

THE ATLANTA LAWYER

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WHEN COMMUNITY SERVICE HITS HOME

**CELEBRATING SERVICE PHOTOS, THANKING THOSE
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PREPARING FOR THE ROLE OF CAREGIVER

**STEPS TO PROTECT YOUR FAMILY'S
SPECIAL NEEDS**

**EVENT RECAPS: LINCOLN ON
PROFESSIONALISM & BUT YOU SAID YOU'RE A
LAWYER!?**

**WELLNESS IN PRACTICE:
FOCUSING ON YOUR WELL-BEING & MENTAL
HEALTH**





The Lasting Effects of Lincoln

A Successful 2019 Lincoln on Professionalism CLE

One of America's most famous presidents, Abraham Lincoln, evokes an almost larger than life persona. He is still known by nicknames such as "Honest Abe" but little attention is spent on his career before his presidency. However, he had an extensive legal career that formed the basis of his reputation before he entered politics.

On September 17, 2019, the Atlanta Bar Association hosted its Lincoln on Professionalism CLE at the State Bar of Georgia. The panelists this year were comprised of **Hon. Michael L. Brown** (U.S. District Court, Northern District of Georgia), **Hon. Kimberly A.**

Childs (Superior Court of Cobb County), **Hon. Eric A. Richardson** (State Court of Fulton County), and **Cari K. Dawson, Esq.**, (Alston & Bird, LLP). The distinguished panelists engaged in a lively discussion of the vignettes based on Abraham Lincoln's legal career and his hallmark "Honest Abe" label. The panel was moderated by **S. Gardner Culpepper, III, Esq.**, (Rogers & Hardin LLP). The event was humorous and practical in relating Lincoln to the modern era with wisdom and tales of conflict.

For those that have not had a chance to attend this event in the past, the panelists respond

to vignettes from Abraham Lincoln's legal career (prior to his presidency). Panelists tie situations of professionalism from Lincoln's lawyer days to today's modern lawyer. The focus of each vignette is civility and honesty. As attorneys, we have the Lawyer's Creed which outlines the duties we owe to clients, opposing counsel, courts, colleagues, the profession and the public. The hallmark of all of these aspirational statements is to maintain the profession with dignity and honor. By discussing various scenarios that Lincoln faced, we see that the same professionalism requirements existed in the 1800's, just like they do today.

Dignity and Civility

The Creed provides, "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."

It is difficult to imagine an adversary of Lincoln to simply ignore him given his well-known height and demeanor. However, that very scenario unfolded in his professional life. Professionalism is key to being a lawyer in the community, court, and amongst one another. Lincoln faced some challenges that are readily translatable. For instance, a client and new counsel did not notify Lincoln that he was removed from a case. His duty was to maintain representation for the client until told otherwise. When confronted with hostility by new counsel, Lincoln responded by maintaining professionalism without resorting to harshness. Although it is difficult to maintain that level of composure,

it should serve as a guidepost. Ms. Dawson described a difficult situation with opposing counsel and conveyed the difficulty in responding calmly. When she did so, it helped maintain the relationship for the duration of the litigation. Judge Childs stated, prior to joining the bench, she vowed to stay true to herself as a litigator. Lincoln faced challenges of being a local lawyer against "big city" lawyers, which is a phenomenon that the panelists experienced. It is important to remember that reputations take years to build and minutes to destroy.

Candor with the Court

Honesty and the truth are keys to being a lawyer. As part of the Lawyer's Creed, we have to conduct ourselves with integrity at all times. When interacting with the judicial system, lawyers must use candor. The Creed requires lawyers to agree to show courts "candor and courtesy." Further, lawyers "will strive to do honor to the search for justice." Judge Richardson relayed the importance of honesty for litigators who appear in front of him. Judge Childs discussed how judges do talk to one another, and it is important to be candid when communicating with the Court and its staff.

One of the vignettes discussed was Lincoln arguing for the enforcement of a contract signed by minors, which the minors later reneged on by using the infancy defense. This clip did not sit lightly with the panelists, who conveyed that the arguments were not relying upon the law. Instead Lincoln appeared to rely upon a moral judgment instead of the law, which the judges disagree with because they want

to correctly apply the law as it is written. The advice from the panelists is to know the law and assist the judge in reaching the correct conclusion. It is important to remember we are a small bar. Judges know one another and will discuss the attorneys appearing in their courtrooms. Candor is key to developing a professional reputation.

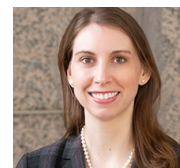
Duty to the Client and the Public

Candor to the client is obvious, but there may be a temptation to sugarcoat updates when giving bad news. The Creed provides to our clients we must "offer faithfulness, competence, diligence, and good judgment." Beyond just those elements, we "strive to represent [a client] as [we] would want to be represented and to be worthy of [the client's] trust." The panel discussed anecdotes from their experiences in which delivering bad news to a client was their least favorite part of the job. However, it is essential to assist the client in making the best decision for his or her situation.

The Lawyer's Creed extends the duty of the lawyer to the public, which essentially means that we must inform the client about the "social and moral impact" of decisions. For example, Lincoln had a client who was a shopkeeper sued with a premises liability claim for injuries sustained when a customer fell in her shop. The shopkeeper had notice of the danger and failed to make timely repairs. However, Lincoln reached a settlement with his opposing counsel by reminding the other side that the shop serves the public, and the impact of the requested demand would leave the shopkeeper bankrupt.

Likely when we think of professional responsibility, clients come to mind first. Lawyers want to win and get their client a desired result. However, candor extends to all of our interactions, including those with the community. The Creed provides, "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." Although this portion of the Creed will rightly conclude that lawyers should do pro bono work, we learned through the vignette that the duty to the public impacts our everyday interactions with clients. We have a duty to notify clients of the community and moral impact of their decisions as the counselor to help them reach appropriate outcomes.

Lincoln's robust legal career shows the groundwork he laid for professionalism and candor which led to his infamous nickname, "Honest Abe." Modern lawyers can apply the lessons he learned to grow our practice and impact in the community through professionalism and candor.



BRITTANIE D. BROWNING, ESQ.
Hall Booth Smith PC
bbrowning@hallboothsmith.com