Professional Relationships
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Whether its lawyers, staff or opponents, the same rules govern your professional relationships with others. It’s not something you learned in law school -- it’s what you learned from your parents. It’s the Golden Rule. In fact, it really is what Robert Fulghum wrote:  *All I Really Need to Know I Learned in Kindergarten (A Guide for Global Leadership).* Most of you have probably heard this list, but it really is worth quoting:

*All I really need to know about how to live and what to do and how to be I learned in kindergarten. Wisdom was not at the top of the graduate school mountain, but there in the sand pile at school. These are the things I learned:*

- Share everything.
- Play fair.
- Don't hit people.
- Put things back where you found them.
- Clean up your own mess.
- Don't take things that aren't yours.
- Say you're sorry when you hurt somebody.
- Wash your hands before you eat.
- Flush.
- Warm cookies and cold milk are good for you.
- Live a balanced life – learn some and think some and draw and paint and sing and dance and play and work every day some.
- Take a nap every afternoon.
- When you go out in the world, watch out for traffic, hold hands and stick together.
- Be aware of wonder. Remember the little seed in the Styrofoam cup: the roots go down and the plant goes up and nobody really knows how or why, but we are all like that.
- Goldfish and hamsters and white mice and even the little seed in the Styrofoam cup – they all die. So do we.
- And then remember the Dick-and-Jane books and the first word you learned – the biggest word of all – LOOK.

*Everything you need to know is in there somewhere: The Golden Rule – love - basic sanitation – ecology – politics – equality - sane living. Take any one of those items and extrapolate it into sophisticated adult terms and apply it to your family life - your work – your government - your world and it holds true and clear and firm.*
Think what a better world it would be if all governments had as a basic policy to always put things back where they found them and to clean up their own mess.

So, in general, the advice is the same that your mother gave you way back when – behave yourself. Be considerate. Do your best. Treat others with respect. Treat others as you wish to be treated. Do not embarrass yourself – your family – your firm – or your profession.

You are building your reputation every day of your career, so consider what impact the way you deal with others will have on your reputation. Here are some guidelines for professionalism:

1. Use the Steve Millikin 24-hour rule. When the other side’s conduct totally infuriates you and you rip off a vicious response – hold it for 24 hours before mailing or hitting the send button, then read and edit it after you have had a chance to cool down. If in doubt about whether to send the response or whether to word it the way you did – don’t send it. You will not regret being cautious. You may regret acting in haste.

Consider what your response will sound like in a complaint to the Bar or quoted in a record on appeal. Does the dispute make you look petty? Immature? Unprofessional? Will the Judge conclude that both sides are acting like two kindergarteners? The quoted passage from your opponent’s brief or letter will never include the long history of abuse which the other attorney inflicted on you.

2. Avoid a scorched earth policy. Don’t escalate every issue into World War III. This is your client’s case and generally the lawyer’s job is to troubleshoot and resolve disputes – not create them. Often it is less expensive to the client if you can resolve discovery issues amicably. If in doubt, find someone whose opinion you respect and bounce your concerns off them.

3. Look in the Mirror. If you are butting heads with every opponent – look into the mirror. Are you being unreasonable? Consider what your opponents are saying about you. Perhaps you need to change your conduct. Perhaps you need to change your focus of practice. If you aren’t part of the solution – you may be part of the problem.

4. Pick up the phone and call the other attorney. We older lawyers have an advantage—we remember the practice of law before e-mail and faxes. We remember that communication used to involve personal interaction. If you are having a communication issue, TALK. E-mails and letters sometime carry a cryptic or negative tone which may not be intended. Sometimes letters include posturing for clients or other audiences. A phone call may be a friendlier way to resolve issues. If you do not understand where the other side is coming
from: **ASK – AND LISTEN.** You might gain insight which could lead to a resolution of the real issue in the case. Develop a working relationship with the opposition—it can make your life much more pleasant.

5. **Don’t Cry Wolf.** If every case you try requires judicial settlement of discovery disputes and allegations of Rule 11 sanctions, then the really egregious case won’t be noticed. On the other hand – if Maureen Murray has a discovery issue, you know that the other side was unreasonable.

6. **Don’t take yourself too seriously—have some perspective.** Consider whether the issue involves your client’s life, freedom, health or safety.

7. **Be trustworthy and reliable.** Your reputation for integrity, honesty and knowledge of the law will affect whether the judge will believe what you say.

8. **Once you realize life is hard—it is a lot easier to take.** So is the practice of law. You chose a challenging career for a reason—so don’t complain that it is too challenging!

9. **Remember why you became a lawyer.** This is your life – it is not a dress rehearsal – make the most of it. Do some things which make you reflect with pride on becoming a lawyer. Attend the swearing-in ceremony for new lawyers and listen to the words of wisdom spoken by Judge Albright, Judge Eagles, Judge Osteen, and Judge Tilley. They will tell you that you are building a career and a reputation when you practice law. What will your legacy be? Do your peers trust and respect you? Law is not just a paycheck or your billable hours. Don’t lose sight of the larger picture. Part of our obligation as lawyers is to make the system work for justice.

10. **Build Positive Relationships with Other Attorneys.** Make friends with attorneys who practice in your specialty with other firms. Be considerate – give extensions and consent whenever it does not prejudice your client. Develop mentors, not only in your practice area but as a role model for your professional life in the community.

**What to do about the non-professional behavior of others?**

1. **Unprofessional behavior by other lawyers.** If unprofessional behavior comes from treatment by another lawyer, then you have choices as to how to handle such rudeness. You are free to give a response appropriate for the circumstance without being walked over. For example, I heard a female associate complain that a male co-counsel from a different law firm requested that she make room reservations for him when they were scheduling out of town depositions. The choices are: (a) do it if you are otherwise making a call and it won’t take additional time, or (b) provide him with the phone number and tell him
you already had called, but here’s the number if he wants to call himself, or (c) ask: “Do you want me to give the information to your associate John Smith - or do you only ask for personal assistance from female associates?” It might make him rethink the request.

2. **Develop thick skin.** Ask yourself whether you are being overly sensitive. When I was trying my first case—a subrogation case in Asheboro—I was offended when the other attorney on the second day of trial approached the partner who accompanied me rather than me to discuss a settlement—despite the fact that it was clearly my case and he just attended day 2 of the trial to offer mentor support. I did not know whether the conduct was sexist or just bias against a new associate. But it makes me careful to discuss the case with the lawyer who tries it—not just the most senior person in the courtroom.

3. **You cannot control the behavior of others—you can only control your reaction to that behavior.** Do your best and learn what to ignore - your priorities may differ from someone else’s. Figure out what works for you.

4. **Don’t be a victim.** Figure out strategies for dealing with the issue which bothers you. Try to determine whether you are allowing yourself to be walked over.

5. **Find an ally to help deal with tough issues which might require an intermediary.** This may mean discussing the issue with a mentor or associate committee member or an uninvolved lawyer to strategize how to handle the issue.

6. **Don’t contribute to the problem.** Use non-offensive language. Be aware of conduct which offends others.
10 Reasons to Practice with Professionalism

1. Treat the opposing attorney and party with respect – it enhances professionalism before the court.

2. Treat other attorneys with respect - they may be an unsolicited reference to a potential client who is casually asking about your credentials. Other lawyers are often a referral source for business. We often get emails asking for referrals to plaintiff’s lawyers. I am much more likely to refer a case to you if I respect the way you practice law. On the other hand, if I think you are unethical or dishonest, I will never refer a case to you.

3. Get to know your opposing counsel and be nice to them. They are more likely to be nice to you—and you will enjoy your practice more. As a defense lawyer—I have more interactions with the Plaintiff’s lawyers than other Defense lawyers.

4. Liberally grant extensions of time to opposing counsel. Build up your goodwill credits in case you need a favor.

5. Treat the other side professionally—you may want something from them. I am always surprised when someone is rude at a mediation. I am much more likely to try and meet your client’s needs – whether it’s getting an advance, getting the check delivered quickly, sometimes even paying more – if you and your client have been pleasant to deal with.

6. Ignore the little slights—it takes too much energy to sweat the small stuff—and the other side may be baiting you to see if you are distractible. You win if you ignore them.

7. Lawyers have long memories. If you treat other attorneys unfairly, they will remember it and not be inclined to give you that extension, or good reference, or hire you as a mediator when you expand your practice.

8. Your opponent may someday be in-house counsel for GOOGLE – or be involved in a serious legal dispute and need to hire counsel to represent her/him – and you want to be on that list.

9. You are graded by your peers. You are building a reputation which is enhanced when your peers grade you as knowledgeable, well prepared, intelligent, ethical. Organizations such as Martindale-Hubbell, Best Lawyers in America, North Carolina Super Lawyers – all depend upon votes by attorneys who know you. Which means – you need to impress not only the opposing attorneys, but others in the Bar. So build your reputation; get involved in the Bar.
Work on a committee. Join a professional association. Volunteer to work with the Industrial Commission or speak at a CLE. Help the legal system work better. All of these things are ways to get to know other lawyers whom you otherwise may never encounter in the courtroom. It gives them an opportunity to know you well enough to rate you when they receive a solicitation from Best Lawyers in America. If Martindale Hubbell receives feedback that a lawyer is unethical—it will not rate them.

10. Lastly - treat other attorneys with respect and professionalism as your opponent may become a Judge, who decides one of your cases!