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THE PUBLIC'S PERCEPTION OF ATTORNEYS: A TIME TO BE PROACTIVE

Robert A. Clifford*

The public perception of attorneys certainly has suffered over the years. The image of the lawyer has deteriorated from the portrayal of television hero Perry Mason or To Kill a Mockingbird's Atticus Finch. Instead, today, a major beer brewery thinks it can improve profits by running commercials depicting lawyers as rodeo cattle.

The media and popular culture's distortion of lawyers' behavior on television shows and movies has contributed to the mistaken impression that zealous advocacy calls for rude, aggressive and often dramatic techniques.

Yet professionalism exists today in a milieu filled with conflicts: fierce competition, time constraints, client pressures, unwieldy rules, the superiority of the bottom line, and a profit-generating marketplace. Although these trappings do not lessen one's professional responsibilities, they can provide an excuse for some for a departure from the ideal behavior pattern.

The public often forgets that the work that lawyers are called upon to perform is adversarial in nature. This does not represent an excuse for a sagging image, but nor should it provide an excuse for incivility. Rather, it should provide a reason for lawyers to educate the public about what lawyers do and why they act as they do.

As Supreme Court Justice of the United States Sandra Day O'Connor said, "[m]ore civility and greater professionalism can only enhance the pleasure lawyers find in practice, increase effectiveness of our system of justice, and improve the public's perception of lawyers." I agree. As the DePaul Law Review celebrates its 50th Anniversary, I mark twenty-five years as a trial attorney. I have practiced law over this quarter century committed to the notion that each and every lawyer can do good things in helping people and corporations in

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times of need. If every attorney acts as a model of professionalism, over time, the public’s perception can change.

I have tried to do just that, not only in the way I conduct myself in court and in all my dealings with my clients and other attorneys, but in trying to be proactive in offering opportunities to others in the profession that allows them to improve themselves as well as myself.

Mentoring is one such way to help raise the bar. I have taken many young lawyers “under my wing,” trying to pass on to a new generation the strategic thinking and thought processes that go into the representation of an injured plaintiff. It is not something that can be taught in law school. It is a body of ideas, an ethical approach to one’s practice, a way in which one conducts himself or herself in all aspects of life. It impacts the public’s image of lawyering.

Perhaps, though, one of the ways I have personally tried to improve the quality of the practice of law is through an annual symposium which I created seven years ago. Sponsored in conjunction with the DePaul College of Law, the Clifford Tort Law and Social Policy Symposium brings together the greatest minds in the country on a topic that is of importance to the legal community as well as to the public at large. The symposium is the first of its kind in the country.

Topics have ranged from an examination of the tobacco wars to a critique of the civil jury system, from the impact of civil litigation on popular culture to judges as tort lawmakers. Faculty members are flown in from around the country for two days to discuss an area of their specialty as well as to contribute an original scholarly writing. These articles are then compiled as part of a special issue of the DePaul Law Review that is distributed to a wider audience so that a greater number of attorneys may benefit from others’ vast knowledge.

A vital aspect of the two-day symposium is that it is free. No fee is charged because I did not want anyone to be denied access to these great minds with any type of cost barrier. I am most proud of my involvement with DePaul in hosting this annual event, and the endowment I made will ensure that it will go on for years to come.

More importantly, though, the symposium stands as a testimonial to my concern that the public’s perception of lawyers must be improved. In my determined effort to change this often mistaken notion, I have also been proactive in getting to the bottom of this dilemma.

This year, as Chair of the Section of Litigation of the American Bar Association (ABA), I have commissioned a study and developed a long-range strategic plan of action for lawyers to understand the basis of the public’s one-sided image of lawyers that needs to be broadened. This year-long project will benefit not only the 60,000 members of the
largest section of the ABA, but will hopefully be conveyed to a larger audience in disseminating the results in a public forum that may be broadcast in a Town Hall Meeting on the public television network.

It appears that the preliminary results indicate that the public does not view competency as an issue. The public’s disaffection is rooted in lawyers’ winning-at-all-costs tactics and in their profit-seeking orientation. At the very least, this latest snapshot of the public’s attitude confirms that there is a need for improvement.

In doing so, we can work on some specific initiatives such as improving client communications, strengthening professional responsibility codes, promoting continuing legal education, revising law school curricula, enforcing disciplinary violations, mandating mentoring, and monitoring lawyer advertising. For instance, I find it despicable that lawyers or their representatives are on the scene of an airline crash, not to comfort the victims’ families, but to solicit their potential legal matters before their loved ones’ remains are even located. Although the federal government has stepped in to curtail this activity, Congress has not gone far enough to stop it from occurring at all. Making one aware of one’s legal rights after the commission of a negligent act is a far cry from infringing on a family’s privacy, particularly in their darkest moment.

At the same time, however, we must make known the valuable public service that many lawyers perform. Much pro bono and bar association work throughout the country is conducted with nary a word to the public about all the good it provides. We must continue to work to make the justice system more accountable and accessible to the public.

Above all, I feel lawyers, as a cornerstone of a democratic society, must remain the hope of the downtrodden, those who can ill afford the spiraling costs and expenses associated with bringing a lawsuit when they have been wrongly injured. The fabric of our country has a history filled with lawyers fighting for truth and justice. We must try to continue the work of these respected jurists, from John Adams to Thurgood Marshall, from DePaul College of Law Deans Daniel Ward to Philip Romiti, who have fought tough battles on behalf of individual rights, personal liberties and the independence of the American justice system.

Since that first Continental Congress, it was lawyers who were the champions of justice and personal freedom. How ironic that today lawyers find themselves so collectively unpopular. As our distinguished predecessors rose to the challenge, so, we too must accept the responsibility to address the concerns of the public, whether fair or
unfair, deserved or misunderstood. We must keep foremost in our minds that if we work for the advancement of justice, we climb another rung in the collective ladder toward achieving an honest, impartial justice system which was created to serve the people. What better example in recent history than the legal battle over the presidency in the last election. Once again the legal profession proved that its very existence is what keeps our nation at peace with itself.

We must always go forth with a nobility in our efforts, with a dedication to ethics and integrity, a commitment to competence, civility and the tenets of the justice system. We must approach our careers with the firm belief that the law is created for the benefit of all mankind. In the final analysis, we must face the erosion of the public trust and make a firm commitment to rebuild it, brick by brick. Our clients, the public, deserve nothing less.