Editor’s note: Recently, Edwin Hamden and Andrew Schpak, lawyers at Barran Liebman in Portland, sat down for a discussion on professionalism. They both acknowledged that perspectives on appropriate behavior and professionalism inside and outside the workplace can materially differ according to different generations of lawyers. This article details their conversation and seeks to discuss a number of common situations that lawyers face, with Hamden (a seasoned lawyer with 25-plus years as an acting managing partner) and Schpak (a young partner who can no longer be described as an associate) providing their respective thoughts on how to navigate the waters of professionalism.

Internal Professionalism

Ed: Let’s start with internal professionalism. Although the most common concern of professionalism is in communications and relationships with opposing counsel, professionalism is equally important in the office setting. We all start with a belief in basic attributes and principles for lawyers, including complete dedication and integrity. But we too often forget that those who are working with us have the same deep commitment to excellence and to clients as do we. To be successful as a lawyer or a firm, we simply have to figure out how to weave those principles into the fabric and culture of our firms and practice. I suggest we need to use the same level of professional behavior in addressing or dealing with our secretaries, executive assistants, staff and other attorneys inside our office that we would use in dealing with the court or opposing counsel.

Andrew: Simply treating every person in the office with respect is priority one — and results in much more work getting accomplished (and potentially having someone help you out when you are in an extreme overload position). Each staff member is a key to the team, and treated in a professional manner will perform accordingly.

Ed: For newer lawyers who have not previously worked in office environments, it can be difficult to decipher the boundaries of what requests of staff are appropriate. I remember when I first started, I was not sure whether I should ask my assistant to make copies for me or assist me with projects. Based on conversations with other lawyers around the state, the standard for appropriate requests to make direct and regular feedback is not only essential, but also necessary. I encourage newer lawyers to ask other lawyers when in doubt — and to follow the lead of other people at the firm in navigating the waters of professionalism with respect to requests of staff.

Andrew: There are certainly a lot of different ways an attorney can cross the line towards a staff member. It is important to mindful that, from an employment law perspective, a lawyer may be viewed as a supervisor of any and all staff members. Therefore, discrimination, retaliation and harassment laws likely apply, and it is important to treat all staff members with professionalism and respect. Just because you are close in age does not mean that the same expectations apply to you both.

What about attorney-to-attorney internal professionalism, Ed? One tendency I have seen cause the downfall of attorneys in the past is speaking ill of a co-worker in the legal community. Very little can do as much damage to the reputation, while at the same time cause the undoing of the speaker’s future with that firm. If you don’t like the people you work with, change jobs. Don’t speak ill of them to others.

Ed: I operate on the belief that anything I say or write about another person will most certainly at some point get repeated. I encourage newer lawyers to ask other lawyers when in doubt — and to follow the lead of other people at the firm in navigating the waters of professionalism with respect to requests of staff.”

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“In all of these situations, some caution, of course, must be used, even terms of the words and tone used, as well as the general attitude adopted. Andrew: There are certainly a lot of different ways an attorney can cross the line towards a staff member. It is important to mindful that, from an employment law perspective, a lawyer may be viewed as a supervisor of any and all staff members. Therefore, discrimination, retaliation and harassment laws likely apply, and it is important to treat all staff members with professionalism and respect. Just because you are close in age does not mean that the same expectations apply to you both.”

“Don’t say anything if you can’t immediately respond to personalized attacks; don’t speak ill of the office, the partner in charge of the work, those who are working with us have the same work ethic; do make sure that the other person understands you are close in age does not mean that the same expectations apply to you both.”

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is advised of the lack of professionalism; and do calibrate your response in a manner that will retain your dignity and the respect of others. Keep in mind that others will probably only see your part of the bad conduct. Do really good work and ignore the distractions, and the rest usually falls in place.

Andrew: You bring up a great point. Ed, an associate's ability to do good work is an essential foundation upon which everything else is built. With each project that an associate does for a partner, that partner is attaching her or his name to the work. The associate is a representative of the firm and more specifically the associate is a representative of the partner on the case. If the associate is unprofessional towards opposing counsel, the client or the court, that unprofessionalism reflects poorly upon and may have ramifications for the partner and the firm.

Another challenging area is the provision and receipt of feedback between associates and partners. An open and honest evaluation process is important to an attorney's development. Most senior partners would be surprised by how much newer lawyers wish they received more feedback. It unfortunately often falls to the associate to solicit that feedback. When the associate receives it, the associate must avoid any temptation to interrupt or argue with the feedback given. Instead, take the time to listen and digest all input received. If you disagree with any of the complaints or concerns raised, gather documentary or other objective support for your position, and frame the discussion as an effort to better understand the concerns raised.

Ed: One of the hardest jobs I have as a partner is to provide instructive, timely and useful feedback to associates. Yes, there are roadblocks to that happening: the "press of business" pushes us to just do the project done and the next one started; the sense of discomfort at addressing problem areas, rather than just making the corrections and moving on; the supposed cost in "lost time" in rehashing mistakes; the competing demands for resources. However, the partner and firm owe it to the associate to provide the necessary mentoring, training and feedback to allow that associate to become an excellent practitioner. Suggestions provide detailed feedback after each major project; have team meetings to discuss project priorities and how they are being met; ask for feedback on how well you as the partner are doing in directing the project; and encourage requests for additional communication, training and mentoring.

External Professionalism

Andrew: The expectation of professionalism goes beyond our treatment of co-workers and opposing counsel. It also extends to how we treat our clients. Regardless of the wealth of the client or your hourly rate, we should treat all clients with dignity and respect and represent each client with diligence and the highest of ethics. The same can be said of our duty of professionalism and candor to the court. Most Oregon lawyers treat judges appropriately. However, I have seen many lawyers not act professionally towards judicial clerks, judicial assistants, bailiffs, court reporters and other courthouse staff. As attorneys, we should be treating everyone with respect, particularly when we are acting in our role as representatives for our clients.

Ed: I probably should not put this in writing, but the judicial staff members are perhaps the most important people in the courthouse. Not only do they deserve every bit as much respect and professionalism as the judge is accorded, but you are crazy not to provide it. Judges know what goes on in their courtroom and over the phone with staff, and the regard in which they hold you and your firm can affect the case. If the associate is unprofessional towards the court, that unprofessionalism reflects poorly upon and may have ramifications for the partner and the firm. We are acting in our role as representatives for our clients. Formal feedback is an essential foundation upon which everyone with respect, particularly when we are acting in our role as representatives for our clients.

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We are excited to announce that Eli Neal joined the firm earlier this year. He is a University of Washington graduate. Taylor Cothern joined Cogence Group in late 2015. She acquired her accounting degree from the University of Portland. Both Eli and Taylor are CPAs and both were auditors for the international accounting firm Ernst & Young. Interestingly, four of our five staff are all EY alumni. Most importantly they all desire excellence in everything we do for our clients.

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arguments will be affected by mean and nasty treatment — as well it should be, frankly. Besides that, these are really good and knowledgeable folks who can provide insight and maybe even helpful critiques.

Andrew: One of the tips I share with law students I meet is that business development and an expectation of professionalism begin in law school, not after you pass the bar and start working. Those classmates will eventually become lawyers who can either be a source of future clients or a source of unflattering rumors. The same school of thought applies to professionalism towards people with whom you interact in networking and social media settings. Your next client could come from a low school classmate, a fellow lawyer who sits on a bar committee with you or a Facebook friend. Potential clients may use one or more of the following sites to decide whether or not to retain your services: Facebook, Google, Instagram, Snapchat and Twitter. In today’s legal community, we owe a duty of professionalism in all public forums.

Ed: I would add that not only is community involvement a way to network and gain business, but it is the core of our professional responsibility. We are trained to solve problems, and we need to engage our training and leadership in finding thoughtful and honest resolutions to the problems faced by those in need, by those without access to justice and by the justice system itself. We do have the passion, commitment, involvement and desire to do what is right, which is really what, in my mind, professionalism is all about. We just need to do it.

Ed Hamden is the managing partner at Barran Liebman, where he represents employers in all stages of employment litigation and handles employment dispute resolution. He has tried over 100 employment law cases and is a renowned litigator, respected adversary and a leader in the courtroom and community. In 2012, he was honored with the Multnomah Bar Association’s Professionalism Award and in 2015 with the Oregon State Bar Professionalism Commission Award. He has served as the president of the Multnomah Bar Association’s Professionalism Award in 2015.

Andrew Schpak is a partner at Barran Liebman, where he exclusively represents management in employment litigation. He has acted as chair for the American Bar Association’s Young Lawyers Division and has served as the president of the Multnomah Bar Association’s Young Lawyers Section. He now acts as an ABA Young Lawyers Division delegate to the ABA House of Delegates, is a LP fellow to the ABA Law Practice Division, and sits on the Multnomah Bar Association board of directors. He was honored with the Oregon State Bar President’s Membership Service Award in 2012, as well as the Oregon New Lawyer Division Member Services Award in 2015.

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