

**THE COMPLETE PROFESSIONAL:  
EFFECTIVE INTERACTION WITH  
COURTS, CLIENTS, COUNSEL AND  
COLLEAGUES**

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**The University of Texas School of Law  
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Being a lawyer requires multi-faceted dealings with several groups. Each with its own needs. So, let's talk about the constituencies we service, and how best to professionally interact with each.

*A. Colleagues; You Always Hurt The Ones You Love*

Lawyers can be jerks, even with their fellow firm lawyers. Why? Lawyers believe in hierarchy. Now, hierarchy can be a good thing. We all need lines of reporting authority. We all need to be accountable. But, I am not talking about an org chart.

When someone thinks he is superior to someone else, you get - in the memorable phrase of Philip Zimbardo - the Lucifer effect. The phrase comes from Zimbardo's famous study at Stanford University. Students were divided into two groups: guards and prisoners. They were told their roles, and then put into a prison-like facility in the basement of a university building. Guess what? The guards, with the power of hierarchy behind them, became abusive to their once-fellow students, but now subjects. In fact, Zimbardo recalls in his book (called *The Lucifer Effect*) that things were getting so out of hand that his then-girlfriend, and now wife, told him to stop the experiment ASAP, or they were over as a couple.

Lawyers love hierarchy. Why? I think it comes, in part, from the false dichotomy of partners and associates, "By God, I am a partner. I rose up to be one. You must obey me," Maybe in your firm it is not that extreme, but it is there. Watch an associate sometime around partners. Notice how tentative they are (even the more senior associates). It is fear. Fear, driven by a hierarchy. What's to be done? A few ideas:

- *Mandate Free Expression*

Those lawyers on the receiving end of abuse or, at a minimum, made to be feeling small, learn to keep quiet. Certainly, not what you pay them six-figure salaries to do. They often end-up saying only what they think the abusive partner wants them to say or they end up saying nothing.

Here is what I do. Whenever I work with a new lawyer for the first time, I tell

them they only need to know the answer to one question: Why do airplanes crash? Usually, I get answers based on physics. But, no - airplanes crash because the junior co-pilot sees a blinking red light on the console, thinks that if anything was amiss, then surely the senior pilot would say something or act accordingly, and just as surely, thinks to himself that he will not say anything that harms his career or gets him yelled at. So, the co-pilot says nothing and that's why airplanes crash.

- *Talk - Don't Email*

It is easier to disrespect someone when there is no face-to-face contact. Communicating via technology creates low trust. Got something to say, do it in person or over the telephone. True story. At another firm, I got an abrupt email from a lawyer in management. "Where are your bills? Get them in now!" What a jerk, I had a good record of getting them in but, that month, had a problem. It is not professional to be a bully with your colleagues. I of course, snapped to. But, here's the point: I did what he said because he had authority over me on the org chart. This is "org chart" authority. And, it works in the short term.

But, to have a truly professional workplace, partners must develop and exercise moral authority. The appeal to a transcendent value, tying lawyer to lawyer. "Mike, I know you care about the firm., and I wanted to see why your bills were not in," Over the phone, person-to-person. Which would you better respond to?

- *Remind, Remind, Remind!*

Are people naturally honest, or do we conform our behavior to the good only under the threat of sanctions? These are all good questions, MIT professor Dan Ariely illuminates them all in *Predictably Irrational: The Hidden Forces that Shape Our Decisions*. Mere is an experiment he ran: three groups each take the same test, which involves taking a group of numbers and finding how many add up to 10. The subjects have five minutes. Their answers then go into a lottery drawing. If their answers are picked, the lottery winner gets \$10 for each correct match.

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