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As the Cloud Passes: What Lawyers Can Do

This is a plea for lawyers everywhere to spend a few minutes each day to educate their families, friends and strangers who may be reluctant to accept the vaccine. Despite the bad press attorneys have suffered for decades, people still listen to us.

By **Marc Garfinkle** | March 08, 2021



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Fauci says more masks. Another year, at least, he says. In the meantime, Americans—lawyers among them—will continue to lose lives, jobs and dreams to the growing pandemic. Everywhere, futures are shattering. On countless fronts there is cause for concern. Real, global, cataclysmic disaster may still await us.

In the face of that, there is great reason for hope. The vaccines' efficacy against the various variants of COVID-19 demonstrates the possibility of eliminating this existential threat to humankind in a fraction of a generation. That had been unthinkable until now. To succeed, we must optimize this potential. Unfortunately, our astonishing potential for progress is matched by our astounding potential for self-destruction.

This is an age of almost unimaginable predictive marketing technology. It is no secret that we are all being manipulated. That others can figure out what we are thinking is scary enough—that they can predict what we are *capable of* thinking, and have the tools to bring us there, is flabbergasting. The 2016 election highlighted the dangerous potential of these tools, but the problem of focused, tailored misinformation is getting exponentially worse. This is *not* conspiracy-theory talk, dear reader. This is Google, and every quick learner on the block has hacked the playbook.

The push-back by Truth has been hamstrung. Its great weapon has always been the free press, but the five-year long war on traditional media has injured free press, perhaps forever. Even before that, media outlets were already aligning with political viewpoints and, in short order, political agendas. Today, no matter what we want to hear, there are outlets willing to pump low-grade, high-volume information at us under the guise of legitimate journalism. Fully equipped with 21st century tools, media now look for audiences, rather than vice versa. Truth has become ephemeral and vague. It is often tailored to fit the market.

Today, many blue-chip news sources such as The New York Times and The Washington Post are wrongfully distrusted, marginalized and held in disrepute. Meanwhile, fringe, fanatical and seditious groups, media, and individuals spout dangerous, often inflammatory, nonsense to growing audiences. Information today seems to be judged by its purveyor, rather than its content and truthfulness. COVID-19 is a horrifying case in point. For a year following the discovery of the danger of the plague without a cure, television and internet “opinion” and “news” shows discredited all opinions but the narrowly held ones of the last President. Nowhere were those opinions more dangerously wrong than about this virus.

As a result, in an avalanche of irony, millions of people around the world are now refusing and decrying the vaccines instead of touting them and urging their friends to get the shots. Obstructing the path of the cure are conspiracy theories and criminal syndicates, malignant new cults and benign old ones, students and teachers, politicians and clergy, that oppose vaccines and urge their audiences to refuse them. The public’s eternal willingness to believe the Big Lie, bolstered by the sophisticated tools of disinformation and counter-truthfulness, has placed the success of the vaccination program in mortal jeopardy.

Government media campaigns, grass-roots efforts, non-profit organizations and a united medical community have been trying to spread the word. They are attacking fear and reticence with science and reason, but these efforts to disseminate truth are facing headwinds blown by cynics, skeptics, some religious leaders, fear-mongers and the uninformed.

Eventually, with strides long and short, we will return as usual to business, but not to business as usual. We will reopen what can be reopened, reinvent what can be reinvented, and we will watch with interest as post-COVID life begins to define itself. There is much to build and rebuild. The *sine qua non* of this Reconstruction is a population that is largely virus-free and ready to begin the work. Returning society to a COVID-less state is possible, but it requires trust, education and cooperation. This is where lawyers come in.

This column is not a call for an organized, massive response requiring time, money or effort. This is a plea for lawyers everywhere to spend a few minutes each day to educate their families, friends and strangers who may be reluctant to accept the vaccine. Despite the bad press attorneys have suffered for decades, people still listen to us, respect us, and give us credit for being intelligent. Most people still believe attorneys are honest.

A lawyer’s opinion on matters often carries more weight than that of a lay person, and we are often abler communicators. Even in simple one-to-one interactions, lawyers can make a difference. In fact, lawyers may be better equipped than even doctors to persuade people of the virtues of vaccination and of the dangers of refusing it. Doctors cure. Lawyers persuade.

We must persuade the public to temper their fear, skepticism, and tunnel vision. Assuming they will listen to our free advice, there are countless ways we can broach the dialogue. For example, just tell your reluctant neighbor how quick and painless the process is. Write to your local newspaper extolling the vaccine or the facility where it is administered. Tell others in your circle about the safety of the vaccines and the dangers of remaining unvaccinated. Call the aged and vulnerable and confirm that they have access and a plan. But that is just a beginning.

Among professionals, lawyers are singularly prominent in organizations of almost every sort. For a host of reasons, we become active in civic, religious, social, and special interest groups, often ascending to leadership positions and posts that put us in the public eye. Lawyers in this group can have clout far beyond their numbers. They can propose events and campaigns to spread the word, muster community resources and volunteers to drive others to vaccination centers and medical offices, and they can fill organizational bulletins with vaccination information, public relations messages, and relevant community news.

Lawyers tend to be fighters. We tend to be talkers and writers. We tend to be organizers. There has never been a greater need for these gifts. Now is the time. Here is the place. Let's win this together.

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