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**All you need is Love! Camaraderie and Professionalism:
Be Courteous, Respectful, and Civil and Do Try to Get
Along with Your Colleagues.**

Simon M. Azar-Farr

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Simon Azar-Farr ©
Simon Azar-Farr & Associates
2313 North Flores, San Antonio, Texas 78212
Tel. (210) 736-4122
www.simonazarfarr.com
simon@simonazarfarr.com

In the Hobbesian view of the human condition, life outside civil society is “nasty, brutish and short,” and it is civil society — a society that agrees to live by the rule of law — which ensures security from violence, and which provides for domestic tranquility. If you agree with the Roman statesman Cicero, “We are all servants of the laws in order that we may be free.” Law protects us from foreign marauders, and provides the means for resolving ordinary disputes. It punishes those who commit *malum in se* offenses, and gives us the authority to define our future interactions. Law defines the contours of our interactions with each other.

As lawyers, members of this most noble profession, we are governed by standards of professional ethics, violation of which can result in sanctions up to and including disbarment. But, like most laws, lawyers tend to view these dictates of professional ethics as commands and prohibitions to be deconstructed, interpreted, and even skirted.

Beyond these rules of ethics, there should be a sense that the practice of law ought to abide by a set of civility standards, which, though not enforceable, nonetheless would uphold the notion of law as a profession and a calling, not just a job. How we as lawyers conduct our work manifests our internal view of how important the rule of law is: we lead civil society by example, and we are the voice of the law.

Lamentations about the current state of professionalism among the bar tend to mirror distress about the decline of civility in society in general. Arrogance, rudeness, strong-arm tactics, misuse of proceedings—it is a familiar list. Bar associations and courts have attempted to improve the standards of professionalism

by drafting various non-binding, precatory codes.¹ Most if not all states have these non-binding codes, as do a number of other entities, including multiple subsections of the ABA, various other professional organizations, and the Seventh Circuit.

The standards set out in the precatory codes tend toward exhortations to take the moral high road: be considerate toward counsel, be attentive to clients, be respectful to tribunals. We all know this (or we should), and hopefully we all are inclined to act this way, all other things being equal.

But things hardly ever seem equal. Our very own professional obligations may lead us into doing things at which we ordinarily might balk. More, those professional obligations may make us feel that we are right to do those things.

“At a recent ABA Conference on Teaching and Learning Professionalism, the assembled academics, practitioners, and bar leaders reached partial consensus. There was universal agreement that law schools should invest far more effort in teaching professionalism. There was universal disagreement about what professionalism is. Only at the most abstract level could participants rally around the same vision. Everyone wanted to encourage ‘ethical conduct’ and ‘dedication to justice and the public good.’ But they shared no view about what that would involve in circumstances of any moral complexity.”²

I believe that all the codes and standards in the world are of limited use without taking a hard look at situations where our various duties collide. That is where it is easy to take a wrong step, so that is where I believe the focus should lie.

Advanced planning

There is a concept in mountaineering (or advanced hiking) called the *turnaround time*. It is the time when the climbing party will turn around and head back down the mountain no matter how close to the summit the climbing party may be. It is calculated in advance, when the climbers are still thinking rationally, outside of the powerful pull of the summit that seems *oh so close* in the thin air.

For lawyers, the equivalent of turnaround time is a personal and professional code of conduct, developed outside of the cauldron of emotion where it is most

¹ ABA Section of Litigation, *Guidelines for Conduct*, Introduction (“The widely-perceived, accelerating decline in professionalism—often denominated ‘civility’—has been the subject of increasing concern to the profession for many years. Twice since 1988, the American Bar Association has urged adoption of, and adherence to, civility codes.”).

² Deborah L. Rhode, *The Professionalism Problem*, 39 WM. & MARY L. REV. 283 (1998) (footnotes omitted), <http://scholarship.law.wm.edu/wmlr/vol39/iss2/2>.

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