of the venture has been established. Harold Lex is beginning to stand well in public esteem and his favourable status is redounding to the advantage of the profession. One striking circumstance may be cited in support of this. When the first assessment was made the support accorded it by members was largely an act of faith and a gesture of goodwill. Indeed the committee received some critical comments from members who questioned the value of an institutional advertising plan of this sort. The later assessments not only brought encouraging financial returns, but also evoked numerous letters praising the Harold Lex project, indicating specific instances where it had introduced clients to offices and submitting suggestions or ideas for use in the advertisements themselves. That is the pragmatic test. Harold Lex is proving his worth by the experience of the profession.

It has not been all plain sailing. Mistakes have been made and difficulties have been encountered. Chief of these is to convey interesting legal experiences in language that will be readily understood by the average individual, using the familiar idiom of daily conversation in place of the somewhat austere and stilted terminology of the law. This has not always been easy. What conveys the point readily to the legal minds of the committee members may remain obscure to others — at least in a first reading. Make no mistake about it, the average reader will not take the trouble to peruse the article a second time and, if the point is not apparent at a single reading, the effort to win him to the cause has failed. Nor is it solely a matter of simple language. Another hazard is the complicated set of facts, facts which may be of interest to the lawyer but which lie wholly outside the comprehension of the layman. Candour compels the admission that the narrative revealed in the *Diary of Harold Lex* has suffered occasionally on both counts, but we believe we have profited from this experience.

Some members have called attention to the fact that the programme has relied too much on "fear" advertising. That is to say, too many of the advertisements have portrayed the dire results that followed the failure to consult a lawyer. Instead, it was urged, greater stress should be laid on positive features, on the feeling of confidence that characterizes the relationship of lawyer and client and on the specific ways in which a lawyer can serve his client, ways which are understood and appreciated by the latter. There is a measure of truth in this criticism and future plans will endeavour to strike a reasonable balance between the "fear" advertisements on the one hand and the "confidence" advertisements on the other.

The venture has had its lighter moments. The writer has a client whose second husband died. Among other benefits to which she was entitled was a life interest in the dwelling house that had been their home. She desired very much to go to Minnesota, where her sons by a former marriage were living, but feared that if she left Winnipeg she would lose her life estate in the homestead. We advised her that this was not the case, that she was perfectly free to leave Winnipeg, and to lease the house to a tenant and receive the rent. Unfortunately, however, her butcher had assured her that she could only have the benefit of the life estate if she continued to live in the house personally and (such is the confidence the writer inspires in his clients) she elected to believe the butcher. What to do? We put the facts before the Harold Lex committee, an appropriate advertisement was drawn based on the above facts, but emphasizing how relieved and grateful the widow felt when she knew she could both join her children in the United States and still collect the rents in Winnipeg. Not long after this, the lady came to see the writer, with the Harold Lex clipping in her hand, amazed at the similarity between the case and her own and persuaded, at long last, that the advice previously given to her by the writer, and now endorsed by the Manitoba Bar Association itself, should prevail against the stubborn opinions of the butcher.

Reference has been made to the fact that the assessment is voluntary in character. In the result about one-half, perhaps slightly more, of the practising members of the profession have paid the assessment. The suggestion has accordingly been made by some members that instead of a voluntary assessment paid by a portion of the profession, a more equitable method would be a levy upon every member of the profession, made through the agency of the Law Society of Manitoba and added to the cost of

the annual fee. Possibly \$2.00 from every member on the rolls of the Law Society would be enough to carry on a programme as extensive as that presently contemplated. All this, however, lies beyond the immediate present.

In the meantime Harold Lex continues each Saturday to comment on the many services offered by the lawyer and the hazards that confront the man who thinks he can be his own lawyer. Thus Harold Lex is becoming, slowly but surely, both the symbol and the instrument of good public relations.

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### IRAS ET VERBA

The body of the law is no less incumbered with superfluous members, that are like Virgil's army, which he tells us was so crowded, many of them had not room to use their weapons. This prodigious society of men may be divided into the litigious and peaceable. Under the first are comprehended all those who are carried down in coach-fulls to Westminster Hall every morning in term-time. Martial's description of this species of lawyers is full of humour:

*Iras et verba locant.*

*Men that hire out their words and anger:* that are more or less passionate according as they are paid for it, and allow their client a quantity of wrath proportionable to the fee which they receive from him. I must however observe to the reader, that above three parts of those whom I reckon among the litigious, are such as are only quarrelsome in their hearts, and have no opportunity of showing their passion at the bar. Nevertheless, as they do not know what strifes may arise, they appear at the hall every day, that they may show themselves in a readiness to enter the lists, whenever there shall be occasion for them.

The peaceable lawyers are, in the first place, many of the benchers of the several Inns of Court, who seem to be the dignitaries of the law, and are endowed with those qualifications of mind that accomplish a man rather for a ruler than a pleader. These men live peaceably in their habitations, eating once a day, and dancing once a year, for the honour of their respective societies.

Another numberless branch of peaceable lawyers are those young men, who, being placed at the Inns of Court in order to study the laws of their country, frequent the play-house more than Westminster Hall, and are seen in all public assemblies, except in a court of justice. I shall say nothing of those silent and busy multitudes that are employed within doors, in the drawing up of writings and conveyances; nor of those greater numbers that palliate their want of business with a pretence to such chamber-practice. (Joseph Addison: Spectator (1711), No. 21)