

What can we learn from Jimmy McGill?

Afew months ago, my eldest son got me interested in a Netflix series called "Better Call Saul". This is a spin-off from another series called "Breaking Bad", although I confess to not having seen any of those episodes as my interest in the illicit drug trade is not that high. I was however fascinated by Jimmy McGill's story of an enthusiastic new lawyer's gradual slide into corruption and disaster in small steps, until by the end of the last series he is an entirely changed character. Even his name is different; he now refers to himself as Saul Goodman as opposed to his real name of Jimmy McGill. What on earth has this got to do with the professional development of ophthalmologists you might wonder?

More than you might think. Firstly, Jimmy realises that despite him wanting to develop his career and the service he provides his clients, he has many opponents, both obvious and hidden. His specialty is in Elder Law, and he takes a special interest in his clients, such that he spots that a care home chain is using fraudulent accounting practices to systematically steal money from elderly residents all over New Mexico. He involves the right people and tries to initiate a class action suit against the company, but the first thing that happens is that he is frozen out of the very case that he himself had initiated. This is because of both bureaucracy and certain powerful lawyers disliking him on a personal level. A notable twist is that one of the main people briefing against him is none other than his older brother Chuck, a senior partner at Hamlin, Hamlin and McGill, the law firm in which he works. Until his hand is forced, Chuck hides his true intentions from Jimmy, until it is only through some very impressive detective work he comes by the truth. How many times have ophthalmologists attempted to set up new services to face painful bureaucracy at every turn and multiple people in the chain of command who either pick so many holes in projects as to neuter them, or push them into side alleys where they will never see the light of day? Perhaps they will use the term 'safety' or 'governance' to justify inaction. Then occasionally the project is a success, and you suddenly find you're outside the circle and other people get the credit.

Jimmy finds another way in by joining rival law firm Davis and Main, also dealing with the same class action. The number of clients involved seems to be critical to the success of class action lawsuits, so Jimmy devises innovative ways of recruiting care home residents. This involves running a

television advertisement to be played during murder mystery shows popular in care homes and organising bus trips for residents where he can sign them up now that lawyers are barred from care home property. Is he rewarded for this action? No, he is chewed over by the partners for organising the advert without prior approval and even though his actions are widely successful, he is put on notice that the seniors are displeased as he didn't follow proper process. He is then shown an advert Davis and Main previously put out calling for mesothelioma victims to come forward that had been organised following due process and the viewer is left in no doubt that their anodyne, legally sound but ineffective advert is far inferior to Jimmy and his showmanship.

Following proper process is safe but rarely achieves anything big. Did women get the vote by following proper process? No, it was by following a course of civil disruption involving bombs, arson, with many injuries and even some deaths. Did Ireland become independent after reasonable discussion with logical politicians in the British Government? Of course not; it took the actions of freedom fighters and a bitter war of independence. Similarly with India. And America. The NHS was set up after perhaps one of the most skilfully orchestrated sets of political machinations in history. Doctors were 10:1 against it and Winston Churchill was convinced it was the first step to turning Britain into a national socialist economy, and thus the Tories voted 21 times against it. If proper process had been followed and the views of important stakeholders sought out and respected there would be no NHS. Similarly, Jimmy's class action against Sandpiper Crossing Care Homes would have been strangled at birth rather than turn into the huge case it eventually did.

The case netted Davis and Main tens of millions of dollars, but what was the firm's reaction to Jimmy's hard work? He was constantly picked up for using the wrong fonts in letters, for using non-standard sentence structure and other tiresome issues of no real significance. Perhaps what rankled the most is that it was paralegals and staff more junior to him that kept on nagging him over these small issues. In the end he had had enough and left the firm to become an independent practitioner. This effort is then torpedoed after colleagues objecting to his unorthodox ways get him disbarred after he incriminates himself over an ultimately puerile prank while in the presence of his brother and a hidden tape recorder, and is disbarred. Constant

disappointment, and him having to fight to practise as he wants to practise, results in him being evicted from the polite company of Albuquerque's legal community and gradually, one step at a time, becoming lawyer to drug traffickers and mobsters.

So, if following process gets you little and it is only through outside the box actions that big things are achieved, what are we to make of Jimmy's downfall? Process certainly keeps you safe. Hamlin, Hamlin and McGill was a successful law firm that grew out of the patient work of Chuck McGill following process scrupulously at all times, though rigid adherence to principle is his ultimate downfall. Jimmy, in the form of Saul, became much more successful again in a much shorter timespan by breaking every single rule he could get away with, though in the end crashed and burned spectacularly losing everything and everyone he cared about.

There are no winners in "Better Call Saul". The true answer I feel is to follow process as much as you can knowing that alone it will achieve nothing, while also using extraordinary non-process driven interventions to tackle the problem from all angles. Without following process, you might win big, but also lose even more spectacularly. As a respected colleague once told me, part of being a competent consultant is knowing what the rules are that you are meant to follow, and part of being a good consultant is knowing which corners are safe to cut and knowing which rules can be broken. So, should we be more like Kim Wexler, the more pragmatic, less process-driven lawyer who sometimes bends rules, but only sometimes? The only thing that led her to destruction was getting in between the warring McGill brothers. Let us avoid extremists of all hues, the process-driven extremist Chuck McGill leading his firm to destruction on matters of principle while failing to see the big picture, and the rule-disregarding Saul Goodman who saw the big picture but didn't care too much about how to get there. There is a lesson there for ophthalmologists too.

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