



## MINOR NUISANCES OF DAILY LIFE

By: Joshua Stein, principal, Joshua Stein PLLC

*Joshua Stein  
Joshua Stein PLLC  
501 Madison Avenue, Suite 402  
New York, NY 10022  
joshua@joshuastein.com  
www.joshuastein.com*

Every year, the world around us improves. But some minor nuisances persist for years, never swept aside by progress. Here are a few of those minor nuisances. Each suggests an improvement that seems to make a lot of common sense, and in some cases might be incredibly easy, but somehow hasn't actually happened yet and probably won't.

### ATMs

If you try to withdraw money from an ATM and your request exceeds the permitted daily limit, why doesn't the ATM ever tell you the permitted daily limit? Are you supposed to keep guessing until you finally come in below the limit? Does every ATM need to keep that permitted daily limit a secret?

### Brokerage Titles

The New York regulators decided it would mislead people if real estate brokers and salespersons bestowed upon themselves bogus titles like "vice president" or "executive vice president." Does this dire problem justify spending tax dollars on regulatory activities or private dollars to print new business cards? Are real estate brokerage titles so much more incredibly sensitive and crucially important to get right than investment banker or stockbroker (excuse me, I meant wealth manager) titles? Don't our regulatory officials have better things to do?

### Cellphones on Planes

We have "airplane mode" so we can prevent our cellphones from emitting rays or signals that are thought to be very dangerous in airplanes. As a practical matter, how likely is it that 100 percent of the cellphones on any airplane have all been switched off? If, in fact, a significant number of cellphones still emit those deadly

signals but the planes still fly, what does that say about the need for cellphone restrictions and all the related announcements, warnings, requirements and procedures?

### Disabled Access Law

For decades we have had an elaborate and extensive (and expensive) body of rules designed to give disabled people greater access to offices, public spaces and other facilities. Most buildings must meet these standards. How many actual wheelchair users have benefitted from those new standards across the wide range of buildings affected? How many disabled parking spaces actually get used, as opposed to sit vacant? Does the nuisance litigation spawned by ADA produce meaningful benefits versus the costs incurred? Might we have taken some of this a bit too far?

### Fire Hydrants

Do we really need 10 to 15 feet of clearance on each side of a fire hydrant? And if fire hydrants are so important, why do so many appear broken and unmaintained? Or do they mostly just produce parking ticket revenue?

### Home Mortgage Disclosures

Every year we seem to have more mandatory disclosures for residential mortgage borrowers. The result: a massive and ever-growing pile of paper that the borrower just needs to sign at or before closing, rarely looking at any of it. Do those disclosures serve a purpose? Or do they disclose so much that it becomes incomprehensible? One might ask similar questions about the employment law posters that occupy wall space in every breakroom in Corporate America.

### Legal Ethics

The rules of legal ethics say a lawyer cannot say they're an "expert" or "specialist" in some field.

Someone in some ivory tower somewhere decided such a claim could be misleading. But what if it's true? And, if true, what if it might help someone choose a lawyer? And if some lawyer lies about his expertise, don't we have other ways to handle that?

### Online Surveys

Does anyone look at the results of online surveys? Although I usually ignore them, sometimes as an experiment I respond. I always include a comment, asking whoever reads the survey responses to email me so I'll know someone saw my comment. I have never received a response.

### Privacy Notices

Do we learn anything from the recurring privacy notices that we receive from creditors, brokerage accounts, etc.? Does anyone read them? Or do they just amount to a small subsidy for the postal service and more paper in the garbage?

### User IDs

Why does every website have its own rules for user ID's and passwords? One website prohibits email addresses as user ID's. Another requires them. Another requires special characters in passwords. Another prohibits them. Given that email addresses have become reliable unique identifiers for online activities, why don't all websites use them as user ID's? With luck, of course, passwords will soon join floppy drives in the ashbin of digital history, but until that happens they remain a nuisance.

In most cases, some problem or admirable concern drove each nuisance described above. But each nuisance now has a life of its own. Once that happens, one isn't supposed to ask whether the particular nuisance makes any sense. Instead, it lives on forever.