

Professionalism – What Is It and Why Is It Important?

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Whether you leave law school and engage in a transactional practice, such as real estate, contracts or estate planning, or whether you go into a litigation practice, you will be part of an adversarial process. You may think that real estate closings and drafting business contracts will not require you to be an advocate for one party against another. That is not the case. Even in a transactional practice, you must still represent the interest of your client that may be in conflict with the interest of another party.

The adversarial nature of our profession is more easily recognized in litigation. While engaged in litigation, lawyers not only counsel their clients as to their rights and obligations, but they also present opposing views in documents and oral argument, calling the court's attention to the differences between the parties. Some observers suggest our adversary system of justice inherently encourages incivility, ethical shortcomings and other undesirable conduct by lawyers. Others blame an increase in the number of lawyers and the resulting loss of more personal interaction among the legal community as the cause of this misbehavior. Their belief is that some lawyers will engage in unprofessional conduct when they are

less likely to have another case with that same lawyer again. Other persons have said that lawyers are simply reflecting the lack of civility in the rest of society.

Whatever the cause, lawyers and judges are increasingly more concerned about the state of our profession and are taking steps to reduce the incidences of unacceptable conduct. The State Bar of Georgia and the bars of other states have rules that set the outside boundaries of permissible conduct by lawyers. These rules are called our Standards of Conduct, and a violation of those rules can, in many instances, result in disbarment. When a lawyer practices law in a manner that does not follow those rules, we describe that lawyer's conduct as unethical.

If you practice strictly by the rules and stay just inside the boundary of ethical conduct, you will not be subject to discipline for a violation of the Standards of Conduct. On the other hand, your practice and your reputation will suffer. Most lawyers I know attain a higher standard. They take positive action to see that their opponent is treated fairly and courteously, they are trusted and honored by lawyers and judges and they are respected by their clients. In the legal profession we refer to this kind of conduct as "professionalism." It is a higher standard than ethical behavior and it should be the way that each of you practices law from the day you become a member of the bar.

In the past three decades, continuing legal education components focusing on professionalism have become a requirement in many states; and Georgia's

Chief Justice's Commission on Professionalism has been used as a model by other states implementing similar programs. I applaud the efforts that have been made to address this issue, but I believe too little thought has been given to defining professionalism and recognizing why it is so vital to our system of justice. If we wish to create a culture of professionalism within the bar, we know what it is and why it is important.

Trying to define professionalism is a challenge. I suspect that a majority of lawyers and judges would focus on a lack of civility when asked for a definition. Being courteous to opposing counsel and the court is important. However, professionalism is a much broader concept. There are other important elements of professionalism that have been overlooked.

The first and most important element is developing the proper state of mind for practicing within an adversarial system. It is a characteristic of human nature that we tend to respond aggressively when challenged or threatened. In an adversarial system, lawyers constantly are challenged, most often in a calm, reasonable manner, but sometimes with underhanded actions and unkind words.

How we respond to those challenges is important. Professionalism includes developing a state of mind that overcomes our natural tendency to strike back when challenged unfairly and allows the more rational part of our brain to respond in a more cogent and persuasive manner. After all, the goal is to win the battle of

persuasion. Engaging in conduct that we may find viscerally satisfying is little solace to our client who lost their case or saw their deal fall through because we failed to represent their position effectively.

I have known lawyers who attracted a large number of clients by behaving rudely and exhibiting disrespect for opposing parties, opposing counsel and witnesses. But they also lost many, many cases that another lawyer would have won. We are paid to think rationally and represent our clients effectively.

Developing a state of mind that prevents you from responding in kind to improper conduct is an important element of professionalism.

Another component of professionalism is recognizing that the advancement of justice is more important than our ego, our income or even the outcome of an individual case. The purpose of our adversarial system is not to destroy the opposition, but to reveal all relevant facts and law in a search for the truth. Yes, we must zealously represent our clients in this search for truth. But if we become so focused on winning a particular case or negotiation and lose sight of the ultimate goals of truth and justice, we are little more than robots carrying out the commands of our clients-- modern equivalents of hired guns in the old west-- rather than professionals who have taken an oath as officers of the court to seek justice for all.

Being a lawyer will give you tremendous power over people's lives and businesses. For example, you can issue a subpoena requiring a person to leave their job and appear at your office for a deposition or in a courtroom for trial. You can subject people to questioning and require them to provide documents for your review. You can prepare documents that will have a significant financial impact on individuals and businesses.

The reason that you have been entrusted with this power is because you also have an obligation to use it properly. If you use this authority improperly, you may be sanctioned by the court or disciplined by the Bar. If you use this power for the good of society, to help the judicial system provide justice for all, you nurture respect for the law and trust in the legal profession. Professionalism recognizes the responsibility that comes with being a lawyer and is a characteristic of lawyers that constantly strive for the common good.

Professionalism also includes developing a relationship of trust and honor with others – with other lawyers and opposing parties, with clients, and with judges and other persons within the court system. It may be a bit old fashioned, but I still enjoy hearing a lawyer, when asked a question by a judge or an adversary, reply by saying, “I will state for the record,” or “I will state in my place” that a certain event is true or that a principle of law is what the lawyer has represented. That lawyer is staking his or her reputation on a certain fact or principle of law

being true, and it is saying that it is not necessary for their opponent or the judge to question their statement. I have heard such statements many times when the fact may be difficult to prove by the opposing party or the principle of law may be harmful to the lawyer's client. Nevertheless, as part of a lawyer's oath and commitment to professionalism, that lawyer is doing his or her best to see that the search for truth is conducted with fairness and according to law.

Let me give you a couple of examples. One of the last cases that I worked on as I was preparing to leave Georgia and move to North Carolina involved an appeal to the Georgia Court of Appeals. As I began researching to prepare my brief, I came across an old appellate decision that was similar to the facts in my case and, unfortunately for me and my client, the holding of that decision was the opposite of our position on appeal. It never occurred to me not to omit that case in my brief. I cited it in the brief and then attempted to distinguish that case from the facts and the legal principle I was trying to apply in the case on the appeal. The court ruled against me and my client based on that case. However, the court knew, my opposing counsel knew, and perhaps most importantly I knew, that I had done what a lawyer is supposed to do.

I have also benefited from such conduct. I tried a case about a year ago in North Carolina and, after I had presented the plaintiff's case, opposing counsel moved for a directed verdict on one of the counts in the complaint. As we engaged

in argument during the motion hearing, the judge, who had been doing his own research, said that he thought a particular case would permit my adversary to prevail on his motion. My adversary immediately advised the court that he thought the case did not support his position. Knowing that lawyer's reputation, I was not the least bit surprised nor was the judge. We accepted that as no extraordinary act, just a professional acting like a professional.

Professionalism also includes a relationship of trust and honor with our clients. Although some lawyers have a practice that regularly brings them into contact with clients who are happy, in good health and eager to share good news, many of us will deal primarily with persons and businesses who are suffering from physical or financial impairment, are under great stress or depression, or simply have nowhere else to turn with their particular problem. Since so much of our work involves confidential information obtained from people in these vulnerable situations and takes place out of the sight of or without review by third parties, it would be easy for a dishonorable or untrustworthy lawyer to take advantage of the client and the client's situation. That can never happen. That thought must never enter your mind. People and businesses will come to you for help, and it would be an unforgivable and dishonorable betrayal of their trust to do harm to those same people.

You may be hired to represent an injured client and agree to be paid a portion of the amount recovered as a contingent fee. When you first contact the insurance company, you are told that your client's claim had already been reviewed, a decision had been made to pay the claim and the insurance adjuster had already ordered the check. Do you tell the client that you have obtained those funds and are entitled to your full fee from the proceeds? Absolutely not. Although you may be entitled to some small payment for the time you spent meeting with the client and reviewing documents, you know that your representation had nothing to do with the benefit received by the client and you tell the client the truth.

No one else may ever know that you did not earn the fee. No one other than your client may know that you did the right thing. But you will know, and that is what will make you a truly professional lawyer. Professionals set their own high standard of conduct; they know when their conduct is appropriate and when their conduct may have failed to meet that standard. Professionalism creates a state of mind in which the thought of doing anything to harm your client is not allowed to exist for even a fleeting moment.

Finally, I want to address what I consider the most overlooked component of professionalism—skill. The skillful practice of law is a necessary element of professionalism. You can be the nicest lawyer in the world and the most ethical

lawyer in the world and still be an unprofessional lawyer. Unfortunately, once you begin practice, you may come to know some of these lawyers.

They are friendly. You enjoy being around them. They may attract many clients and be financially successful. However, they may also write sloppy briefs, have a poor understanding of the law, and lack the skill necessary to properly represent their clients. They are not professionals and their conduct is the antithesis of professional conduct.

In order to be a professional, you must be proficient in the practice of law. More than that, you must aspire to be one of the very best lawyers in practice. Professionalism requires that you view continuing legal education requirements not as a burden, but an opportunity to become a better lawyer. Professionalism requires that you stay aware of new appellate decisions and maintain the resources necessary to conduct thorough legal research. Professionalism requires that you constantly review your methods of preparation for trial or hearings and the system you use to prepare documents, with a goal of producing a better product and better representation.

It is hard work. It requires sacrifice and may not necessarily produce great revenue. But it will give your client the opportunity to have their case, position or argument fairly presented, and greatly increases the odds of a fair and just result.

Professionalism is what makes the practice of law enjoyable.

Professionalism is what allows us the great autonomy we have been given.

Professionalism is what makes being an officer of the court a noble position.

Now, let's move to the second aspect of this discussion of professionalism-- why is it important? Developing, maintaining and encouraging professional conduct within the legal profession brings to our nation a better quality of justice, offers a model for society that sorely needs it, and will be your best opportunity to obtain satisfaction in the practice of law.

Lawyers that practice professionalism will have the courage to represent unpopular clients and their unpopular causes. They sometimes lose potential and existing clients because of that decision. They rarely have great financial reward from that representation. And occasionally, the client is not happy with the result. But such activity is important because it helps bring a better quality of justice to our nation.

If we truly believe in liberty and justice for all, we have to insure that even the most unpopular or hated person is treated fairly. One of the most common questions you may be asked as a lawyer, even if you do not practice criminal law, is, "How can you represent someone that is guilty?" The question implies that you should determine if a client is guilty and that you are doing something improper by allowing a person to have their day in court. If this question is presented to you, I

suggest you remind the person asking that no one is guilty until a jury decides that issue, and it would be a poor system of justice that let lawyers rather than jurors make that call. Secondly, remind the questioner that by giving a fair trial to persons who may be found guilty of the most heinous crimes, we are making sure that an innocent person will also get a fair trial.

If you have never read *To Kill a Mockingbird* or seen the movie, I highly recommend that you do so in order to get a better understanding of how professionalism calls lawyers to take on unpopular clients and cases. The story of Atticus Finch and his representation of a black man charged with assault on a white woman in the deep South echoes many real life situations in the 1950's and 60's.

In 1978 the American Civil Liberties Union represented a group of American Nazis that desired to march through a predominantly Jewish suburb of Chicago containing many holocaust survivors. The ACLU successfully attacked three ordinances that placed broad restrictions on the parade. Those lawyers were harshly criticized but they knew that those restrictions posed a grave danger to the exercise of free speech. Fictional lawyer Atticus Finch and the real lawyers at the ACLU are excellent examples of professional lawyers embracing their duty as members of the bar.

You may acquire great influence by representing clients who are powerful and wealthy, and there is nothing inherently wrong in becoming a powerful and influential lawyer. The rich and powerful can also suffer from injustice. However, I ask you to remember that the system that may bring you success depends upon delivering justice to those who may be less successful. It is important that you use that power and influence to help those who have neither.

Professional conduct by lawyers contributes to a better quality of justice by reducing the burden upon the court and the bar to police our conduct. The practice of law is one of the few professions where we have been given the opportunity to primarily govern ourselves. While the Supreme Court has delegated much of its regulatory power to the State Bar of Georgia and thereby its members, it retains the ultimate supervisory authority over a practice. In the last fiscal year, the State Bar of Georgia spent approximately \$4,000,000 dealing with the regulation of attorneys conduct. While this may seem like a large number, I suggest that the number would be many times that amount if lawyers abandoned the principles of professionalism.

There's another hidden cost of unprofessional conduct that does not appear in a budget. That is the cost of inefficiency that arises when judges and other court officials have to deal with unprofessional conduct by attorneys. Voluminous "tit-for-tat" motions, unnecessary discovery disputes, and sloppy lawyering can waste

a lot of time for courts that already suffer from serious funding deficits. When lawyers cooperate in litigation without compromising their duty of zealous advocacy, they reduce the number of trials and hearing required, they shorten the length of trials and hearings, and they permit judges to focus on the important issues that need adjudication.

Another hidden cost of unprofessional conduct appears in the bills that clients pay. Sometimes my clients are surprised when I tell them during my initial conference, “I hope we have a very good lawyer on the other side of our case.” After some clients question why I would want to give up the perceived advantage of having a poor lawyer on the other side, I explain to them that having good lawyers who act professionally has two advantages to the client. First, time and money will not be spent on unnecessary activity brought about by the conduct of either attorney. Secondly, a good lawyer will have the ability to spot the weaknesses in the client’s case as well as weaknesses in the opposing party’s case, and will have the confidence to discuss those weaknesses candidly with his or her client. If for some reason you have overlooked a weakness in your case and have a good lawyer on the other side, that good lawyer will frequently, in a professional way, bring the weakness of your case to your attention in an attempt to reach a reasonable settlement or narrow the issues to those that truly have merit. Candid discussions about cases with clients and opposing counsel can significantly reduce

the cost of the litigation. Many lay persons are unaware of this benefit of professional conduct, but experienced lawyers know it and it shows in their practice.

Professional conduct in the practice of law improves the quality of justice by developing principles of law that are worthy of *stare decisis*. I hope you never have the opportunity of litigating a matter or of negotiating a deal with an unprofessional lawyer on the other side. If you do, you will find it exceedingly difficult to produce a well-organized and reasoned document, fairly setting forth the agreement of the parties. You will find it difficult to develop a record in a litigated matter relatively free of irrelevant clutter, with the issues narrowed for decision by the court.

If the record in a case on appeal is clean and any documents that are the subject of the litigation are precise, the court has an opportunity to focus on the legal principles at issue and not get bogged down in factual and procedural issues that detract from the important issue presented. The result is often opinions that contain cogent analysis leading to clear statements of legal principles. On the other hand, unprofessional lawyering tends to produce appellate opinions that are difficult to follow and so limited by the sloppiness of the record that they are of limited use to the practitioner and lower courts.

Professionalism in the practice of law improves the quality of justice for the poor and the not-so-poor who cannot afford legal representation. An increasing number of citizens are unable to afford a lawyer to represent them in important civil matters and the number of persons charged with serious crimes that cannot afford a lawyer is also rising.

While there is a belief among some members of the public that public defenders and legal aid lawyers do not provide the same level and quality of service as privately retained attorneys, my experience is quite to the contrary. Most lawyers that I know represent their clients aggressively and professionally, even when appointed or serving in a *pro bono* capacity. Our judicial system would be a sham if it could only provide justice to those who could afford representation and ignore the legal needs of the rest of society. If you truly care about justice in this state and country, if you truly believe that you have been called to a noble profession, called to make a difference in people's lives, then you already understand why lawyers must address this problem of access to justice, and embracing your professional responsibilities will improve the quality of justice for many people.

Professional conduct by attorneys allows our profession to be a positive model for the rest of society. The last few years have seen a remarkable decline of civility in this country and a shortage of critical thinking. The cause of this is

uncertain. It may be reality television shows that portray rudeness, deception and greed as acceptable in a civilized society. It may be our political parties and politicians, to whom the word “compromise” is now an epithet used to attack other politicians that seek common ground and reasoned discussion as a means of providing a stable government and society.

I place some of the blame at the feet of our increasingly stratified news media. The exponential growth of pundits and talking heads shouting at each other, constantly interrupting, and suggesting that a person’s motives are less than honorable simply because they have a different opinion has, in my opinion, done much to destroy the fabric of our society.

It is ironic that the legal profession, a profession that has little respect from many people, honors and practices conduct so different from that I just described. When a judge makes a ruling adverse to our case, we graciously thank the court for its decision and seek redress through appeal—a process that eschews personal attacks and focuses on a logical presentation of our cause, using facts and precedent rather than insults and threats of physical violence as our weapons.

I’ve always made a point of reminding lawyers that they are being watched carefully by young lawyers entering the profession. You will receive subtle hints and suggestions from the behavior of more experienced lawyers as you begin your practice. They probably will not even be aware that they are influencing the way

you will practice as a lawyer. As you mature in your practice that lies ahead I ask you to remember this, and always demonstrate professionalism so that any young lawyer that sees you at your most difficult time will have nothing but admiration for the way in which you conducted yourself and represented your client's cause.

When two young associates joined my firm back in the early 1990's, I crafted a checklist of tasks they had to complete that would introduce them to and help them understand some of the unwritten rules of the practice of law as well as teach them the skills that they needed to know. One of their tasks was to attend a trial in which one of the lawyers was known for the poor quality of his work and his unprofessional conduct. Just as I had hoped, my two associates returned from that experience expressing the hope that they would never behave as the attorney they had observed. (I made the mistake of telling one lawyer about this teaching method and he asked me if that was the reason they had observed one of his trials. I was quick to explain that I had also required they observe several trials by excellent lawyers and his was in that category.)

While exhibiting professionalism for young lawyers to emulate is important, the more important product of such conduct is also providing a role model for those outside our profession. As you negotiate a business deal you may come into contact with businessmen and businesswomen who will have the opportunity to evaluate your behavior and share their observations with their friends, family

and neighbors. When you appear in criminal or civil court before a judge for the first time, you will be watched closely by the judge, court personnel and other persons in the courtroom to see if you are an attorney that is skilled, honorable, courteous and trustworthy. When you take your first deposition, your client, the court reporter and the opposing party will assess your conduct and it will impact how they feel about lawyers and the justice system.

An important opportunity for providing a good model of behavior and professionalism is when you are meeting with your client for the first time and discussing the transaction or litigation for which the client has sought your help. It is important to establish at the very beginning of the relationship the ground rules of how you will represent the client. You need to let the client know that you can be trusted, that you will bill fairly, that you will work hard, and that you will treat your opponent and opposing party with courtesy, dignity, fairness and respect. I even include in my legal representation agreement, signed by the client, that I will extend the usual courtesies to opposing counsel and their clients. You need to explain to your client at that very first meeting that while you will do your best to represent that client's interest, you will not engage in any unprofessional conduct.

You should also seize every opportunity to compliment opposing counsel. You can explain to your client how the first draft of a proposed document by opposing counsel was well done. You should explain to your client at trial that you

will shake the hand of your opponent in court, win or lose; and if you receive an adverse ruling from the judge, resist the temptation to belittle the judge. Use that occasion as a teaching moment and explain to the client that judges make their decision unfettered by the need to be an advocate for either side, and they are motivated solely by a desire to reach a fair and just decision

The public lacks a real appreciation of what we do, of why we do it and how important our practices are to the freedom they take for granted. We may never be loved because the search for truth and justice does not develop affection for those who must often reveal things that others wish to hide. But, if our profession and our system of justice are to be preserved, we must earn respect for our profession—and we must exhibit the highest level of professionalism if we are to reach that goal.

Finally, developing professionalism in your practice of law will be your best chance of obtaining true satisfaction in the practice of law. Satisfaction was not a regularly discussed concept when I began practice in 1977. Quite honestly, we worked such long hours that many of us never gave much thought to whether or not we were achieving satisfaction. I suspect that may be why a number of lawyers left the profession, even after a number of years in successful practice.

I now recognize, with 100% hindsight, that a person entering into the practice of law has every right to expect satisfaction from that career. After all,

you've spent an awful lot of money and time getting to where you are now, and it will require even more money and time before you begin the practice of law. The practice of law makes a lot of money for a small portion of lawyers, good money for a large portion of lawyers, and not much money at all for some lawyers. With some exceptions, it is not the job to take if you are looking for satisfaction in terms of the amount of money you make or the amount of vacation time you have available.

On the other hand, if you enjoy the intellectual challenge of being tested on a daily basis by a worthy opponent and knotty legal issues; if you feel your heart warmed by the earnest thanks of a client that you have shepherded through a tough negotiation or trial; if you are proud that you had the courage to take a stand for something important when others were afraid to do so, you are training for the right profession.

Becoming a true professional, working hard at maintaining your skills and your relationship with judges and other lawyers as well as your clients, providing pro bono representation to those so desperately in need, these characteristics of professionalism-- will give you the best opportunity to feel satisfied at every stage of your career.

You are going to have very tough days and weeks and months and years. There will be times when you consider alternative careers. There will be times

when you must marshal every ounce of your professionalism to avoid responding in kind to a particularly nasty opponent or party. There will be times when money is short but your financial needs are great. Adherence to the ideals of professionalism and professional conduct will get you through those moments. The knowledge that you are making a difference and doing it in the right way, the support that you will have from your colleagues and from the bench, will strengthen you in your time of trouble.

I am more idealistic now than I was when I began practicing law. Yes, I have seen some of the less appetizing aspects of our profession. I have lost cases that resulted in significant financial challenges. I have worked long hours and oftentimes worked under great stress. But, I do not regret that I answered the call to enter the legal profession and I do not think that I could have obtained such a high level of satisfaction from any other career.

I do not want you think that the practice of professionalism requires you to choose between being successful and being a professional. Too often the emphasis in ethics and professionalism is on what you must sacrifice in order to do the right thing. Allow me to share with you some good news in that respect.

I have been fortunate in my career to have met some of the most successful attorneys and judges in the country. It is no coincidence that they also have been some of the most professional attorneys and judges I have ever known. While the

members of our profession that exhibit non-professional conduct attract a lot of attention and some of them may have achieved financial success, the overwhelming majority of successful attorneys are also known as the most courteous, skillful and professional individuals in our profession. It is not a coincidence. The characteristics of professional conduct just naturally lead to an ability to successfully interact with clients and potential clients, as well as judges and opposing attorneys. A reputation of honor and trustworthiness brings referrals from other attorneys and clients to your door. Begin now developing the state of mind of professionalism. Embrace the concepts I have spoken of today and you can truly expect great satisfaction with your chosen career.

I want to close with my ten tips on how to maintain a professional state of mind. If you don't remember anything else I've said, maybe this list will be helpful when you face a situation that tempts you to engage in non-professional conduct.

- 1. Get over it.** You will be entering a profession that is filled with conflict and emotion and stress. It is inevitable that someone will say something to you or engage in an activity that you find quite offensive. Ignore it and don't lose sight of your goal of effective representation of your client. Responding in kind only results in collateral damage to the clients and the court system and it's not going to help your satisfaction level.

2. Use humor liberally. You will quickly discover that an awful lot of funny things happen in the practice of law. When people are under stress they don't just make hurtful comments, they also say very funny things. Enjoy the moment.

I was recently discussing with a Superior Court judge how I found so much humor while trying cases, and he told me about a capital murder trial he had presided over recently where something happened that had the jury, the victim's family and the defendant all laughing in the courtroom. It was not because the lawyers and the parties did not take the situation seriously. It is a wonderful coping mechanism that we have when faced with the stress of law practice. Enjoy those moments. It will give you great material when sharing "war stories" with your colleagues and will help you get through some difficult times.

3. Always presume negligence instead of malice when faced with unprofessional conduct by another attorney. In this day of instant communication and lawyers having to carry a large caseload, it is inevitable that mistakes will be made. Before you fly off the handle and retaliate, take the time to see if the remark or conduct was a mistake by the other lawyer. If it happens time and time again, that may be a sign that you are dealing with an unprofessional opponent. However, the odds are the opponent had a bad day and made a

mistake. Be graceful. The time will come when you may need understanding as well.

4. **Strive for excellence.** Most of the successful lawyers I know are also great examples of professionalism. However, you cannot be a great example of professionalism and not be a skillful lawyer. You owe it to yourself, you owe it to your client, and you owe it to the court to constantly hone your skills, whether it is in drafting documents, presenting a motion to a judge or trying cases before a jury.

5. **Learn to work efficiently.** I'm certainly not suggesting that you should not take time off and enjoy things in life other than the practice of law. However, the practice of law is hard work. Learn how to organize your practice. Learn to be a better manager of your practice so that you can work hard while you're at work, but relax when you're not at work.

6. **Be active in a bar association.** Since early in my career I have enjoyed being with other lawyers and judges. I find they are a very effective therapy group and a great source of wisdom that constantly improves my practice skills. Most times I leave a bar meeting inspired and with renewed pride in my profession. Associating with well-respected colleagues will do that. Don't wait until you have passed the bar and are practicing law. Start now. Become a law student member in the American Bar Association and get involved with the State

Bar of Georgia or the Bar of whatever state you plan to practice in as a student. It will start you out on the right path toward a professional career.

7. Compliment your opponent and judges. Lawyers love judges who, at the end of a trial or a motion, and in the presence of clients, compliment the attorneys on the job they have done in presenting their case. Judges want to be appreciated and respected by lawyers that appear in front of them. Judges work hard, are usually underpaid and receive little feedback. Take the time to thank a judge for their skill service—especially at a time when you have not just received a favorable ruling. Similarly, always let your opponent know how much you appreciate the opponent’s skill and courtesy, even if it is hard to see.

8. Don’t use email or the telephone when you are upset with another lawyer. I am a regular user of email and could not function without it. However, old-fashioned letters do have an important role in a professional practice. They tend to take longer to prepare and may sit around a few hours before they are mailed. If you are really angry about something another lawyer has said or done to you, instead of firing off an email, take the time to prepare a letter and let it sit on your desk a day or two before you mail it. I’ve had some of those letters prepared, but very few of them mailed, at least not without significant changes.

9. Be confident in your ability, your research and your argument when representing a client in court. You may be inexperienced, but you don't have to act that way. I recently served on a jury in a criminal case where the defense lawyer was trying his first trial in Superior Court. He made some mistakes, but he acted like a professional. He didn't stumble around when introducing documents. He did not mumble when asking the witness questions or addressing the court, and he argued with passion and clarity. I believe that a lot of unprofessional conduct can be attributed to an insecure lawyer. If you are confident in what you are doing, there will be less temptation to be unprofessional in your words and actions.

10. Take the time to listen and observe. Listen carefully to what the judge and your opposing lawyer are saying. Misunderstanding a communication can cause some unprofessional reactions. Study carefully the language that an opposing attorney uses in drafting a document so that you do not misread that lawyer's intentions. Observe how well respected attorneys and judges act and speak. Ask them questions and seek their advice. We have a great tradition in the legal profession of sharing forms, ideas, best practices and, yes, even war stories. There's an awful lot to be learned from your colleagues.

I wish you great success in your coming career. If I can ever be of assistance to any of you, do not hesitate to call, write or even email me. In the next

ten years I will probably be reaching the end of my legal career and you all will be well into yours. You will be given a trusted position in society; a place of honor. You will be given the tools with which you can make a difference in people's lives and protect the principles that made this country so great. Be good stewards of these gifts. Be good lawyers. Be professional lawyers. Thank you.