

How to Be a Great Attorney

Thank you for inviting me to speak today. I'm particularly honored to be speaking at this event for the summer associates and for the new attorneys.

As you enter the practice of law, I want to discuss with you today how you can become not only a good attorney, but a great one. First, I want to define some terms. What is a good attorney? A good attorney must know the law and how to use the law to the benefit of his client. A good attorney works hard for her client at all times. You are probably already on your way to being a good attorney, just by virtue of the fact that you've got jobs in this temporarily tough legal economy. You probably have excelled in law school and will bring that same work ethic to being a good attorney.

But what is a great attorney? A great attorney is highly successful, and has a great reputation amongst other attorneys. Great attorneys make the practice of law look easy, and always seem to enjoy the practice of law. A great attorney likes other attorneys. To those practicing attorneys that are in the room today, I ask you to think of a great attorney whom you know. I look around this room today and I see great attorneys that I have admired throughout my career and whom I've seen develop into great attorneys.

To be clear, I'm not here today saying that I was a great attorney, but I have recognized that great attorneys have one thing in common. How is it that a good attorney can become a great attorney? Well, after I thought about all the great attorneys that I know, I realized that the secret is very simple. The secret to being a great attorney is this: **Be kind.**

Now, before you ask for your money back for today's event, just hear me out. I want to discuss with you how kindness applied five different ways in your practice can make you a great attorney - first, kindness to yourself; second, to your community; third, to your profession; fourth, to non-lawyers involved in the practice of law; and fifth, to other attorneys.

First, be kind to yourself. The best way that you can be kind to yourself in the practice of law is by allowing yourself to have a good reputation. First, you must read the ethical rules thoroughly and re-read them often. Every time you read the rules you will learn something new, and in fact, your perspective will change throughout your legal career. Certain ethical rules will mean something very different to you on the first day you practice law than they do in the tenth year of your practice.

After you've read these rules and you have become comfortable with them, you must follow these rules stringently. You must follow the ethical rules every day - and not in just the big decisions, but in the small everyday ones, as well. Find a great attorney whom you admire and with whom you can discuss ethical dilemmas and questions. That great attorney will not be too busy to talk to you about questions you might have about the practice of law, because a great attorney knows that every attorney has a duty to mentor younger attorneys.

My mentor, my dear friend, and my colleague, Judge Kinard Johnson, and I discussed my speech for today. He said that I should tell you to never compromise your integrity, because once you've compromised your integrity, it is nearly impossible to regain your good reputation. And he should know. He is our longest serving active judge on the bench. He has seen a number of attorneys with a lot of talent come and go- attorneys with a lot of promise who cut corners or gave up their integrity on one occasion. Judge Johnson has seen the devastating effects that poor choices have on legal careers. Incidentally, this year Judge Johnson was given an award from the Family Court judges. We chose him as the judge among us whom we look to as our role model for integrity. In his words, you begin the practice of law with a clean slate - don't ruin it.

Other important ways you can be good to yourself are be good to your family, have a life outside the practice of law, take vacations - and by that I mean to places where your blackberry does not work - and ask for help when you need it. Be kind to yourself.

Second, be kind to your community. Give back to the community that has given you so much by volunteering. How do we do that in the practice of law? Well, someone has already told us how to do this. Also my mentor, dear friend and colleague, Judge Robert Jenkins, spoke to this group two years ago on the topic of doing well as an attorney and doing good as an attorney.

The transcript of his speech is on the Greenville County Bar website which tells me two things. First, the Greenville County Bar has got it right. The Greenville County Bar is unmatched in this state in terms of service to its community, and I encourage you to become active members of the Greenville County Bar if you choose to practice law in Greenville County. The second thing that Judge Jenkins's speech being on the Bar website tells me is that it's a pretty good speech. Judge Jenkins's service to this community is second to none. He was the long time director of Legal Services and continues to tirelessly serve our community. I commend that speech to your reading, and in fact, I think it ought to be required reading. Be kind to your community.

Third, be kind to your profession. On my first day of law school, the Dean of the law school made us all promise that we would never tell a lawyer joke and that we would never laugh at a lawyer joke. Well, I thought that he must not have much of a sense of humor because some of those jokes were pretty funny. But after my first summer of clerking, sitting exactly where you are today, I changed my mind. I began to see those jokes as subtle jabs against the attorneys that I had come to know and respect so much, even in that first summer.

As you heard in my introduction, I am fortunate and blessed to be married to Chuck Verdin, also an attorney here in Greenville, and he is a role model to me in many ways, but especially ethically. Furthermore, I look around this room and I see many folks whom I respect and admire so much. After twelve years of practicing law, those jokes just make me mad. Luckily, those jokes have fallen out of fashion, but you're going to hear criticism of attorneys in other ways. In the age of blogs, online news, and legal correspondents on every news program, you are going to hear criticism of attorneys as they handle every detail of a case or trial. Some conduct by

attorneys is indefensible. However, where you can - everywhere you can - look for ways to build up your profession. Brag on your fellow attorneys.

I have a personal pet peeve - at a cocktail party or at a gathering, someone asks, "How can an attorney represent a particular client?" - usually referring to a notorious criminal defendant, or someone who is unpopular. I was reading an online news article recently about two persons here in Greenville County who were charged with a particularly gruesome murder. I normally don't waste my time with reading online comments to articles; however, the first one about this story caught my eye. Someone had written as a comment to the article that the two attorneys representing these criminal defendants ought to get the death penalty along with their clients.

Let me be clear - it is our duty as attorneys, as members of the legal community, not only to defend an attorney who represents the unpopular or controversial client, it is our duty to applaud that attorney. She is carrying out our constitutional duty to provide legal representation to everyone.

You may remember from my introduction that I was a prosecutor. I came to respect so many of the criminal defense attorneys, and I have come to abhor the comments made about those attorneys. Take up for your profession every chance you get. It will stoke your enthusiasm for this most noble of all professions every time you do it. Be kind to your profession.

Fourth, be kind to the folks in your profession who are not lawyers. The group that first comes to mind ought to be your staff. Take care of them and they will take care of you. Recognize that they have lives outside of your office. They will make or break you as an attorney.

Other folks who come to mind who are involved in the legal profession who are not lawyers are staff of other attorneys, court reporters and judges' secretaries (a particular group near and dear to my heart), employees of the clerk of court, bailiffs and deputies that provide our security - great attorneys know how important these folks are to you in the practice of law.

These folks put up with a lot from the public. We ought to take up for them. Always remember to be kind to these folks when you see them in the courthouse, and if you ever see someone not being kind to them, you should take up for them. How do you go about doing that? How do you learn kindness to folks in your profession while still remaining a professional yourself? Watch great attorneys. Watch what they do. They are not patronizing. They are kind, prepared, and considerate of these folks. They realize that the folks at the courthouse don't work for them. These folks are not impressed that you are an attorney. They see attorneys all day. They are impressed by kindness and courtesy, and it never hurts to learn someone's name. I say to you again - treat these folks nicely and do not let other treat them badly. Be kind to the folks in your profession who are not lawyers.

Finally, be kind to your fellow attorneys. If you take nothing away from my speech today, I ask you to take away this: **don't ever think that because we have an adversarial legal system**

that somehow means we are in an adversarial profession. We are not. Watch those great attorneys that I've been talking about. They are gracious to all other attorneys and differential to the court. Great attorneys just plain like attorneys when they meet one. Why? Because we are all bound by the same ethical rules and we all share common experiences.

When you are reading the ethical rules like I've talked to you about earlier, I ask you to pay particular attention to the attorneys oath. It's contained in the ethical rules. Read it and if you are still in law school, get prepared to take the oath. Notice that the duties of representation of your client are right next to this: "To opposing parties and counsel, I pledge fairness, integrity and civility." Civility was added to our oath in 2004. It was so important that every member of the bar at that time had to retake the new oath. The attorney's oath is not very long. The Supreme Court included in it pretty much only the really important stuff.

However, I realize that all this talk about kindness and being kind to other lawyers might not go along with what you've seen on TV or what you may have believed the legal profession would be like. You might be asking how can being kind to other attorneys possibly help make you a great lawyer? There are a lot of ways. First, you'll win the respect of other attorneys and of the court also. Other attorneys will help you whenever you need it. My mother used to say to me, "If you want a friend, be a friend." Other attorneys will refer you clients. It might surprise you but one of your biggest referral sources will be other attorneys. You'll be a great attorney in the eyes of your client because you won't spend their money needlessly on pettiness and unnecessary bickering. And finally, you'll have a far better chance of resolving your case favorably for your client.

Here are some tips: Being nice and being kind should extend to all parts of your practice and your life as an attorney. You ought to be kind to all attorneys, in court and out of court, at work and away from work. Most especially though, you should be kind to other attorneys in court. This is an opportunity for the public to see our profession at work. We can't improve our image in the eyes of the public if we are engaged in constant bickering and rude behavior to one another.

Before I was elected judge, I never liked to see bickering and uncivil behavior in the courtroom. It irritated me. I can tell you, after my entire one year on the bench, that behavior now irritates me much more. It's distracting. As you heard in my introduction, my husband and I bought two puppies for our children and those puppies are small, even in comparison to a child. When those friendly puppies get scared or insecure, they nip. They nip at your hand. When attorneys bicker and act uncivilly to one another in the courtroom, it reminds me of a puppy dog nipping - a puppy dog who feels small and insecure.

Great attorneys never engage in small behavior to one another. In fact, great attorneys, especially in this state, go out of their way to be kind and complimentary of their opposing counsel in the courtroom. It's the mark of all great attorneys. I get a lot of calls from law students to my office asking when they can come and observe a trial for Rule 403. Most ask this question - "Do you have any short trials that I can come and watch?" I am certainly not upset by this question. The

better practice though, if you can possibly do it, is to ask this - "Do you have any trials with really great attorneys coming up?" Observe those trials and note if you ever see bickering on the part of those great attorneys.

Some other tips on being kind are to be on time and always be considerate of other attorneys' time. And this is very important - **never embarrass or belittle an attorney in front of his or her client**. Do everything you can to avoid that. It will happen to you. It will make you feel terrible. Don't reciprocate.

When I tell you to help your opposing counsel on a case out every chance that you get, you might ask, "How do I balance the two? How can I be an attorney who is helpful to opposing counsel and at the same time zealously represent my client?" Well, I will submit to you, it is an art form. You'll only learn it by watching others.

I'm going to give you two examples of kindness in action in the practice of law and both come from the civil litigation world. The first example may not seem very extreme and the second one might be a little bit more extreme to you. As a new attorney, you might be working on a case with a senior attorney, and you might discover that someone has failed to answer discovery in a timely fashion. Your first inclination might be to immediately file a motion to compel. I want you to stop and think about it before you ever file such a motion. Before you file a motion to compel in this state you ought to have tried to call the other attorney several times (but of course, document every time you call). Send the attorney letters. Send the attorney faxes. Do at a minimum what is reasonable to get them to respond to this discovery request.

I'll give you an example from when I practiced law. I came to David Rheney, an attorney for whom I was working, on a particular case (not to imply in any way that David is a senior attorney). I told him that an attorney had failed to file responses to discovery requests within the required time frame. I asked him, "Wouldn't you like for me to file a Motion to Compel?" David flashed that great smile at me, turned around in his chair, called the other attorney, and spoke to him for two minutes. David then turned back around, and told me that the attorney was covered up right now and he'd be getting us those discovery responses within the week. For those of you that are already keeping up with time sheets, you'll understand what I mean here - that call cost 0.1 of his time and our client's money. If I had filed a motion to compel, it would have taken at a minimum four hours to draft the motion, file a motion, and appear for that motion, only to probably be the one in court who was embarrassed. Kindness and consideration paid off for our client with the exact same, if not better, result.

The next example might seem to be a little more extreme to you. You might discover as a new attorney that opposing counsel has failed to file an answer to your complaint or counterclaim within the required time period. In fact, you might go to the supervising attorney that you will be working on the case with and say, "We've got 'em now. They didn't file an answer, and it's four days past the deadline." Undoubtedly you'll get a call from the other attorney upon discovering

his or her mistake, and it will be a somewhat panicked call admitting to the missed deadline and asking for an extension.

Your first inclination might be to laugh and hang up the phone. Don't do that. I'm going to tell you exactly how you should handle that situation. Now, this caveat, if you are a new attorney working on a case with a senior attorney, always, always run it by the senior attorney before you do anything. That being said, you tell the opposing attorney, "Hey, I've been there. I know how you feel. Tell you what, give me a second and let me call my client. I will call you straight back." You call your client and tell your client that you are granting an extension. Tell him that you are saving him or her money because every judge in this state is going to let that attorney out of default. Then you immediately call the opposing counsel back and let him or her know. Why? Because even though he knows in the back of his mind that he will be relieved from default, he still has a terrible feeling in the pit of his stomach. He would have to admit a pretty big screw-up to his client.

You will save money for your client in that case. You will buy goodwill for your client in that case, and by that, I mean it might be difficult for an attorney to crawl a litigant who has agreed to let her file a late answer. You will make a life-long friend out of that opposing attorney. You will become a part of our terrific legal community. In addition, I'll tell you something that I learned more and more every day that I practiced law - you will need that particular attorney in your practice of law. You will screw up. You will be that attorney with that terrible feeling in the pit of your stomach. You will have to ask that attorney for a favor. South Carolina is not a big Bar. If you have the reputation of being a friend, then attorneys will be friends to you. I could go on and on about the attorneys sitting in this room who have shown me incredible kindness in cases, who have gotten me out of jams. As I said, for part of my career, I was a prosecutor, and I look around and see criminal defense attorneys - Frank Eppes, Chip Price, two examples here today of the very best - and think of the times that they helped me out of jams. That's how it's done in this state.

Now, you may be thinking of an attorney right now who is not particularly kind and yet seemingly is at the top of his field. I submit to you that that attorney has not yet reached his full potential. That attorney is not as great as he could be if he were kind. So as you begin your legal career, I want to make you this guarantee today. If you work hard to become a good attorney and if you are kind to yourself by slavishly following the rules of ethics; if you are kind to your community and volunteer; if you are kind to your profession and you build it up whenever you can; if you are kind to non-attorneys in the practice of law because you know they can make or break you; and if you are kind to fellow attorneys and become a part of our legal community, then one day - sooner than you can ever imagine - when the folks in this room think of great attorneys, we will think of you. Thank you and good luck.