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Good Works Will Restore Lawyers' Tarnished Reputations

by K.C. Victor

I remember an era when being a lawyer carried a certain amount of prestige and professional cache. It was considered at least honorable and possibly wise to have simply become a lawyer. A good friend of mine, now dead for several years, once told me that when he was first admitted to the bar in Baltimore (in the early 1950's), he was automatically considered by most within his social circle to be a trusted advisor, a Nestor without the sagacity of age. That was then.

During the Civil Rights Movement, lawyers were seen as knights in shining armor, often doing the right thing for little or no pay, defending those who were being kept down and legislating or helping to legislate the county's ways out of years of bad behavior. It was believed that lawyers cared about justice. The era of Anatole France, reminding us that, "the law in its majestic equality forbids the rich man as well as the poor from sleeping under bridges, begging in the streets or stealing bread," seemed over.

It was not. For the last decade or two, it has been my experience that, at least in the United States, society's current default impression of lawyers is that they are too clever by half, and that they care more about doing well than doing good. Although rebuttable, it is often assumed that lawyers are insincere, that they withhold information and are not cooperative. Even within the somewhat rarified world of high-end lawyers with whom people in my profession (legal search) usually associate, there is a common belief that lawyers have more interest in making money than doing the right thing. It is surely the case that one way lawyers with honed skills can earn substantial money is to work in ways that get their clients what they want regardless of whether the result is a good solution.

Lawyers' widespread reputation for greed was not even possible until forty years ago. A major cause of this shift in public opinion - from eminence to disrespect - about lawyers stems from the fact that it is only within the last half-century that (with the exception of the most successful tort lawyers) lawyers even had the possibility of making serious money. People used to become lawyers because they wanted to be lawyers. Now many become lawyers because they want to be lawyers but many others become lawyers because they see it as a road to becoming upper middle class or perhaps even wealthy.

With rare exception, before 1968, lawyers not born to the manor could not move into the manor. That was the year that Cravath broke from the associate salary cartel of large prestigious law firms. (Associate salaries were literally fixed at an annual luncheon attended by the managing partners of the large, highly profitable and prestigious firms.) That year, Cravath unilaterally raised its starting associate salary to \$15,000 from \$10,500. The rest is history, and current starting salaries at top-tier firms are, adjusted for inflation, even higher than that.

How any individual lawyer adjusts to a perceived divide between conscience and income is extremely personal and certainly idiosyncratic to each person and situation. Moreover, even without rationalization, there is often little or no perceivable divide between doing well and doing good. Still, lawyers today do have a problem that our predecessors seldom had – how to live with the reality that many people have little or no respect for the legal profession.

As with any respect issue, a good place to start earning respect is with self-respect. How do you feel about what you do as a lawyer? Do you view doing well for the world, or at least “doing no harm,” as part of your inherent professional creed? I recently had a conversation with a partner of a major law firm who said that he felt at least some guilt because he was doing very well for himself by helping the rich get richer. On the other hand, he recognized that these issues are complicated and multi-faceted. He knew that because he had money to spare, he could be financially generous towards causes about which he cares.

This may seem silly, but when jokes about lawyers being rascals are told, do you laugh or are you concerned or offended? Are you perhaps the one who tells the lawyer jokes? I admit that my all-time favorite lawyer joke, although it shows how clever lawyers can be also shows how lawyers wriggle out of morally wrong situations through the intelligent use of technicalities.

Perhaps the most important question for lawyers who are concerned about issues of respect for the legal profession is personal. Do you wake up in the morning comfortable in your own skin? Do you believe you are contributing in a significant way to the good of the world in either your curricular or extracurricular life? If you are that rare person who believes, “if you are not part of the solution you are part of the problem,” a job which advances a cause in which you believe might be essential for self-respect. However, for many lawyers there are ways to feel good about their contributions to the world that do not necessarily involve their paid work.

Many private-practice lawyers volunteer hours to clients whose causes they support and who or which could not otherwise afford their fees. This work is done in several ways - as an individual effort, through pro bono committees at law firms and through volunteer work with outside legal services agencies.

Lawyers frequently serve on the boards of charitable or cultural institutions. Lawyer's contributions to these boards may directly involve their legal skills, but they need not. Well-trained lawyers bring their ability to analyze situations thoroughly, to read and listen well, to persevere and to be careful not to jump to conclusions. As a recruiter, it is often difficult to find lawyers for certain business positions where quick judgments are essential. However, the lawyerly traits of care, precision and extreme concern are an important part of what is essential to many charitable or other enterprises that better the world.

In 2006, Norm King, the Director of BoardMatch, a Canadian organization whose purpose is to expand the pool of possible charitable-sector board members within Canada, noted that lawyers and accountants are the top two professions in demand by charitable boards. Mr. King said that, “lawyers also bring many skills to charity boards apart from their knowledge of the law, such as

critical thinking, a good sense of appropriate governance practices, public-speaking skills, time management and the ability to put ideas into action.”

By doing the world a good turn, anybody can feel better about himself or herself. In addition to feeling personally better and enhancing their own reputations, lawyers who do good work for good causes can help restore the lost luster of the profession’s reputation. It feels good to tell someone you are a lawyer and have that person smile.