

Professionalism As Survival Strategy

by [Jayne Reardon](#)



I just started reading the book [The Relevant Lawyer, Reimagining the Future of the Legal Profession](#). In this book, twenty different chapters from forward looking experts provide insights about changes affecting the legal profession, what should be done in response to such changes, and the consequences of the legal profession's failure to address such changes. Published by the Standing Committee on Professionalism of the American Bar Association, chapters are devoted to legal education, diversity, professional development, and the transformative reforms sweeping England, Australia and Canada. There is no other book like it out there.

I was asked to write a chapter on the place of professionalism when the practice of law entails delivery of legal services through the Internet, where the commoditization of services means little differentiation between final products from one lawyer, firm or other provider to the next, and competition for shrinking numbers of clients fuels incivility in the courts and among lawyers.

Professionalism is what will differentiate lawyers from merely business people hawking their wares. Quite literally, embracing professionalism while adapting to the changing paradigm of identifying and delivering legal services is a necessary strategy for success. Here is an excerpt of my chapter focusing on the need for a new mindset:

Think Like a Client (Not Like a Lawyer)

An exhortation every law student hears and most lawyers remember having heard in law school is to “think like a lawyer.” That way of thinking conforms the world to the construct of lawyers by, for example, turning ordinary interactions into elements of a cause of action or requirements for forming a contract. However, the world has become too complex for lawyers to use only the skills they learned in law school if they expect to fulfill their professional obligations. Professionalism in the future will require lawyers to expand their thinking, be open to continuous learning, and learn to “think like a client” – not just like a lawyer.

Connect Law Beyond the Silo

Moreover, as information becomes more ubiquitous, it is important for lawyers to see and understand how law relates to the broader society. Formal education, from law school to substantive continuing legal education, is only the beginning of the learning lawyers must pursue to remain competent and relevant in the future. The Internet makes it not only possible, but necessary, for lawyers to be in a continuous learning mode in order to provide value to their clients. Because law schools have not historically equipped their students for the advent and eventual incorporation of new technology into the practice of law, lawyers are admitted to the bar without these skills. As a result, lawyers are called upon to educate themselves about project management, ediscovery, and other technology-based aspects of practicing law that have now become staples of the profession.

Despite the pressures to do more, faster, professionalism requires lawyers to slow down and, quite literally, make time for thinking. Today, forms and templates are a click away. Although lawyers should take advantage of these opportunities to serve clients more efficiently, caveat advocator: professionalism requires lawyers to analyze, evaluate, and double-check their work. Moreover, lawyers must always be careful that their work is their own, and not inadvertently plagiarized from another source. Because information is widely available, original and creative thought is more valuable. Lawyers should discern how information may be relevant to their clients and make connections to the broader sector or to unrelated fields that others have not thought of. This is the concept of delivering value as legal professionals that is required in a world in which information is readily available.

Incorporate Diverse Thinking

Part of being open to learning is to recognize the value of understanding and incorporating diverse perspectives. Lawyers are sworn to uphold the rule of law and the concept of equal justice for all. It becomes difficult to convey the authenticity of that precept when the members of the profession do not reflect the diversity of the population, by gender, race, or sexual orientation. For over two decades, women have graduated from United States law schools at a higher rate than men, yet they fail to stay in the profession or advance to the higher levels of their legal organizations. The statistics for lawyers of color are more disappointing.

At the same time that the legal profession seems to be excluding full participation by women and minorities, globalization is putting lawyers in contact with clients from other cultures and in countries beyond our own. To be a successful professional, a lawyer must strive to understand different cultures and perspectives. Research confirms that diversity and inclusion lead to better decisions. In a world where collaboration, rather than hierarchical decision-making, will increasingly be the norm, there are opportunities for women and others who may naturally be more comfortable with collaboration, as opposed to top-down decision-making. In the end, by embracing diversity in all its forms, lawyers have the opportunity to change the face of our profession and provide more holistic advice for the clients.

Nurture Professional Identity

In this world of both complexity and rising isolation, lawyers should think about their professional identity and connections to other lawyers as part of their education and legacy. Professionalism, as a way of working, thinking, and interacting as a lawyer should be reinforced through mentorship. The successful practice of law entails nuanced consideration of unique circumstances. Seasoned mentors can provide wisdom and judgment derived from personal experience and interactions. New lawyers, most of whom have been “wired” their whole lives, can provide “reverse mentoring” especially in the area of technology. These dynamics are becoming increasingly important as firms are investing less in formal training programs, clients are balking at paying for younger attorneys to shadow or second-chair older counsel, and attorneys are opting for CLE programs that are delivered via the internet. The interpersonal interactions of mentoring create not only a milieu for the transfer of knowledge, but perhaps more importantly, they allow for the creation of personal relationships that can provide a touchstone and an anchor for the mentoring pair and strengthen the professional identity of the lawyers.

Finally, professional lawyers use their skills and talents in *pro bono publico* service. Lawyers are called upon, but in most jurisdictions not explicitly required, to volunteer their training, skills and experience to providing service in the public interest. Service in the public interest may include pro bono representation of people who cannot afford to pay for legal services and work in the area of legal reform. This obligation is not shared by non-lawyers and is another characteristic distinguishing the profession from a mere business. Research shows that individuals who volunteer service reap physiological and emotional rewards. Lawyers are fortunate that the professionalism required by their chosen career carries with it such a strong intrinsic personal benefit.



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As a prior trial lawyer, Jayne leads lawyers to embrace the transformative possibilities of future law practice. As a prior disciplinary counsel, Jayne is passionate about promoting the core values of the legal profession. She is a graduate of the University of Michigan Law School and the University of Notre Dame. Jayne lives in Park Ridge, Illinois with her husband and those of her four children who are not otherwise living in college towns and beyond.