

Have I Been Practicing Law Longer Than You've Been Alive?

by Tommy P. Baer

I sometimes feel like I have been practicing law since before the Crimean War. I especially feel that way when I see a new crop of attorneys. The operative word is “practicing,” which I have been doing for more than 55 years. I still enjoy it, although I have now limited my practice primarily to immigration law, which could not be more frustrating, and yet at the same time so rewarding.

Those years have evaporated in a flash – from law clerk to U.S. District Judge Oren Lewis, to Assistant U.S. Attorney in the Richmond Division appointed by then-Attorney General Robert Kennedy, to private practice. I hope I have contributed in some small way to strengthening the fabric of society, for without the law society fails. So, perhaps presumptuously, and with a bit of chutzpah, I share here a few things I have observed having worked in this wonderful profession for over five decades.

Attorneys. We are not in the retail business and we don't sell shirts. We provide a service to clients, not customers, and we do it for a fee. That fee demands of us that we listen, absorb the client's legal issue, determine the validity of the cause, recommend a course of action, and insure the client leaves the office confident that the legal problem has been taken seriously. It doesn't end there. We continue until the matter is resolved, and while doing so we are bound by a set of rules, opinions, and ethics which govern our profession and that are a mere codification of common sense and morality, or as Blackstone wrote, “the embodiment of the moral sentiment of the people.”

Whether we are prosecutors, exercising appropriate restraint and prosecutorial discretion, or attorneys litigating on behalf of clients, or attorneys preparing agreements or otherwise representing clients, the legal

system depends on our dedication and skills, but also on our humanity.

Judges. What a difference a black robe makes! A judge is a lawyer who goes from being a mere mortal to a figure of universal reverence. This system of transformation and elevation is one that we attorneys accept and respect. It changes how we address that person in or out of the courtroom, and it should. We expect a judge's rulings (sometimes incorrectly) to always be correct. Yet we (always correctly) show our respect, because it is the court and legal system we respect. There is always appeal. I have had the honor of appearing before remarkable judges who have amazed me with their legal acumen and judicial temperament. And, as when I first began practicing, our courts remain the final barrier to injustice, intolerance and ultimately tyranny.

Civility. It is indisputable and regrettable that civility among and between lawyers has lessened. I see it in the courtroom, in negotiations, and in written communications. I hope it changes. Whether the cause is the lack of mentoring, or general societal shifts we experience today, we cannot allow this to impact our legal profession. Even in our zealous representation of clients, we must not allow ourselves to be caught up in personal dialogue unrelated to the client's case. Granted, it is sometimes difficult to remain emotionally dispassionate, and yet passionate on behalf of the client's cause. But that is the duty we owe our client and our profession.

Community. Attorneys have an obligation to give back to the community for several reasons: we have benefited from it; we are uniquely equipped by training and skill to contribute in a myriad of ways; and it is the right thing to do. I was taught civic responsibility at an early age and have,



sometimes with great difficulty, but always with satisfaction, tried to balance my broader community activities with the practice of law.

Integrity. This was not left last because it is the least important. It is the *most* important, for without it one succeeds at nothing. Honesty and candor are the ingredients. Together they constitute the DNA of character. There are no circumstances which justify compromising one's integrity. It is perhaps the most important possession we own.

So again, what have I learned? I have learned that I have more to learn. Therefore, I'll keep practicing.

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