



Week of **December 30, 2008**

"Can't We All Just Get Along?"

There is no doubt that [this recession means pain for lawyers \(click to hear podcast\)](#). The real "hurt" today is being felt by the vast majority of the nation's one million-plus lawyers who are sole practitioners or members of small firms. They're not at the top of the pack to begin with, and they generally represent individual clients and small businesses. That type of business involves personal injury, family disputes, criminal defense, and personal debtor claims, among others, that tend to pay less. Couple this with the reduction in number of clients and number of matters and the slower collection of receipts, and the financial and economic difficulties most lawyers face are substantial. They can ill-afford a large reduction in compensation, and with the current financial collapse, and investment values plummeting by 50 percent in many cases, they may have to work longer years than they anticipated.

The result of all this pain is stress, and the result of stress is often anger and hostility. This is a reaction that lawyers as a profession can ill afford when providing their services. In recent years, many state and local bar associations adopted voluntary professionalism goals and standards that attempt to discourage "unprofessional conduct" and encourage "civility" for lawyers engaged in litigation. Typically these codes are not mandatory, and non-compliance carries no sanctions. However, they indicate a real problem that too often exists in legal practice.

Why do some of us feel the need to be rude and obnoxious to our adversaries? Do we truly believe that such conduct will win us points or cause our client's position to be moved forward? On the contrary, such behavior often merely entrenches the opposition further. Being courteous requires neither that we be a doormat nor that we cave in to our adversary's position. We can stand forthright to advocate our client's interest and position, yet still be civil.

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Many of my clients have experienced:

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Consider client relations. Clients, like all people, like to buy from people they like. Doctors receive training about developing "bedside manner" and treating patients with "compassionate care." Yet law schools don't teach lawyers how to interact with clients or learn what is most important to clients, and when both lawyer and client are stressed out over the economy, hostility can result in unpaid bills and disciplinary claims.

In the effort to excel, made more intense by the pressure of a shrinking economy, trying too much to win can cause problems for otherwise successful lawyers. Generally, we're successful because we're competitive. But, if we don't know when to stop, and have to come out on top even in little things, the effort can be counterproductive or hurtful. In the practice of law, we should never forget that we are dealing with human lives. Our goals should be to bring a sense of order to troubled situations, and to maintain full respect for everyone with whom we deal. The law cannot be a profession unless we ourselves maintain professionalism. As Rodney King asked, "Can't we all just get along?"

Best wishes,

Ed Poll

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What Readers Are Saying...

"I look at Ed as my business partner now—my once-a-week essential business meeting to take the pulse of my practice. During our one-hour phone conversations, we hash out the larger and smaller business challenges of my law firm. I always come away from those conversations enlarged, challenged, and sometimes even quite shaken, but with the tools necessary to move forward down the path he and I are constantly redefining for me and my firm."

-AL, Northern California