

Love and Lawyering in the Time of Cholera

By Vesselin Mitev

“Three weeks from now, with the sun upon my face during the brisk walk to the courthouse, I shall be litigating my cases. And if you find yourself surrounded by friendly adversaries, compliant clients, and accommodating judges, do not be afraid; for you are in Elysium, and you are already dead!”

This immortal speech given by Maximus Decimus Meridius, portrayed by Russell Crowe in the 2000 epic “Gladiator” can be quickly YouTubed as ready reference to my weak parody above, but buoyed by rising strings and a somber score, it depicts the aforementioned Roman general roaring at his troops to hold the line before the impending battle against a Germanic warrior tribe.

“Three weeks from now, I will be harvesting my crops. Imagine where you will be, and it will be so. Hold the line! Stay with me! If you find yourself alone, riding in the green fields with the sun on your face, do not be

troubled; for you are in Elysium, and you are already dead.”

Twenty years later, the film still holds up and especially now, in what we have quickly universally all termed to be challenging, unprecedented, or uncertain times, will at least fill 3 hours of your daily quarantine or social distancing.

Lawyering in the midst of a pandemic has been, in a word, surreal. Working from home has, in my experience, proven a poor substitute to the very zeitgeist of our practice, which is interacting with other humans, whether they be clients, adversaries or courts.

The in-person simultaneous interaction upon which we are built has been replaced by the pixelated thin veneer of a virtual reality; we can feel the tension crackle in the courtroom during zealous cross-examination; to be sure, I don’t think anyone is ready for a contempt hearing held via Zoom.



Vesselin Mitev

I submit that labeling the majority of lawyers non-essential, when historically, through the epochs, it is only the existence of laws (and their factotums — lawyers) that have held together societies from disintegrating into chaos and anarchy, was and is ill-advised and reactionary.

Friends and family from afar re-gale me nightly with anecdotes (the opposite of data) about how when this passes we will all see an uptick in clients seeking divorces and with other family law issues; the sardonic societal joke being, of course, that none of us can really stand the people we have chosen (now forced) to be closest with, and given the choice would unsubscribe from that familial mailing list.

Nor is it of especial succor that some limited issues can be brought to the courts during the closure. The reality is that people’s legal problems, at best, can be put on the back

“Three weeks from now, I will be harvesting my crops. Imagine where you will be, and it will be so. Hold the line! Stay with me! ...

burner for a short while, but cannot be defrayed indefinitely. And when the smoke clears and regular life resumes, and it will, the rich ironies and vagaries of our practice and profession will be on full display again.

Are you not entertained?

Note: Vesselin Mitev is a partner at Ray, Mitev & Associates, LLP, a New York litigation boutique with offices in Manhattan and on Long Island. His practice is 100 percent devoted to litigation, including trial, of all matters including criminal, matrimonial/family law, Article 78 proceedings and appeals.