

## An Honorable Profession



Patricia A. Barton, 2003–2004 Senior Lawyers Conference Chair

The Senior Law Conference has stressed the restoration of civility and an emphasis on professionalism for the last several years; this goal is part of our mission statement. It is very distressing to witness the conduct of some attorneys who embody the principle that the ends justify the means.

In February the Springfield weekly paper contained a letter from a young attorney who stated she sought a law career to “make a difference,” only to be embittered and defeated by the gorilla tactics of big-firm attorneys who used despicable tactics to defeat plaintiffs with limited means, and treated her with scornful disrespect.

Judge Judy has made millions of dollars from her television show in which she treats witnesses rudely and abruptly, often humiliating them in the process. There must be an audience that finds this entertaining—perhaps the same audience that finds the Jerry Springer and similar shows amusing when people shout at one another and reveal intimate personal details onscreen.

Recent events reported in the media have revealed that humiliation is a chief tactic of some American forces in Iraq, demeaning prisoners’ sexuality, culture and manhood in the name of obtaining evidence which could “save the lives of American soldiers.” Once again, the ends apparently justify the means in the minds of the interrogators. I heard on the radio yesterday the voice of a released Iraqi prisoner who had been forced to strip along with his comrades by the Americans—it was filled with horror and outrage. He said he had been imprisoned and tortured by Saddam Hussein’s forces, but he had NEVER BEEN FORCED TO STRIP before. He stated he didn’t even know anything of possible value, but had simply been pulled in with others from an unruly crowd.

For some reason, I’m reminded of the best-selling book some years ago whose thesis was that all one really needs to know can be learned in kindergarten: be neat, orderly, respect the rights of others, etc. I believe in treating one another as one would wish to be treated—following the Golden Rule

Unfortunately, our children are being fed violence in the movies, on television and by computer games—violence as entertainment, and violence as the tactic to gain what they want. Television scripts routinely portray lawyers and other series stars as greedy, unprincipled manipulators whose only goal is winning, whatever the means. So it is not altogether surprising that our young soldiers would willingly comply with orders to use any means—violence, humiliation, sexual abasement or anything at all to achieve the ends of attaining their ordered goal of obtaining information.

Americans have been startled, shocked and sickened by graphic pictures showing abusive and disgusting torture inflicted by our young men and women on the enemy. Yet, outside of supporting Congressional and media efforts to investigate who ordered these abuses, many of us feel helpless to do anything about it. After all, what can one person do?

There IS something we can individually do. Recently a primary election in Florida was won by one vote. One person does matter, and what he/she does matters. It is as if the forces of hatred and greed are in a tumultuous battle with those of love and compassion. Each of us can conduct himself according to what he/she believes is right and honorable, and if there is any question, put himself in the place of those whom his conduct would affect.

This may sound unrealistic to many, but just consider how it relates to our profession. If every attorney treated their opponents and colleagues equally well, without regard to whether they were opponents or partners (after all, it is the facts we are trying, not opposing counsel)—and disregarding the fact that we are sometimes in conflict with our partners—the stress level under which we labor would be greatly reduced. Not coincidentally, I believe the public image of the profession would rise.

This is my last column for the year. William Smith is chair-elect of the SLC for the 2004–2005 year, and you will be seeing his thoughts in this space in the next issue. Welcome, Bill! 🍷