

# EDITORIALS

## Still Another Plea For Civility

Over 150 years ago, Alexis de Tocqueville made a number of insightful observations about the role of lawyers in the fabric of American society. In "Democracy in America", Tocqueville observed that "lawyers form the only enlightened class whom the people do not mistrust" and that as a group "lawyers form the highest political class and the most cultivated portion of society." It is safe to say that a lot of water has passed under the bridge during the past 150 years.

The legal profession and the American public's perception have fundamentally changed. A substantial percentage of the profession would welcome a single week free from persistent reminders of the low regard in which they are held. The public has ranked the legal profession at the bottom of the occupational barrel for nearly a generation.

Recent surveys reflect that lawyer dissatisfaction is rampant and that the causes for that dissatisfaction are diverse. However, we cannot overlook the fact that the growing lack of civility within the profession itself is a fundamental component of that dissatisfaction, and it represents both a significant and lamentable change.

The transmogrification has been swift. Within memory of senior members of the bar, the American legal profession used to be noble calling. There was a long legal tradition of mutual respect for fellow members of the bar, a civility and collegiality that enabled clients' interests to be vigorously advanced without the unnecessary rancor that accompanies personal rudeness and ad hominem

attacks conduct which can transform a day's professional effort into an unpleasant contest. It is the tradition forged by lawyers like Abraham Lincoln, Louis Brandeis and John Marshall Harlan who so skillfully advanced their causes and, by virtue of their conduct, also earned the respect and affection of their peers and the public. It is a tradition that the profession must preserve.

Advocacy is enhanced by courtesy and civility. Probity and grace separate professions from mere businesses. "Membership in the bar," as Justice Cardozo noted, "is a privilege burdened with conditions. (Attorneys are) received into that ancient fellowship for something more than private gain." In the clamor to be competitive and profitable, we must not lose sight if this fact. It is a cornerstone of our profession.

If we are to garner the respect of our fellow citizens, and return to a previously enjoyed status, we must demonstrate that we are truly a "cultivated portion of society." There are undoubtedly many ways to attempt to effect this result, but there is at least one that is uniquely within the control of the profession itself. It begins each day with a simple undertaking to treat colleagues with courtesy. That simple undertaking will enhance our own performance and the performance of others. Civility alone may not restore the esteem in

which the profession was previously held. However, its reemergence is something that is solely within our own control and will yield unimagined rewards for the profession and for all who are served and touched by it. ■

