

# The Peculiar Perception: The Parallel of Professionalism and Pornography



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## So what is it?

- Defining professionalism is no easy task
  - As a Government attorney -- with whatever amount of time in that service that you may have, if you were asked to tell us what professionalism is – right now – it would really be difficult to tell us.



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## What it is not...

- Professionalism is not merely the Rules of Conduct applicable to lawyers, judges or magistrates.
  - Although they are not yet published, there are Rules of Conduct for North Carolina Magistrates --- coming soon.
- Such rules, while containing aspirational language, are the minimum requirements.



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### What is professionalism?

- The definitions that we have are themselves defined by their lack of definition.



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### The Practical and the New

- Let's look at what the ABA tells new lawyers about professionalism.
- It teaches in a very practical way.



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At its most superficial, professionalism is about appearance.

- This means that you're dressed and groomed appropriately for the workplace, which in turn demonstrates you understand and respect workplace culture.



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### The Phenomonology of Perception

- But appearance is, of course, the base of perception.
- In the case of professionalism, appearance is not merely about how something or someone looks – instead the we focus on whether it not only appears to be professional – dedicated to the right, the good, the just – but is it actually...?

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### Second, professionalism is about behavior.

- This means that you behave appropriately for the court, the office, and the public.
- We sometimes refer to professional behavior as “office etiquette” or “business etiquette” or “courtroom etiquette.”

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### It's rudimentary

- This necessary behavior, although basic, includes appropriate approach, good posture and body language, use of formal English in oral and written communications (rather than, for example, slang and emoticons), politeness, treating people with respect, and courtesy.

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### Third, professionalism is about temperament and demeanor

- Are you reliable, confident, and trustworthy? Do you listen carefully? Do you ask questions when you need direction or clarification? Are you detail-oriented and careful? Do you meet your deadlines?



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### Temperament and demeanor

- Do you keep your clients, Boards, and/or supervisors informed of your progress (or difficulties) on assignments? Do you follow through and show appropriate initiative?
- For public lawyers, do you treat members of the public with the courtesy that you treat your supervisors or Boards?



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11

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### Temperament and demeanor

- Do you think through problems and potential solutions? Do you try to understand the big picture and how your role fits into it? Do you radiate calm and confidence in a crisis, able to handle not just the emergency itself, but also able to reassure teammates, clients and for government lawyers, the public?



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12

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### Temperament and demeanor

- Having a professional temperament can be one of the hardest parts of “being professional.”
- Professionalism requires thought and deliberate adherence to that thought and it shouldn't be – phony.
- Professionalism should be part of who you are.



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13

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### Professionalism-- the overarching philosophy

- Professionalism is more than this list, however.
- At its best, professionalism is an overarching philosophy focused on delivering outstanding service and helping clients achieve their goals.



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14

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### Not just a matter of style – although style matters

- Professionalism cannot be just stylistic; it's also substantive.
- A professional has good, sound judgment.
- A professional thinks through complexities and nuances, understanding the Big Picture as well as the details.



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15

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### Anticipation – not making me wait

- A professional anticipates problems and needs and then devises solutions, thinks through alternative paths to goals, and provides clients with timely advice and work-product that they can understand and put to use.



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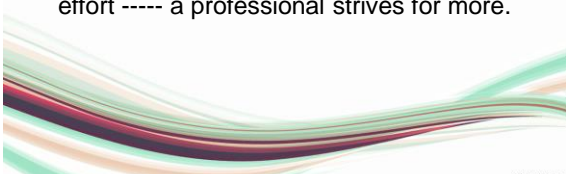
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### Never satisfied with the least...

- A professional should be satisfied with his or her work and life's work
- But a professional should never be satisfied with second-rate work or minimal effort ----- a professional strives for more.



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17

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### *your work conduct is governed by this overarching philosophy*

- When you are a true professional, every aspect of your work conduct is governed by this overarching philosophy, including subordinating your personal desires and schedules to your clients' goals, whether it's meeting deadlines, fulfilling promises, or achieving objectives.

– (Keep in mind: your "clients" may include your employer, your supervisor and the public.)



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### Professionalism and success

- Professionals internalize their clients' needs and goals and make them their own, *i.e.*, the professional succeeds when and because our clients rightly succeed and the cause of justice is achieved and the propriety of the profession is raised.



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19

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### Professionalism Includes

- Respect for the Rule of Law
- Communicating with the Courts properly
- Managing Clients
- Civility and Respect for Other Lawyers and Parties



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### Professionalism includes

- Upholding the *good reputation* of the Legal Profession and the legal *professional*.



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### A Public 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.

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### Professionalism Creed

- 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.

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23

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### Professionalism Creed

- 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.

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## Professionalism Creed

- 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 my representation of those whom I represent and counsel.



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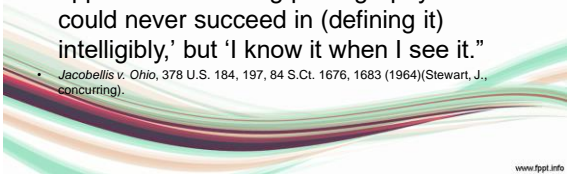
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## What do you see?

- Professionalism, the ultimate hallmark of the practice of law, may in a sense be defined by the lack of a definition, but following Justice Potter Stewart's approach to defining pornography: "I could never succeed in (defining it) intelligibly,' but 'I know it when I see it."

- *Jacobellis v. Ohio*, 378 U.S. 184, 197, 84 S.Ct. 1676, 1683 (1964)(Stewart, J., concurring).



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26

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