

WHAT DOES PROFESSIONALISM MEAN TO YOU?

WHY IS PROFESSIONALISM IMPORTANT?

<http://cjcpga.org/2u/>






March 5, 2020
Young Harris, Georgia

**Professionalism for
Child Welfare Law Specialists**

by Karlise Y. Grier, Executive Director, Chief Justice's Commission on Professionalism

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About Me!



- Solo practitioner for 17 years
- Worked for an attorney who was a DFCS SAAG in the late 1990s
- Worked as a SAAG for DHS WIC
- In the first class of Cold Case Fellows
- In the second class of GA CWLS
- ED for Chief Justice's Commission on Professionalism since September 2017

Me In A Previous Life!



About You!



- Special Assistant Attorney General?
- Parent Attorney?
- Child Attorney?
- Child Attorney/GAL?
- Judge?
- Other?

WHAT IS PROFESSIONALISM?



PROFESSIONALISM: AN AMERICAN BAR ASSOCIATION DEFINITION

A professional lawyer is an expert in law pursuing a learned art in service to clients and in the spirit of public service; and engaging in these pursuits as part of a common calling to promote justice and [the] public good.

AMERICAN BAR ASSOCIATION SECTION OF LEGAL EDUCATION AND ADMISSIONS TO THE BAR, Teaching and Learning Professionalism, Report of the Professionalism Committee 6 (1996).



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PROFESSIONALISM: PROF. ROSCOE POUND DEFINITION

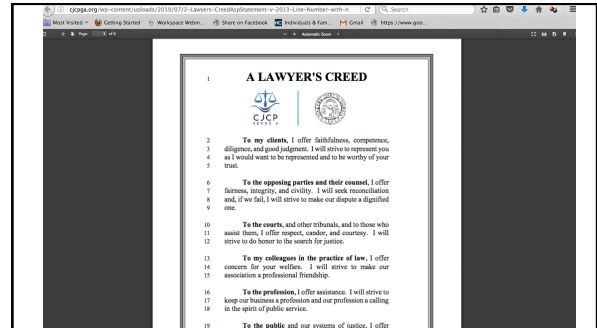
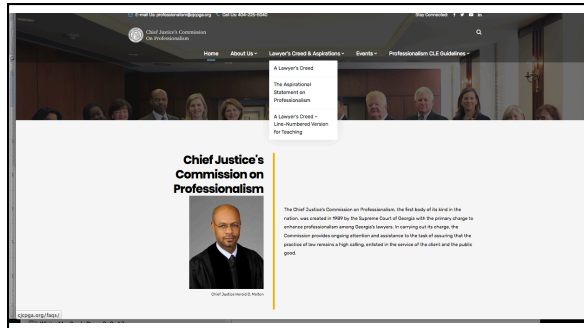
The term [professionalism] refers to a group . . . pursuing a learned art as a common **calling** in the spirit of public service - no less a public service because it may incidentally be a means of livelihood. Pursuit of the learned art in the spirit of a public **service** is the primary purpose.

Roscoe Pound, The Lawyer from Antiquity to Modern Times 5 (1953)



ETHICS VS. PROFESSIONALISM?





ETHICS VS. PROFESSIONALISM?

The best explanation of the distinction between ethics and professionalism that is offered by former Chief Justice Harold Clarke of the Supreme Court of Georgia:

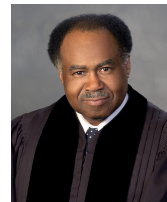


"... the idea [is] that ethics is a minimum standard which is required of all lawyers, while professionalism is a higher standard expected of all lawyers."



ETHICS VS. PROFESSIONALISM?

In a concurring opinion in **King v. State, 262 Ga. 477, 478-479 (1992)**, Justice Robert Benham wrote: "We have sought to raise the level of consciousness of all those who participate in court proceedings to encourage them to adhere to principles of honesty, truthfulness, trustworthiness, integrity, fairness and civility. This goal cannot be accomplished if participants in court proceedings go all the way to the line of permissible conduct without crossing it. They must be willing to walk wide of error and impropriety and **seek to abide by the letter and the spirit of the law.**"



The child was told not to step one foot outside.



CHIEF JUSTICE'S COMMISSION ON PROFESSIONALISM: INSIGHT FROM CHIEF JUSTICE NORMAN FLETCHER (RETIRED)

I have concluded that professionalism, in a legal sense, is to a great extent practicing the golden rule. It is not -- do my opponent in before my opponent does me in, -- but rather, it is do unto your fellow attorneys, the judges and society as you would have them do unto you.



CHIEF JUSTICE'S COMMISSION ON PROFESSIONALISM:

INSIGHT FROM PRESIDENT ABRAHAM LINCOLN, ESQ.

The leading rule for the lawyer, as for the man of every other *calling*, is **diligence**. Leave nothing for to-morrow which can be done to-day. Never let your correspondence fall behind. Whatever piece of business you have in hand, before stopping, do all the labor pertaining to it which can then be done. When you bring a common-law suit, if you have the facts for doing so, write the declaration at once. If a law point be involved, examine the books, and note the authority you rely on upon the declaration itself, where you are sure to find it when wanted. The same of defenses and pleas **and even draft orders and decrees in advance.**



WHY IS PROFESSIONALISM IMPORTANT?



CHIEF JUSTICE'S COMMISSION ON PROFESSIONALISM:

YOUR THOUGHTS – WHY IS PROFESSIONALISM IMPORTANT?



Library of Congress (Downloaded by Sarah E. Green, 10/2/22)
www.congressionalrecords.gov/recordings/justice

In 1998, Justice Sandra Day O'Connor opined:
"More civility and greater professionalism can only enhance the pleasure lawyers find in practice, increase the effectiveness of our system of justice, and improve the public's perception of lawyers."

Sandra Day O'Connor, Professionalism, 76 Wash. U. L. Q. 5 (1998).
Available at: <http://openstaxlibrary.org/worksheets/justice/justice12>



THOUGHTS FROM JUSTICE SARAH HAWKINS WARREN



CHIEF JUSTICE'S COMMISSION ON PROFESSIONALISM:

Commission History

The Chief Justice's Commission on Professionalism, *the first body of its kind in the nation*, was created in 1989 by the Supreme Court of Georgia with the primary charge to enhance professionalism among Georgia's lawyers.



CHIEF JUSTICE'S COMMISSION ON PROFESSIONALISM:

Commission Mission

The **mission** of the Commission is to support and encourage lawyers:

- to exercise the highest levels of professional integrity in their relationships with their clients, other lawyers, the courts and the public, and
- to fulfill their obligations to improve the law and legal system and to ensure access to that system.



CHIEF JUSTICE'S COMMISSION ON PROFESSIONALISM: COMMISSION COMPOSITION

The Commission is composed of representatives of the organized bar, practicing bar, judiciary, law schools and the public. (The 2019-2020 Commission is pictured here.)

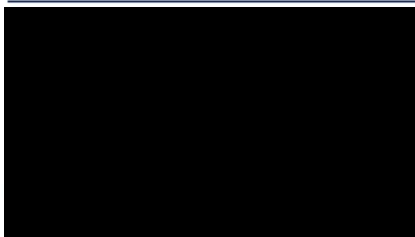


CHIEF JUSTICE'S COMMISSION ON PROFESSIONALISM: COMMISSION COMPOSITION



The Commission is chaired by the
Chief Justice of the Supreme Court of Georgia

Chief Justice Harold D. Melton



Chief Justice Harold D. Melton



CHIEF JUSTICE'S COMMISSION ON PROFESSIONALISM: COMMISSION WORK

The Commission's educational programming takes many forms including **Professionalism Page** articles in the Georgia Bar Journal.



CHIEF JUSTICE'S COMMISSION ON PROFESSIONALISM: COMMISSION WORK

Each year, the Commission in partnership with the State Bar Committee on Professionalism holds orientations at all five Georgia law schools.

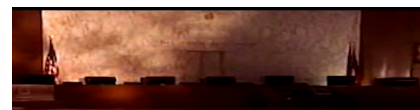


CHIEF JUSTICE'S COMMISSION ON PROFESSIONALISM:

A Lawyer's Creed and

The Aspirational Statement on Professionalism

A *Lawyer's Creed* and the *Aspirational Statement on Professionalism* were adopted by the Commission in 1990 and also by Supreme Court order and made a part of the Rules and Regulations for the Organization and Government of the State Bar of Georgia.



CHIEF JUSTICE'S COMMISSION ON PROFESSIONALISM:

A Lawyer's Creed

To my clients, I offer faithfulness, competence, diligence, and good judgment. I will strive to represent you as I would want to be represented and to be worthy of your trust.

To the opposing parties and their counsel, I offer fairness, integrity, and civility. I will seek reconciliation and, if we fail, I will strive to make our dispute a dignified one.

To the courts, and other tribunals, and to those who assist them, I offer respect, candor, and courtesy. I will strive to do honor to the search for justice.

To my colleagues in the practice of law, I offer concern for your welfare. I will strive to make our association a professional friendship.

To the profession, I offer assistance. I will strive to keep our business a profession and our profession a calling in the spirit of public service.

To the public and our systems of justice, I offer service. I will strive to improve the law and our legal system, to make the law and our legal system available to all, and to seek the common good through the representation of my clients.



CHIEF JUSTICE'S COMMISSION ON PROFESSIONALISM:

Aspirational Statement on Professionalism

- Re-examine
- Reflect
- Remember



CHIEF JUSTICE'S COMMISSION ON PROFESSIONALISM:

Aspirational Statement on Professionalism

✓ Re-examine

✓ Reflect

It is the Court's hope that Georgia's lawyers, judges, and legal educators will use the following aspirational ideals

- to **reexamine** the justifications of the practice of law in our society and
- to consider (**reflect on**) the implications of those justifications for their conduct.

(Lines 41 – 44)



CHIEF JUSTICE'S COMMISSION ON PROFESSIONALISM:

Aspirational Statement on Professionalism

✓ Remember

In our practices we [lawyers and judges] should **remember** that the primary justification for **who we are** and **what we do** is

- the common good
- we can achieve
- through the faithful representation of people who desire to resolve their disputes in a peaceful manner and to prevent future disputes.

(Lines 31 – 33)



CHIEF JUSTICE'S COMMISSION ON PROFESSIONALISM:

Aspirational Statement on Professionalism

✓ Remember

- We should **remember**, and
- we should help our clients **remember**,
that the way in which our clients resolve their disputes defines part
of the character of our society and
- we should act accordingly.

(Lines 33 – 35)



CHIEF JUSTICE'S COMMISSION ON PROFESSIONALISM:

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SAVE THE DATE

SUICIDE AWARENESS PROGRAM

APRIL 28, 2020


2:00 PM – 5:00 PM

State Bar of Georgia
Atlanta (live)


Tifton & Savannah (video conference)
(more locations may be announced)




MODERATED BY:




Ms. Sally Q. Yates
Partner, King & Spalding
Former Deputy Attorney General for the United States
Department of Justice



PLANNING TEAM:

- **Judge Clyde Rusk**, Court of Appeals of Georgia
(State Bar of Georgia's SOLACE Co-Chair);
- **Judge Renner Heard**, Tifton County Juvenile Court
(State Bar of Georgia's SOLACE Co-Chair);
- **Judge Christyanna Christy Morris**, Superior Court of DeKalb County
(State Bar of Georgia's Suicide Prevention Chair); and
- **Mr. Joe Charnay**, Managing Partner, Drew Eckl Farnham



CONFIRMED SPEAKERS:

- **Ms. Robin Frazer Clark**, State Bar President 2012 – 2013
- **Ms. Lynn Gerson**, Chair, State Bar Lawyer Assistance Program
- **Ms. R. Jayne Hobb**, Chair State Bar Wellness Committee
- **Dr. Ben Hunter**, Medical Director at Skyland Trail
- **Mr. Eric Lang**, Esquire, Speaker, Attorney Suicide
- **Hon. Bill Reinhard**, Judge, Tifton Circuit Superior Court
- **Hon. Wesley B. Taylor**, Judge, Fulton County State Court
(one more speaker may be confirmed)




CLE HOURS:

This program has been approved for

3 CLE hours

including

1 hour of professionalism




COSTS:

\$25 for lawyers who want CLE credit

\$0 for lawyers who do not want CLE credit, non-Lawyers,
including legal support staff, and other non-lawyer
members of the legal community

Everyone **MUST** register for the event. Registration will open via Eventbrite in March 2020




THE CHIEF JUSTICE' COMMISSION ON PROFESSIONALISM
seeks

SATELLITE VIEWING LOCATIONS

- ✓ Albany
- ✓ Columbus (Judge Arthur Smith)
- ✓ Macon
- Rome
- Valdosta
- Throughout the Metropolitan Atlanta Area
 - ✓ Clayton County (Judge Geronda Carter)
 - ✓ Parker Hubbs

The Court believes there are unfortunate trends of . . . loss of professional community in the current practice of law.

—Aspirational Statement on Professionalism Adopted by the Supreme Court of Georgia, 1990




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- ✓ Albany
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The Deadline to apply to serve as a Satellite Viewing Location is
February 21, 2020.




HOW YOU CAN HELP:

- Talk to your law firm or other legal employer about what the organization can do to ensure as many lawyers and legal support staff from your organization can attend the Suicide Awareness Program
- Share the information with other legal professionals with whom you work – non-lawyer judges, paralegals, legal assistants, court reporters, bailiffs and others and invite them to join you in participating in the program on


April 28, 2020, from 2 pm – 5 pm




REMINDER TO ALL BAR MEMBERS




Each member of the State Bar of Georgia is entitled to six prepaid clinical personal counseling sessions per calendar year through the Lawyer Assistance Program of the State Bar of Georgia. #UseYour6



REMINDER TO ALL BAR MEMBERS




If you are thinking of hurting yourself, or if you are concerned that someone you know may be contemplating suicide, contact the State Bar's Lawyer Assistance Program confidential hotline at 800-327-9631. #UseYour6



FOR UPDATES or MORE INFORMATION:

Staff Support provided by: Karlise Y. Grier, Executive Director
Chief Justice's Commission on Professionalism
kygrier@cjcpga.org
404-225-5040

<http://cjcpga.org/suicide-awareness-program/>



CHIEF JUSTICE'S COMMISSION ON PROFESSIONALISM: COMMISSION WORK

The Commission's educational programming takes many forms including **Professionalism Page** articles in the Georgia Bar Journal.

CJCP Professionalism Page

The Importance
of Lawyers Abandoning
the Shame and Stigma
of Mental Illness



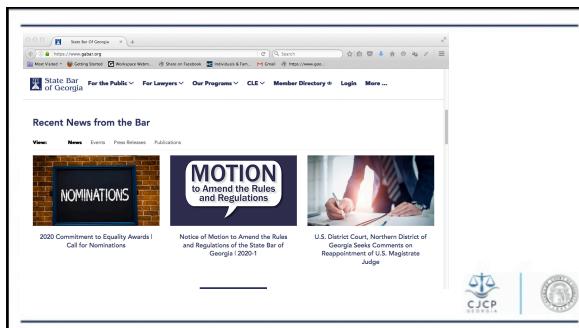
CHIEF JUSTICE'S COMMISSION ON PROFESSIONALISM: PROFESSIONALISM CHALLENGES



PROFESSIONALISM CHALLENGES: TO MY CLIENTS

Challenge # 1:

Stacy Warner has a busy civil practice. She regularly attends continuing legal education courses to stay abreast of changes in the substantive law in her areas of practice. Recently, she considered attending the Solo and Small Practice Institute, especially so she could learn more about technology but she isn't sure it is a good use of her money or her time.



Comment [6] to Rule 1.1

To maintain the requisite knowledge and skill, a lawyer should engage in continuing study and education. To maintain the requisite knowledge and skill, a lawyer should keep abreast of changes in the law and its practice, including the benefits and risks associated with relevant technology, engage in continuing study and education, and comply with all continuing legal education requirements to which the lawyer is subject.



PROFESSIONALISM CHALLENGES: TO MY CLIENTS

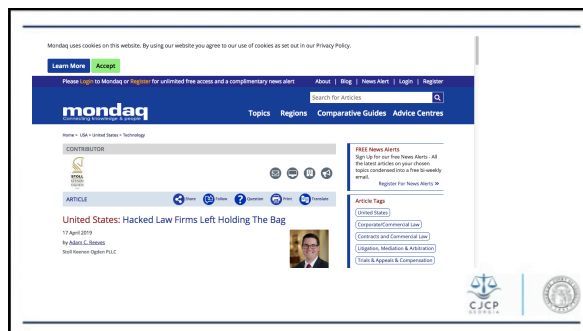
Challenge # 2:

You are the managing partner at Small Hardworking Lawyers Law Firm LLP. You come into your office one morning to discover you are among the 27% of small law firms (2 – 9 attorneys) that have been hacked.

<https://www.lawyersmutualinc.com/blog/one-in-5-law-firms-hacked-in-2017>

<http://www.mondaq.com/unitedstates/v/798776/Security/Hacked+Law+Firms+Left+Holding+The+Bag>





PROFESSIONALISM CHALLENGES: TO OPPOSING PARTIES/MY CLIENTS

Challenge # 3:

Parent's Attorney, Jane, receives an e-mail from the SAAG meant for the SAAG's associate named, Jane. It contains as an attachment a memo detailing the communications between the SAAG and the DFCS Caseworker about evidence and testimony for an upcoming hearing and the Caseworker's thoughts regarding changes to the parent's case plan.



PROFESSIONALISM CHALLENGES: TO OPPOSING PARTIES/MY CLIENTS

Challenge # 3:

RULE 4.4 RESPECT FOR RIGHTS OF THIRD PERSONS

(b) A lawyer who receives a document or electronically stored information relating to the representation of the lawyer's client and knows or reasonably should know that the document or electronically stored information was inadvertently sent shall promptly notify the sender.



PROFESSIONALISM CHALLENGES: TO OPPOSING PARTIES/MY CLIENTS

Challenge # 3 – Minimum Standards:

RULE 4.4 RESPECT FOR RIGHTS OF THIRD PERSONS

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PROFESSIONALISM CHALLENGES: TO THE COURTS

Challenge # 4:

A [or THE] judge in your jurisdiction believes that keeping dependency proceedings as informal and "non-adversarial" as possible is in the best interest of children. As a result, the judge regularly conducts "hearings" without following the rules of evidence – even in cases in which the judge orders the removal of children from a home.



PROFESSIONALISM CHALLENGES: TO THE PUBLIC

Challenge # 5:

Hillary is very active on LinkedIn. She has received many endorsements, including one from her daughter Chelsea, who is not a lawyer, saying Hillary is the best lawyer in town.



CHIEF JUSTICE'S COMMISSION ON PROFESSIONALISM:

THE PARABLE OF THE THREE BRICKLAYERS

Another parable I heard on this topic was the one about the three bricklayers. A traveler came upon three men working.

He asked the first man what he was doing and the man said he was **laying bricks**.

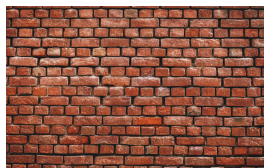


CHIEF JUSTICE'S COMMISSION ON PROFESSIONALISM:

THE PARABLE OF THE THREE BRICKLAYERS

Another parable I heard on this topic was the one about the three bricklayers. A traveler came upon three men working.

He asked the second man the same question and he said he was **putting up a wall**.



CHIEF JUSTICE'S COMMISSION ON PROFESSIONALISM:

THE PARABLE OF THE THREE BRICKLAYERS

Another parable I heard on this topic was the one about the three bricklayers. A traveler came upon three men working.

When he got to the third man and asked him what he was doing he said he was **building a cathedral**.



CHIEF JUSTICE'S COMMISSION ON PROFESSIONALISM:

THE PARABLE OF THE THREE BRICKLAYERS – YOU ARE BUILDING CATHEDRALS

YOU are impacting the trajectory of A CHILD'S LIFE!



Photo Credit: https://www.shutterstock.com/group-diverse-kids-playing-field-together_2782461.html#query=happy%20children%20diverse%20group&position=7



THANK YOU



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