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By Christina Martini
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By David Susler
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Hallmark of the best lawyers

Here is a portion of the conversation. An extended version is available at chicagolawyer.com.

How has professionalism changed in the last 10 years?

Tina Martini: The concept of professionalism has expanded significantly and the term is used to refer to many more facets of a lawyer's performance than in the past. It used to mainly focus on ethics and ensuring that you do not run afoul of the rules of professional conduct. Now, it more broadly encompasses your actions, behavior and attitude toward those with whom you interact — everyone from opposing counsel to clients, colleagues and others you encounter. Professionalism also gets to the heart of what motivates you as an attorney, what your focus is in client relationships and even your personal brand. It makes you stop and ask yourself what others who know you would say about you. Being a lawyer is not a 9-to-5 job. It is a profession whose duties and responsibilities are a 24/7 proposition and pervade one's entire life. You cannot compartmentalize it.

David Susler: I think the entire nature of the legal profession has changed over the past 10 years, becoming much more of a bottom-line business, bringing along a change in the perception of professionalism. However, professionalism itself has not changed. It remains the hallmark of the best lawyers — those who conduct themselves honorably, ethically and honestly, treating others with civility, striving at all times to achieve justice, fairness and the best possible results within the bounds of the law. The attitude toward professionalism and the practice of law generally has changed, with a continuing decline in civility; litigation gone awry with the focus on procedural gamesmanship rather than resolving conflicts on the

merits, in the best interests of the clients, as quickly as possible. Lawyers are officers of the court, whether one practices in court or not, and what we do, how we conduct ourselves, reflects on the institution of justice. When we conduct ourselves professionally, it reflects positively and fosters trust in the law and respect for lawyers.

How do you balance competitiveness with professionalism?

Martini: Lawyers are competitive by nature. In large part, this quality helps them overcome whatever obstacles they encounter in their quest to succeed. Being competitive can enhance one's performance, which in turn drives better results for clients. However, this is never an excuse for lacking professionalism. Your reputation and integrity are at stake when you do things that demonstrate a lack of professionalism. Furthermore, lawyers in particular have to worry about tarnishing their reputation. We are in a service business and if you compromise your reputation, you jeopardize your ability to generate business and to otherwise succeed in your practice. We also have to abide by a code of ethics and if we run afoul of those rules, our licenses are at stake. Balancing these interests can be done quite effectively by following the Golden Rule. If you are thinking about pursuing an approach that you would not appreciate or would find inappropriate if done to you, it is a strong signal that you should not do it.

Susler: They are not mutually exclusive — a lawyer's competitiveness should be informed by professionalism. Everyone wants to win but winning at all costs may well be antithetical to professionalism, especially if you are motivated by personal factors.

Years ago, I represented a client in an acrimonious commercial litigation matter. Leaving

the courthouse following a long day in a mediation where I first met opposing counsel, I said to him, "I think we could be friends if we met under other circumstances." Fast forward several years, we are good friends and I have used him as outside counsel. We competed intensely in the courtroom and became friends outside of it. This is how you balance competitiveness with professionalism. There is nothing wrong with being competitive, but do so with honor.

How can you improve your professionalism?

Martini: You need to stop and think about what you are doing (or not doing) before you do it, and think about the potential consequences a few steps down the road. If necessary, seek the advice of people whom you hold in high regard. You should also continue to develop yourself as a professional and as an individual and engage in activities that will help you learn and grow. Finally, you should do what you can to avoid being put into situations where your professionalism either can or will be compromised.

Susler: Most people become lawyers because they want to help others, so you have to remember that we are a service profession. Be of service to others first — it will come back to you, but you must be genuine about it. Always treat others with respect and dignity. Allow others whom you hold in high regard to be a role model and then pay it forward. For example, when opposing counsel clearly has chosen the high road over other options, find a way to tell them you recognize their choice and appreciate it. That acknowledgement can go a long way as the acknowledged professionalism gets paid forward again. ■

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