

WHAT IS THE GOING PRICE TAG OF A BRAIN?

Webster defines brain as:

brain \brān\ *n* : intellect, intelligence

An attorney recently contacted me by e-mail: “**I need someone with a brain who understands how to type a pleading.**” – Which brings me back to the question “*what is the value and price tag of a brain?*”—I’m not putting it out there as a trick question.

There are just too many audio variables for me to quote a page or project price without first listening to the audio. Variables such as the number of speakers; the clarity of the audio – background noise, i.e., I’ve received tapes that were dictated while standing in front of “running” jet engines, or where the recorder was placed on the dash of the car while the attorney was driving/dictating during a snow storm—defrosters blowing on high and the windshield wipers swish-swishing; where the attorney was so afraid of someone overhearing what he was dictating, that it sounded like he was eating the mic – not a pretty sound at all; tapes where the attorney was popping and snapping gum or woofing down his lunch and dictating with mouthfuls of food; and even tapes where the attorney was dictating while in full sweat working out at the gym – and I’m not even going to go into the bathroom dictation I’ve received.

The attorney looking for someone with a brain insisted on a quote for a one-page letter and a three-page pleading. All communication was by e-mail; therefore, I had no idea what his voice sounded like – if he had a heavy foreign accent, a southern drawl, the speed and choppiness of an auctioneer, a monotone where his tone never changed, whether he mumbled—all things which add to the length of time to transcribe poorly recorded audio. And a three-page pleading—what’s that? Is it single-spaced, double-spaced, how many headings/subheadings, are there cites?—now we’re talking TOA’s, footnotes, which division and which court? ***Transcription is more than just words on a sheet of paper—it’s more, much more!*** It’s impossible to give an advance quote for unheard and unseen material – and the secretarial services/transcriptionists that do so, are fools! He wanted someone with a brain, but apparently only willing to pay the “falling WalMart prices,” because when I told him what MY brain costs, his e-mails stopped as abruptly as they began.

Secretarial/transcription services are similar to a public defender versus an experienced corporate attorney or criminal attorney. If there is a chance that I’m facing any possibility of jail/prison time, I’m not going to choose a public defender to defend me. The clientele an attorney caters to is based on his reputation, experience, expertise, knowledge—and his billable rate is equated with the same. My services can be compared to shopping at *Neiman Marcus*, while cheaper, less experienced service providers are the ‘blue light special’ or WalMart transcription services.

It is a pleasure to work with attorneys who know the value of their own brain and the price tag placed on quality, experience, expertise and knowledge. They respect my work

and allow me to “do my thing” which allows them to do “their thing” which is practicing law.

A few years ago I did transcription for an attorney that had just passed the bar. Our business relationship was short, only lasting three months, before I fired him – not because of failure to pay me, but because of his attitude, i.e., what I had to endure with each tape which began: “Hi, Carolyn, how are you today? Thank you for your quality work, but you sure are expensive ...” The first few times, fine—I’m expensive, but definitely uncalled for with each and every additional tape throughout the days, weeks and months. It was obvious that my rates and his billing rate, for the clientele he was targeting, were lop-sided, and I encouraged him to find a service more in line with what he could afford. He would always say no, that my work, although expensive, was worth it. I actually believe he went out of his way, with each chance he got, to put a dig in as to how much he was paying me.

To force him to outsource his work to someone else, I started making myself less available to him. He finally began using me as last resort emergencies. I am attaching a Complaint, filed with the court, and typed by his new transcriptionist. I have redacted private/confidential information. What is sad, is that when I saw the Complaint and attempted to point out the inconsistencies and errors, he saw nothing wrong.

The following is an actual Complaint filed with the court –
typed by what I loosely refer to as my
“transcription competition”

COUNTY COURT, STATE OF COLORADO Court Address: [REDACTED]	<p style="text-align: center;">▲ COURT USE ONLY ▲</p>
Plaintiff(s): [REDACTED] v. Defendant(s): [REDACTED], a Agent and Owner of [REDACTED]	
Attorney or Party Without Attorney (Name and Address) [REDACTED] Phone Number: [REDACTED]	Case Number: Division: Courtroom:
COMPLAINT	

COMES NOW [REDACTED], the Plaintiff, [REDACTED], by and through counsel, [REDACTED], respectfully requesting this Honorable Court to grant the Plaintiff damages in the amount of \$10,000.00 and as grounds states the following:

FACTS

1. Ms. [REDACTED] is an employee of [REDACTED]
2. Ms. [REDACTED] went to [REDACTED] on [REDACTED] West, [REDACTED] in [REDACTED] CO 80226 to pick up her paycheck.
3. While waiting to receive her check, Ms. [REDACTED] sat in a chair next to the building, when an employee of [REDACTED] walked a German Shepard dog up a stairwell and next to Ms. [REDACTED]
4. Immediately upon seeing Ms. [REDACTED], the dog lunged toward her, and before she could escape the encounter, the dog bit her upper thigh.
5. Ms. [REDACTED] was immediately sent to the hospital where she received medical care. See Exhibit A.
6. The dog that attacked Ms. [REDACTED] has a well known propensity for violence, and it is office policy that most employees stay away from the dog.
7. The owner of [REDACTED] is [REDACTED], who is also an outside manager

NEGLIGENCE

1. The tort of negligence occurs when a Defendant's conduct imposes an unreasonable risk upon another, which results in injury to that other. There must be a legal duty requiring a Defendant to conduct himself according to a certain standard, the Defendant must fail to conform to the standard, and such failure must be casually linked between the Defendant's failure to conform and the harm suffered by the Plaintiff, in order to prove negligence. Moreover, there must be actual damages suffered by the Plaintiff.

2. As the employer of Ms. [REDACTED], Ms. [REDACTED] had a duty to keep Ms. [REDACTED] safe from unreasonable harm while Ms. [REDACTED] is on work premises.
3. Ms. [REDACTED] breached that duty when she allowed a dog with a reputation for being dangerous, to be on the premises where Ms. [REDACTED] works.
4. Ms. [REDACTED] failure to keep her employee safe by allowing a dog with a reputation for being dangerous is the proximate cause of Ms. [REDACTED] wound.
5. It necessarily follows that Ms. [REDACTED] acted negligently and should be held accountable for the harms inflicted on Ms. [REDACTED].

STRICT LIABILITY

1. An owner of a domestic animal acts tortuously when the animal harms a person, if the owner knew or had reason to know of the animal's dangerous characteristics. The owner of the dangerous animal will be held strictly liable for the animals actions.
2. Ms. [REDACTED] is the owner of the dog that attacked Ms. [REDACTED].
3. The dog has a reputation for being dangerous.
4. As a result, Ms. [REDACTED] should be held liable for the attack on Ms. [REDACTED].

DAMAGES

1. Ms. [REDACTED] asks this Court to award her damages in the amount of her medical bills: approximately \$2000.00.
Ms. [REDACTED] asks this Court to award her damages in the amount of \$2,000 to pay for lost wages.
2. Ms. [REDACTED] asks this Court to award her damages for pain and suffering in the amount of \$6,000.00.
3. Ms. [REDACTED] asks this Court to award her damages for permanent injury in the amount of \$1,000.00.

WHEREFORE, The plaintiff respectfully requests this Court award her damages in a total amount of \$10,000.00, based on the foregoing.

Ms. [REDACTED] respectfully requests a trial by a jury of six.

Submitted this 29th day of September, [REDACTED].

Respectfully Submitted,

[REDACTED]