

And Now We Need to Come Together and Do It

Colin "Cal" J. S. Thomas, Jr., 2002–2003 Senior Lawyers Conference Chair



When I began the practice of law, I wanted to please the people who had given me a job. I did not have to be told how to do that. I had to win in court. I had to bring in money. I had to keep clients happy and develop some new clients of my own. As the youngest member of a three-man firm, I wanted to please those who hired me. In the process, I frequently failed to be civil. Within a small firm and a small community, problems were easily seen. I hope they were corrected.

Today we have more lawyers who compete for a stable or diminishing number of top grade clients who pay well and who pay on time. Competition is much greater than it was 40 years ago. Young lawyers are pressed to please those who hired them. Their superiors are, more often than not, members of the Senior Lawyers Conference.

Senior members of a law firm have a duty to see that what is done to please us is done in a way that enhances our profession rather than harming it.

When I wrote my column in the October issue of the *Virginia Lawyer*, I had not read the article it on civility that was written by Marshall Mundy and Glasgow Butts. After I read it, I realized how similar our messages were. Marshall and Glasgow challenged attorneys over the age of 55 to be active in our conference and to adhere to our conference mission statement: “. . . to uphold the honor of the profession of law” and “. . . to encourage cordial discourse in interaction” among attorneys. All members of the Senior Lawyers Conference should respond to that challenge. I hope that many, if not all, of them will agree that the mission statement is not an invitation to act—it is a duty.

Since the October issue of the magazine, I have been asked by judges and lawyers: “What can be done? What can I do?”

We know what to do. We do not have to be told. If each of us were civil and professional, and if each of us demanded the same from others, then civility and professionalism would follow.

All of us who have practiced law for any length of time have disagreed with one another. It is how we handle disagreements that counts. If we mishandle our disagreement in open court or in the presence of our clients, their adversaries and others, we leave an impression that may not easily be changed. If we write letters that are angry or misleading and send copies to our clients, does that help our profession? If we make personal attacks on opposing counsel, who are we impressing? What impression do we make? If judges are reluctant to step in and quell a lack of professionalism or civility, does that enhance the public’s view of the worth of our system of law?

“Senior” lawyers and judges know what they have to do without having to be told.

Doing what must be done is not always easy. If we each require civility and professionalism, it may appear to focus attention away from “the bottom line.” This may at first appear to be a sign of weakness. It potentially subjects a judge to criticism. I am satisfied that if we do—in the right way—what should be done, then the bottom line will not be affected, and we will not seem weak. And I would hope that an appellate tribunal would understand.

If we lead in the right way, others will follow, and we will regain some of the respect that the profession has lost. We have the ability. We know what to do. Now we need to come together and do it. 🙏