

PRESIDENT'S PAGE

BY MICHAEL B. HYMAN

The Conduct of One Hour

"A reputation of a thousand years can be determined by the conduct of one hour."

— Japanese Proverb

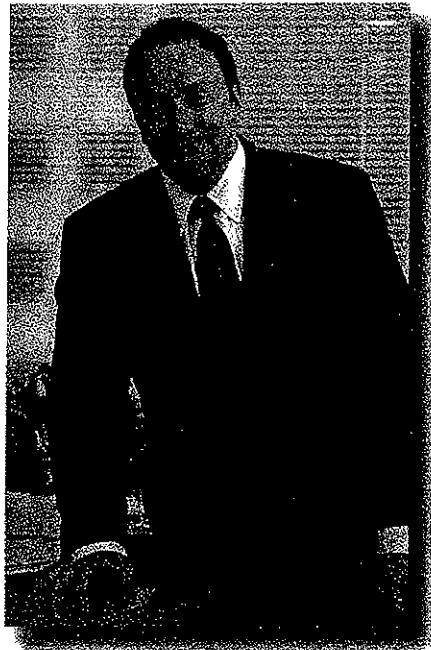
Revolutionary legal reforms taking place in Japan brought a six-person fact-finding delegation from the Tokyo Bar Association to Chicago last month. The delegation cross-examined members of the CBA executive committee and staff about continuing legal education, a relatively new concept in Japan, and MCLE, an unknown concept. The delegation deluged us with penetrating questions on all aspects of legal educational programming and requirements.

After WWII Japan relied on bureaucrats instead of lawyers to resolve most disputes and restricted admission of lawyers. Japan's 127 million population manages with fewer lawyers than the CBA has members. But far-reaching change is gradually recasting Japan's civil and criminal justice systems, legal education, and the legal profession itself.

In 2001, a national commission called for "a new start for the Japanese legal system." The commission's report became national policy without political meddling—something unthinkable here. Implementation is underway. Just last year graduate level law schools similar to those in the United States—a total of 68—opened for the first time.

Lack of Respect

As Japan adopts a modern, though not necessarily western, legal framework with a greater emphasis and dependence on lawyers, cynics will quickly spout the usual lawyer jokes and consider Japan's paradigm shift to be ill-conceived. But what people are cynical about, to paraphrase Gen. George S. Patton, often divulges what they lack. What the cynics lack, in my view, is a sense of history and a keen comprehension of the justice system. And, above all else, they lack respect for the legal profession. That bothers me because the cynics are not alone by any means.



There is plenty of blame to go around as to why our profession's image is distorted and negative.

In part I blame you and me. Too many lawyers deprecate their opponents, the law, and the courts. Some lawyers just don't "get it." Whenever one lawyer shows disrespect for another member of the bar, the offending lawyer is showing disrespect for himself or herself, as well as everyone else in the profession. Also, as Dean Roscoe Pound foresaw a century ago, we are abandoning professionalism in favor of commercialism. If we don't respect our fellow lawyers, why should we expect the public to respect us?

In part I blame the media. Too many bad television shows, bad movies, uninformed commentators, and one-sided news articles portray us as pursuing our own agendas, as devoid of a moral foundation and as troublemakers. If the media don't respect our profession, why should we expect the public to respect us?

In part I blame the politicians. Too many politicians politicize the selection of state and federal judges, meddle with the bedrock principle of judicial independence and repeatedly underfund the court system.

Politicians, who have their own credibility problems, often condemn lawyers for society's ills. If the politicians don't respect our profession, why should we expect the public to respect us?

In part I blame the leaders of corporate America. Too many business executives saddle lawyers with the blame for their woes, high insurance rates, and excessive legal fees. Corporate America rails against lawyers until it needs us. If America's business leaders don't trust us, why should we expect the public to respect us?

In part I blame the public. Too many people consider lawyers to be greedy, untrustworthy, and dishonest. The public's grasp of civics and the Constitution seems to have declined precipitously over the last few decades. The public thinks of us not as healers but as hired-guns, not as guardians of justice but as exploiters of loopholes, human weakness, and the "truth." If the public doesn't trust or understand the legal system, why should we expect the public to respect us?

Regaining Respect

I am not playing the blame game. Rather, my point is that the sad shape of our image is due to many factors, and if it is to change it will require a multi-pronged effort. There are no magic answers or simple strategies that will improve the profession's image. Instead, I believe, to polish what has been tarnished, each of us, independently and collectively, must address the perceptions and attitudes about lawyers and the courts. I consider improving our image to be a duty we assume as members of the bar.

We will merit respect when we value our own self-respect, behave with civility and courtesy toward opponents and the court, nurture and maintain our credibility and integrity, and see our profession as a calling rather than a paycheck. We also must handle client matters competently and diligently, which goes almost without saying, and perform community service and provide pro bono legal assistance to the poor. If all of us make a conscious effort to conduct ourselves as we should, slowly but eventually, our profession's image will brighten.

As the late Sol Linowitz noted in his important book *The Betrayed Profession*, "[A]nything that harms the reputation of the bar harms all lawyers; anything that helps the reputation of the bar helps all lawyers." I take these words to heart. So should you. Let's all start rebuilding our image today. ■