

Lawyer's Image Depends on Mutual Respect

by Tracy A. Giles 2000–2001 Young Lawyers Conference President



By chance of birth I do not fall into one of the groups of people who have routinely experienced discrimination. There have been only a few times when I have felt blatantly discriminated against. I felt that way once, because I was riding a motorcycle. I felt I was discriminated against a few times because some folks think anyone who says things like “y’all” must be stupid. These small tastes of discrimination were bitter enough to swallow. They made me think harder about those who have experienced it for years and lifetimes. Now a recent experience has left me contemplating the discrimination that our profession faces and how it should be combated.

For the past several years most of the traveling I have done has been bar related. By the time these bar commitments were fulfilled, the practice of law left little time for other travel. Through my bar involvement, I have had the opportunity to meet more talented, dedicated, and gracious people than I can count. And I have forged lifelong friendships with more of them than I would ever have expected. But after years of all-day committee meetings, of rooms next to squealing elevator machinery, of dry CLEs and even drier chicken—both consumed in the subterranean banquet halls of large hotels—I dreamed about taking my wife (and law partner) on a trip without a schedule of events. On this trip I would actually be allowed out of the hotel, I would not be required to wear my name on my right lapel and, most decadent of all, I would order from a menu at dinner. So, I made my plans and tightly gripped plane tickets in anticipation. Boy, was I in for a surprise.

The first night of our trip we were randomly seated with a couple about our age. After asking what we did for a living and finding out we were attorneys, they both stood up and pretended to leave the table while making disparaging comments about lawyers. Having never experienced this level of derision before, both my wife and I were somewhat shocked. Those who know me know that I am not generally overly sensitive about taking a joke, but this was carrying things a little far. In fact, we got the feeling these people might not really be joking. Having been brought up with some sense of manners, Malissa and I tried to take things in stride and be polite during the rest of the evening. Then, two nights later, the exact same thing happened with a middle-aged couple.

The public perception of lawyers has been a popular topic of discussion in our profession for at least the past decade. We have debated whether advertising hurts our image, or whether the public views attorneys filing lawsuits over hot coffee as grubbing. Often times, of course, the public only sees headlines but doesn't get the full story behind what can outwardly seem to be outrageous verdicts. But why is it that individuals who I have never met would react so rudely on a personal level?

After talking to each of these couples, it became clearer. One fellow owned a direct marketing company that was being sued by the Justice Department for sexual discrimination, and the other fellow was a strong advocate of religious schooling and lived in a jurisdiction where the public funding of religious schools had been challenged on the basis of separation of church and state. Essentially, they did not like lawyers because they viewed lawyers as causing them problems. The telemarketer did not warmly receive my subtle suggestion that the Justice Department pursuing the case so vigorously might indicate some problem in his company. The stockbroker was equally cool to my suggestion that his problems might stem more from the Constitution than from lawyers.

As advocates, we do not always take on the most popular causes, but our ethical duty is to represent our client and the issue for which he or she has hired us. The very nature of the conflict usually creates an adversarial relationship where the other side projects his or her bad feelings about the conflict onto counsel for the opposing party. Just this morning I consulted with a potential client who accused another attorney of attacking him. Upon delving into the problem further, I discovered the other attorney had not misrepresented the facts, but was just pointing them out to the court.

This is unfortunate. With few exceptions, the lawyers that I know are the most civic-minded and involved citizens in their local governments, schools, churches, synagogues, charities, and other volunteer organizations. Despite the long hours they spend at work, they devote time and energy to their communities in greater numbers than any other single profession, I suspect.

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A Life of Legal Service: “. . . and Justice for all.” *continued from page 38*

class actions and lobbying (neither of which is currently permitted by federally funded legal aids), injunctions, and testifying before the General Assembly—not to mention divorce cases involving the financial support of aging chimpanzees, and negotiating with gun-toting landlords. By most any measure the experiences have been diverse.

The pathways taken by those attorneys committed to access to justice are, much like the threads in a cloth, varied, and woven together. Thousands of private and government attorneys and over 100 legal aid attorneys weave their stories together to make “. . . and justice for all” meaningful.

Much of my story of public service is intertwined with that of Barry Proctor, a private attorney in Abingdon, Virginia. Barry joined our legal aid program in 1982. After two years we decided to try something different. He and I left legal aid and opened a private law office. Our goal was to serve those working people just above legal aid's poverty guidelines; sort of a “legal clinic” approach. It was tough. I vividly recall living in an apartment above the office on Halloween of 1984. I had not a dollar (our secretary's salary doubled mine that first year), and hence had no candy. Trick-or-treaters methodically rang the doorbell. I turned off the porch light. Trick-or-treaters still rang the doorbell, and I realized that they could see the light of my television. Finally, I put a blanket over the television and me, and spent the evening in my makeshift tent in relative peace.

After two years in private practice I returned to legal aid, but Barry kept plugging away. Now, 15 years later, I look at the way he lives out “. . . and justice for all.” I am awestruck. Like many private attorneys, Barry participates in the pro bono and judicare programs of his area legal aid programs. He reduces his normal attorney fee for any illiterate client who enrolls in literacy classes. He reduces his normal fees for wills and advance directives when clients make corresponding contributions to charities of their choice. He is active on the court appointment list for criminal cases and has become the circuit's most experienced capital defense attorney. A portion of my own pro bono work is spent helping Barry when he has death penalty cases.

I love my work at legal aid, but I value equally the work of my friend Barry. There are many ways for each Virginia attorney to contribute to access to justice. It is the weaving together of our “. . .and justice for all” stories that makes the phrase mean something real. ☺

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It is a shame that sense of community and giving is lost on the individuals who cannot see past the opposing side of a case.

We should question individuals about why they feel that way and seek to change their minds. This doesn't mean that you have to preach to every person who makes a bad lawyer joke, but there is a point when we have to defend our profession. Pointing out the contributions our profession has made, from the drafting of our laws to protection of consumer rights, is one step toward changing the public's perception.

We as attorneys must make certain not to foster that attitude or condone it in any way. We should view every colleague—whether a solo practitioner, a large firm attorney, a criminal defense attorney, or a civil rights lawyer—with the respect due every member of this profession. When an attorney belittles opposing counsel to his client, he is damaging his own reputation ultimately. Only when we make certain that we treat each other with the respect due will we turn the tide of public opinion. In the meantime, I'll be grateful for rubber banquet chicken and good company. ☺

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