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Professionalism on the Road: Lessons Learned from Taking the Inn on Tour

By M. Austin Roe, Esquire

The first year that I was a member of the Bruce R. Jacob Criminal Appellate Inn of Court, my pupillage group was tasked with giving a presentation on the negative impacts of criminal practice. Our group was concerned about having such a potentially dark topic, but we realized its importance to our Inn, which is focused on appellate criminal practice and is composed of members of the Second District Court of Appeal, the Florida Office of the Attorney General, and the Tenth Circuit Public Defender’s Office.

To lighten the tone of our presentation, our pupillage leader suggested that we cut the serious discussion with entertaining movie clips. The recipe was a success. Our presentation struck a balance between entertainment and group therapy. In between Al Pacino’s legendary opening statement in *And Justice for All* and clips from *Gideon’s Army*, our members shared openly about how some of their cases had affected them and how they handled those effects. The conversation naturally evolved into one about professionalism—specifically how to maintain professionalism in the face of the stress of criminal practice.

We all considered the presentation a success, but after our group’s night at the Inn, I assumed that we were done. I saved the materials in the omnibus archive folder on my laptop where all my law school notes still collect digital dust and thought nothing more of it. Months later, my virtual hoarding was rewarded—we were asked to adapt the presentation for a local bar conference on professionalism. It was then that the “Professionalism Under Pressure” roadshow was born. The presentation was expanded to cover both criminal and civil situations. We added clips of attorneys and deponents threatening to fight

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each other and more clips from movies like *From the Hip* and *Liar, Liar*. We nixed the audience discussion in favor of a panel composed of the local public defender, state attorney, and a judge. When our time slot rolled around, the lights dimmed and Queen's "Under Pressure" began blaring through the speakers. Again, the formula was successful. In total, we have delivered the presentation five times.

My participation in this program has taught me several lessons. First, professionalism is, in part, about empathy. What made many of our presentations successful is that they allowed opposing advocates—prosecutors and public defenders, plaintiffs, and defense attorneys—to sit across the table from one another and speak openly about the pressures and challenges of their respective practices. When attorneys are able to recognize and understand what their opponents are going through, they are more likely to be professional. In other words, attorneys are less likely to be uncivil toward someone if they have some inkling of sympathy or understanding for that person's situation. Empathy is the big buzzword in medical ethics: Those in medicine are concerned with preserving the physician's ability to understand the patient's feelings. However, empathy should be a cornerstone of legal professionalism as well. We should strive to foster empathy for opposing counsel, the parties, the witnesses, the court, and the jury. One way we can maintain empathy with opposing counsel is to meet him or her outside the courtroom's atmosphere of advocacy and communicate in earnest.

Another lesson that has become apparent from my involvement with this presentation is that we, the members of the American Inns of Court, should not keep the professionalism we foster to ourselves—we have to reach out and engage the rest of the legal community. The stated mission of the American Inns of Court is to, in part, foster excellence in professionalism. In its simplest form, this is accomplished by gathering, breaking bread, and engaging each other on the issues concern-

ing our field. However, the professionalism and empathy fostered in our meetings cannot stay localized. We have to take it "on the road." Our Inn has the narrow focus of criminal appellate practice. The original presentation had a target audience of experienced attorneys in criminal practice. Fostering professionalism in such a niche is but a single seed thrown onto a field. Given the increasing size of the legal profession, it is simply not enough to hope that a seed of professionalism planted in one corner of the community spreads throughout the rest. Rather, we have to be agricultural with the professionalism we instill in the American Inns of Court—we have to take what we have learned as an Inn, plant the lessons in the community at large, and foster the professionalism that grows.

Finally, professionalism is an ongoing dialogue and a daily practice. A professionalism certificate does not guarantee that one will always behave professionally. Rather, professionalism is a skill that must be constantly maintained. It is not enough for opposing advocates to meet outside the courtroom once. Such a meeting should merely be a starting point of building a community. Fostering empathy through shared experiences should merely be the first step. From there, we must build a community and constantly ask ourselves how we can be better lawyers and better human beings. This ongoing quest to improve ourselves is something we can embrace as a common bond, even when we are separated by advocacy.

These are the lessons I learned about fostering professionalism through my experience with taking our Inn presentation on tour. To me, this experience has given concrete reality to the mission of the American Inns of Court to foster excellence in professionalism. It is an experience that I constantly keep in mind in my professional and personal life. ♦

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