THE CHIEF JUSTICE'S COMMISSION ON PROFESSIONALISM (Founded 1989)

A Brief History of the Chief Justice's Commission on Professionalism

Karlise Y. Grier, Executive Director

The mission of the Chief Justice's Commission on Professionalism 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.

After a series of meetings of key figures in Georgia's legal community in 1988, in February of 1989, the Supreme Court of Georgia created the Chief Justice's Commission on Professionalism ("Commission"), the first entity of this kind in the world created by a high court to address legal professionalism. In March of 1989, the Rules of the State Bar of Georgia were amended to lay out the purpose, members, powers and duties of the Commission. The brainchild of Justice Thomas Marshall and past Emory University President James Laney, they were joined by Justices Charles Weltner and Harold Clarke and then State Bar President A. James Elliott in forming the Commission. The impetus for this entity then and now is to address uncivil approaches to the practice of law, as many believe legal practice is departing from its traditional stance as a high calling – like medicine and the clergy – to a business.

The Commission carefully crafted a statement of professionalism, *A Lawyer's Creed* and the *Aspirational Statement on Professionalism*, guidelines and standards addressing attorneys' relationships with colleagues, clients, judges, law schools and the public, and retained its first executive director, Hulett "Bucky" Askew. Professionalism continuing legal education was mandated and programming requirements were developed by then assistant and second executive director Sally Evans Lockwood. During the 1990s, after the Commission conducted a series of convocations with the bench and bar to discern professionalism issues from practitioners' views,

the State Bar instituted new initiatives, such as the Committee on Inclusion in the Profession (f/k/a Women and Minorities in the Profession Committee). Then the Commission sought the concerns of the public in a series of town hall meetings held around Georgia. Two concerns raised in these meetings were: lack of civility and the economic pressures of law practice. As a result, the State Bar of Georgia established the Law Practice Management Program.

Over the years, the Commission has worked with the State Bar to establish other programs that support professionalism ideals, including the Consumer Assistance Program and the Diversity Program. In 1993, under President Paul Kilpatrick, the State Bar's Committee on Professionalism partnered with the Commission in establishing the first Law School Orientation on Professionalism Program for incoming law students held at every Georgia law school. At one time, this program had been replicated at more than forty U.S. law schools. It engages volunteer practicing attorneys, judges and law professors with law students in small group discussions of hypothetical contemporary professionalism and ethics situations.

In 1997, the Justice Robert Benham Community Service Awards Program was initiated to recognize members of the bench and bar who have combined a professional career with outstanding service to their communities around Georgia. The honorees are recognized for voluntary participation in community organizations, government-sponsored activities, youth programs, religious activities or humanitarian work outside of their professional practice or judicial duties. This annual program is now usually held at the State Bar Headquarters in Atlanta and in the past it has been co-sponsored by the Commission and the State Bar. The program generally attracts several hundred attendees who celebrate Georgia lawyers who are active in the community.

In 2006, veteran attorney and former law professor, Avarita L. Hanson became the third executive director. In addition to providing multiple CLE programs for local bar associations, and government and law offices, she served as Chair of the ABA Consortium on Professionalism Initiatives, a group that informs and vets ideas of persons interested in development of professionalism programs. She authored the chapter on *Reputation*, in Paul Haskins, Ed., ESSENTIAL QUALITIES OF THE PROFESSIONAL LAWYER, ABA Standing Committee on Professionalism, ABA Center for Professional Responsibility (July 2013) and recently added to the newly-released accompanying *Instructor's Manual* (April 2017). Ms. Hanson retired in August 2017 after a distinguished career serving the Commission.

Today, the Commission, which meets three times per year, is under the stewardship and management of its fourth Executive Director, attorney Karlise Yvette Grier. The Commission continues to support and advise persons locally and nationally who are interested in professionalism programming. The Chief Justice of the Supreme Court of Georgia serves as the Commission's chair, and Chief Justice Harold D. Melton currently serves in this capacity. The Commission has twenty-two members representing practicing lawyers, the state appellate and trial

courts, the federal district court, all Georgia law schools and the public. (*See* Appendix A). With its chair, members and staff, the Commission is well equipped to fulfill its mission and to inspire and develop programs to address today's needs of the legal profession and those concerns on the horizon. (*See* Appendix B).

The Commission works through committees and working groups (currently Access to Justice, Finance and Personnel, Continuing Legal Education, Grants, and Benham Awards Exploratory, and Benham Awards Selection) in carrying out some of its duties. It also works with other state and national entities, such as the American Bar Association's Center for Professional Responsibility and its other groups. To keep Georgia Bar members abreast of professionalism activities and issues, the Commission maintains a website at www.cjcpga.org. The Commission also provides content for the Professionalism Page in every issue of the *Georgia Bar Journal*. In 2018, the Commission engaged in a strategic planning process. As a result of that process, the Commission decided to focus on four priority areas for the next three to five years: 1) ensuring high quality professionalism CLE programming that complies with CJCP guidelines; 2) promoting the understanding and exercise of professionalism and emphasizing its importance to the legal system; 3) promoting meaningful access to the legal system and services; and 4) ensuring that CJCP resources are used effectively, transparently and consistently with the mission.

After 30 years, the measure of effectiveness of the Commission should ultimately rest in the actions, character and demeanor of every Georgia lawyer. There is still work to do. The Commission will therefore remember the words of Cubbedge Snow set forth below and continue to lead the movement and dialogue on legal professionalism.

> *"[T]he effort for professionalism requires constant striving; we cannot expect an easy or quick result."*
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> --Excerpt from remarks at the 1988 Consultation on Professionalism and the Practice of Law given by Mr. Cubbedge Snow, Jr., 12th President of the State Bar of Georgia, 1974-1975

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PROFESSIONALISM AND GEORGIA'S LEGAL PROFESSION

THE MEANING OF PROFESSIONALISM

The three ancient learned professions were the law, medicine, and ministry. The word profession comes from the Latin *professus*, meaning to have affirmed publicly. As one legal scholar has explained, "The term evolved to describe occupations that required new entrants to take an oath professing their dedication to the ideals and practices associated with a learned calling."[1] Many attempts have been made to define a profession in general and lawyer professionalism in particular. The most commonly cited is the definition developed by the late Dean Roscoe Pound of Harvard Law School:

> The term 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.[2]

Thinking about professionalism and discussing the values it encompasses can provide guidance in the day-to-day practice of law. Professionalism is a wide umbrella of values encompassing competence, character, civility, commitment to the rule of law, to justice and to the public good. Professionalism calls us to be mindful of the lawyer's roles as officer of the court, advocate, counselor, negotiator, and problem solver. Professionalism asks us to commit to improvement of the law, the legal system, and access to that system. These are the values that make us a profession enlisted in the service not only of the client but of the public good as well. While none of us achieves perfection in serving these values, it is the consistent aspiration toward them that defines a professional. The Commission encourages thought not only about the lawyer-client relationship central to the practice of law but also about how the legal profession can shape us as people and a society.

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1 DEBORAH L. RHODE, PROFESSIONAL RESPONSIBILITY: ETHICS BY THE PERVASIVE METHOD 39 (1994)

2 ROSCOE POUND, THE LAWYER FROM ANTIQUITY TO MODERN TIMES 5 (1953)

BACKGROUND ON THE LEGAL PROFESSIONALISM MOVEMENT IN GEORGIA

In 1986, the American Bar Association ruefully reported that despite the fact that lawyers' observance of the rules of ethics governing their conduct is sharply on the rise, lawyers' professionalism, by contrast, may well be in steep decline:

> [Although] lawyers have tended to take the rules more seriously because of an increased fear of disciplinary prosecutions and malpractice suits, . . . [they] have also tended to look at nothing but the rules; if conduct meets the minimum standard, lawyers tend to ignore exhortations to set their standards at a higher level.[3]

The ABA's observation reflects a crucial distinction: while a canon of ethics may cover what is minimally **required** of lawyers, "professionalism" encompasses what is more broadly **expected** of them – both by the public and by the best traditions of the legal profession itself.

In response to these challenges, the State Bar of Georgia and the Supreme Court of Georgia embarked upon a long-range project – to raise the professional aspirations of lawyers in the state. Upon taking office in June 1988, then State Bar President A. James Elliott gave Georgia's professionalism movement momentum when he placed the professionalism project at the top of his agenda. In conjunction with Chief Justice Marshall, President Elliott gathered 120 prominent judges and lawyers from around the state to attend the first Georgia Convocation on Professionalism.

For its part, the Georgia Supreme Court took three important steps to further the professionalism movement in Georgia. First, at the first Convocation, the Supreme Court of Georgia announced and administered to those present a new Georgia attorney's oath emphasizing the virtue of truthfulness, reviving language dating back to 1729. (*See* Appendix C). Second, as a result of the first Convocation, in 1989, the Supreme Court of Georgia took two additional significant steps to confront the concerns and further the aspirations of the profession. First, it created the Chief Justice's Commission on Professionalism (the "Commission") and gave it a primary charge of ensuring that the practice of law in this state remains a high calling, enlisted in the service not only of the client, but of the public good as well. This challenging mandate was

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[3] AMERICAN BAR ASSOCIATION COMMISSION ON PROFESSIONALISM, " . . . IN THE SPIRIT OF PUBLIC SERVICE:" A BLUEPRINT FOR THE REKINDLING OF LAWYER PROFESSIONALISM, (1986) P.7, HTTPS://WWW.AMERICANBAR.ORG/CONTENT/DAM/ABA/ADMINISTRATIVE/PROFESSIONAL_RESPONSIBILITY/PROFESSIONALISM_MIGRATED/STANLEY_COMMISSION_REPORT.PDF (LAST VISITED ON AUGUST 5, 2019).

supplemented by the Court's second step, that of amending the mandatory continuing legal education (CLE) rule to require all active Georgia lawyers to complete one hour of Professionalism CLE each year [Rule 8-104 (B)(3) of the Rules and Regulations for the Organization and Government of the State Bar of Georgia and Regulation (4) thereunder].

GENERAL PURPOSE OF CLE PROFESSIONALISM CREDIT

Beginning in 1990, the Supreme Court of Georgia required all active Georgia lawyers to complete one hour of Professionalism CLE each year [Rule 8-104 (B)(3) of the Rules and Regulations for the Organization and Government of the State Bar of Georgia and Regulation (4) thereunder]. The one hour of Professionalism CLE is distinct from and in addition to the required ethics CLE. The general goal of the Professionalism CLE requirement is to create a forum in which lawyers, judges and legal educators can explore the meaning and aspirations of professionalism in contemporary legal practice and reflect upon the fundamental premises of lawyer professionalism – competence, character, civility, commitment to the rule of law, to justice, and to the public good. Building a community among the lawyers of this state is a specific goal of this requirement.

DISTINCTION BETWEEN ETHICS AND PROFESSIONALISM

The Supreme Court has distinguished between ethics and professionalism, to the extent of creating separate one-hour CLE requirements for each. The best explanation of the distinction between ethics and professionalism is the explanation offered by former Chief Justice Harold Clarke of the Supreme Court of Georgia:

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

Laws and the Rules of Professional Conduct establish <u>minimal</u> standards of consensus impropriety; however, the minimum standards do not define the criteria for all professional behavior. In the traditional sense, persons are not "ethical" simply because they act lawfully or even within the bounds of an official code of ethics. People can be dishonest, unprincipled, untrustworthy, unfair, and uncaring without breaking the law or the code. Truly "ethical" people measure their conduct not by rules but by basic moral principles such as honesty, integrity and fairness.

The term "Ethics" is commonly understood in the CLE context to mean "the law of lawyering" and the rules by which lawyers must abide in order to remain in good standing before the bar. Legal Ethics CLE also includes malpractice avoidance. "Professionalism" harkens back to the traditional meaning of ethics that encompasses the basic moral principals discussed above. The Commission believes that lawyers should remember in counseling clients and

determining their own behavior that the letter of the law is only a minimal threshold describing what is legally possible, while professionalism is meant to address the aspirations of the profession and how we as lawyers should behave. Ethics discussions tend to focus on misconduct -- the negative dimensions of lawyering. **Professionalism discussions have an affirmative dimension -- a focus on conduct that preserves and strengthens the dignity, honor, and integrity of the legal system.**

As former Chief Justice Benham, a retired Justice of the Supreme Court of Georgia, says, "We should expect more of lawyers than mere compliance with legal and ethical requirements."

ISSUES AND TOPICS

In March of 1990, the Chief Justice's Commission adopted *A Lawyer's Creed* (*See* Appendix D) and an *Aspirational Statement on Professionalism* (*See* Appendix E). These two documents should serve as the beginning points for professionalism discussions, not because they are to be imposed upon Georgia lawyers or bar associations, but because they serve as words of encouragement, assistance and guidance. These comprehensive statements may be utilized to frame discussions and remind lawyers about the basic tenets of our profession.

Karl N. Llewellyn, jurisprudential scholar who taught at Yale, Columbia, and the University of Chicago Law Schools, often cautioned his students:

> The lawyer is a man of many conflicts. More than anyone else in our society, he must contend with competing claims on his time and loyalty. You must represent your client to the best of your ability, and yet never lose sight of the fact that you are an officer of the court with a special responsibility for the integrity of the legal system. You will often find, brethren and sistern, that those professional duties do not sit easily with one another. You will discover, too, that they get in the way of your other obligations – to your conscience, your God, your family, your partners, your country, and all the other perfectly good claims on your energies and hearts. You will be pulled and tugged in a dozen directions at once. You must learn to handle those conflicts.[4]

The real issue facing lawyers as professionals is developing the capacity for critical and reflective judgment and the ability to "handle those conflicts," described by Karl Llewellyn. A major goal of Professionalism CLE is to encourage introspection and dialogue about these issues.

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[4] MARY ANN GLENDON, A NATION UNDER LAWYERS 17 (1994)

CHIEF JUSTICE'S COMMISSION ON PROFESSIONALISM

Honorable Harold D. Melton
Chief Justice
Supreme Court of Georgia

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APPENDICES

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APPENDIX A

CHIEF JUSTICE'S COMMISSION ON PROFESSIONALISM

Honorable Harold D. Melton
Chief Justice, Supreme Court of Georgia
Chair

Karlise Y. Grier
Executive Director

CHIEF JUSTICE'S COMMSSION ON PROFESSIONALISM 2020-2021

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Atlanta

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Mr. Michael Scott Boone, *Atlanta*
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Ms. Karlise Y. Grier, Atlanta

Bold Italics denotes public member/non-lawyer

APPENDIX B

MISSION STATEMENT

The mission of the Chief Justice's Commission on Professionalism 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 the legal system and to ensure access to that system.

CALLING TO TASKS

The Commission seeks to foster among lawyers an active awareness of its mission by calling lawyers to the following tasks, in the words of former Chief Justice Harold Clarke:

1. To recognize that the reason for the existence of lawyers is to act as problem solvers performing their service on behalf of the client while adhering at all times to the public interest;

2. To utilize their special training and natural talents in positions of leadership for societal betterment;

3. To adhere to the proposition that a social conscience and devotion to the public interest stand as essential elements of lawyer professionalism.

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APPENDIX C

HISTORICAL INFORMATION ABOUT THE COMMISSION'S ROLES IN THE DEVELOPMENT OF THE CURRENT GEORGIA ATTORNEY OATH

In 1986, Emory University President James T. Laney delivered a lecture on "Moral Authority in the Professions." While expressing concern about the decline in moral authority of all the professions, he focused on the legal profession because of the respect and confidence in which it has traditionally been held and because it has been viewed as serving the public in unique and important ways. Dr. Laney expressed the fear that the loss of moral authority has as serious a consequence for society at large as it does for the legal profession.

For its part, the Georgia Supreme Court took an important step to further the professionalism movement in Georgia. At the first convocation on professionalism, the Court announced and administered to those present a new Georgia attorney's oath emphasizing the virtue of truthfulness, reviving language dating back to 1729. Reflecting the idea that the word "profession" derives from a root meaning "to avow publicly," this new oath of admission to the State Bar of Georgia indicates that whatever other expectations might be made of lawyers, truth-telling is expected, always and everywhere, of every true professional. Since the convocation, the new oath has been administered to thousands of lawyers in circuits all over the state.

Attorney's Oath
I, _____, swear that I will truly and honestly, justly, and uprightly demean myself, according to the laws, as an attorney, counselor, and solicitor, and that I will support and defend the Constitution of the United States and the Constitution of the State of Georgia. So help me God.

In 2002, at the request of then-State Bar President George E. Mundy, the Committee on Professionalism was asked to revise the Oath of Admission to make the wording more relevant to the current practice of law, while retaining the original language calling for lawyers to "truly and honestly, justly and uprightly" conduct themselves. The revision was approved by the Georgia Supreme Court in 2002.

APPENDIX C

OATH OF ADMISSION TO THE STATE BAR OF GEORGIA

"I,_____, swear that I will truly and honestly, justly and uprightly conduct myself as a member of this learned profession and in accordance with the Georgia Rules of Professional Conduct, as an attorney and counselor and that I will support and defend the Constitution of the United States and the Constitution of the State of Georgia. So help me God."

As revised by the Supreme Court of Georgia, April 20, 2002

APPENDIX D

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.

Entered by Order of Supreme Court of Georgia, October 9, 1992, nunc pro tunc July 3, 1990; Part IX of the Rules and Regulations of the State Bar of Georgia, as amended September 10, 2003 and April 26, 2013

APPENDIX E

ASPIRATIONAL STATEMENT ON PROFESSIONALISM

The Court believes there are unfortunate trends of commercialization and loss of professional community in the current practice of law. These trends are manifested in an undue emphasis on the financial rewards of practice, a lack of courtesy and civility among members of our profession, a lack of respect for the judiciary and for our systems of justice, and a lack of regard for others and for the common good. As a community of professionals, we should strive to make the internal rewards of service, craft, and character, and not the external reward of financial gain, the primary rewards of the practice of law. In our practices we 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. 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.

As professionals, we need aspirational ideals to help bind us together in a professional community. Accordingly, the Court issues the following Aspirational Statement setting forth general and specific aspirational ideals of our profession. This statement is a beginning list of the ideals of our profession. It is primarily illustrative. Our purpose is not to regulate, and certainly not to provide a basis for discipline, but rather to assist the Bar's efforts to maintain a professionalism that can stand against the negative trends of commercialization and loss of community. 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 the implications of those justifications for their conduct. The Court feels that enhancement of professionalism can be best brought about by the cooperative efforts of the organized bar, the courts, and the law schools with each group working independently, but also jointly in that effort.

Entered by Order of Supreme Court of Georgia, October 9, 1992, nunc pro tunc July 3, 1990; Part IX of the Rules and Regulations of the State Bar of Georgia, as amended September 10, 2003 and April 26, 2013

APPENDIX E

GENERAL ASPIRATIONAL IDEALS

As a lawyer, I will aspire:

(a) To put fidelity to clients and, through clients, to the common good, before selfish interests.

(b) To model for others, and particularly for my clients, the respect due to those we call upon to resolve our disputes and the regard due to all participants in our dispute resolution processes.

(c) To avoid all forms of wrongful discrimination in all of my activities including discrimination on the basis of race, religion, sex, age, handicap, veteran status, or national origin. The social goals of equality and fairness will be personal goals for me.

(d) To preserve and improve the law, the legal system, and other dispute resolution processes as instruments for the common good.

(e) To make the law, the legal system, and other dispute resolution processes available to all.

(f) To practice with a personal commitment to the rules governing our profession and to encourage others to do the same.

(g) To preserve the dignity and the integrity of our profession by my conduct. The dignity and the integrity of our profession is an inheritance that must be maintained by each successive generation of lawyers.

(h) To achieve the excellence of our craft, especially those that permit me to be the moral voice of clients to the public in advocacy while being the moral voice of the public to clients in counseling. Good lawyering should be a moral achievement for both the lawyer and the client.

(i) To practice law not as a business, but as a calling in the spirit of public service.

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APPENDIX E

SPECIFIC ASPIRATIONAL IDEALS

As to clients, I will aspire:

(a) To expeditious and economical achievement of all client objectives.

(b) To fully informed client decision-making.
As a professional, I should:
(1) Counsel clients about all forms of dispute resolution;
(2) Counsel clients about the value of cooperation as a means towards the productive resolution of disputes;
(3) Maintain the sympathetic detachment that permits objective and independent advice to clients;
(4) Communicate promptly and clearly with clients; and,
(5) Reach clear agreements with clients concerning the nature of the representation.

(c) To fair and equitable fee agreements.
As a professional, I should:
(1) Discuss alternative methods of charging fees with all clients;
(2) Offer fee arrangements that reflect the true value of the services rendered;
(3) Reach agreements with clients as early in the relationship as possible;
(4) Determine the amount of fees by consideration of many factors and not just time spent by the attorney;
(5) Provide written agreements as to all fee arrangements; and,
(6) Resolve all fee disputes through the arbitration methods provided by the State Bar of Georgia.

(d) To comply with the obligations of confidentiality and the avoidance of conflicting loyalties in a manner designed to achieve the fidelity to clients that is the purpose of these obligations.

As to opposing parties and their counsel, I will aspire:

(a) To cooperate with opposing counsel in a manner consistent with the competent representation of all parties.
As a professional, I should:
(1) Notify opposing counsel in a timely fashion of any cancelled appearance;

(2) Grant reasonable requests for extensions or scheduling changes; and,
(3) Consult with opposing counsel in the scheduling of appearances, meetings, and depositions.

(b) To treat opposing counsel in a manner consistent with his or her professional obligations and consistent with the dignity of the search for justice.

As a professional, I should:

(1) Not serve motions or pleadings in such a manner or at such a time as to preclude opportunity for a competent response;
(2) Be courteous and civil in all communications;
(3) Respond promptly to all requests by opposing counsel;
(4) Avoid rudeness and other acts of disrespect in all meetings including depositions and negotiations;
(5) Prepare documents that accurately reflect the agreement of all parties; and,
(6) Clearly identify all changes made in documents submitted by opposing counsel for review.

<u>As to the courts, other tribunals, and to those who assist them</u>, I will aspire:

(a) To represent my clients in a manner consistent with the proper functioning of a fair, efficient, and humane system of justice.

As a professional, I should:

(1) Avoid non-essential litigation and non-essential pleading in litigation;
(2) Explore the possibilities of settlement of all litigated matters;
(3) Seek non-coerced agreement between the parties on procedural and discovery matters;
(4) Avoid all delays not dictated by a competent presentation of a client's claims;
(5) Prevent misuses of court time by verifying the availability of key participants for scheduled appearances before the court and by being punctual; and,
(6) Advise clients about the obligations of civility, courtesy, fairness, cooperation, and other proper behavior expected of those who use our systems of justice.

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(b) To model for others the respect due to our courts.
As a professional I should:
(1) Act with complete honesty;
(2) Know court rules and procedures;
(3) Give appropriate deference to court rulings;
(4) Avoid undue familiarity with members of the judiciary;
(5) Avoid unfounded, unsubstantiated, or unjustified public criticism of members of the judiciary;
(6) Show respect by attire and demeanor;
(7) Assist the judiciary in determining the applicable law; and,
(8) Seek to understand the judiciary's obligations of informed and impartial decision-making.

As to my colleagues in the practice of law, I will aspire:

(a) To recognize and to develop our interdependence;

(b) To respect the needs of others, especially the need to develop as a whole person; and,

(c) To assist my colleagues become better people in the practice of law and to accept their assistance offered to me.

As to our profession, I will aspire:

(a) To improve the practice of law.
As a professional, I should:
(1) Assist in continuing legal education efforts;
(2) Assist in organized bar activities; and,
(3) Assist law schools in the education of our future lawyers.

(b) To protect the public from incompetent or other wrongful lawyering.
As a professional, I should:
(1) Assist in bar admissions activities;
(2) Report violations of ethical regulations by fellow lawyers; and,
(3) Assist in the enforcement of the legal and ethical standards imposed upon all lawyers.

APPENDIX E

As to the public and our systems of justice, I will aspire:

(a) To counsel clients about the moral and social consequences of their conduct.

(b) To consider the effect of my conduct on the image of our systems of justice including the social effect of advertising methods.

As a professional, I should ensure that any advertisement of my services:
(1) is consistent with the dignity of the justice system and a learned profession;
(2) provides a beneficial service to the public by providing accurate information about the availability of legal services;
(3) educates the public about the law and legal system;
(4) provides completely honest and straightforward information about my qualifications, fees, and costs; and,
(5) does not imply that clients' legal needs can be met only through aggressive tactics.

(c) To provide the pro bono representation that is necessary to make our system of justice available to all.

(d) To support organizations that provide pro bono representation to indigent clients.

(e) To improve our laws and legal system by, for example:

(1) Serving as a public official;
(2) Assisting in the education of the public concerning our laws and legal system;
(3) Commenting publicly upon our laws; and,
(4) Using other appropriate methods of effecting positive change in our laws and legal system.

Entered by Order of Supreme Court of Georgia, October 9, 1992, nunc pro tunc July 3, 1990; Part IX of the Rules and Regulations of the State Bar of Georgia, as amended September 10, 2003 and April 26, 2013

APPENDIX F

SELECT PROFESSIONALISM PAGE ARTICLES

Honoring Georgia's Lawyers

I sincerely hope the Commission on Professionalism's work will honor Georgia's lawyers for what they do each day and will help each lawyer to become consummate professionals while they do the tireless and often thankless work of representing clients.

BY KARLISE Y. GRIER

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In June of 2018, I was shaken to the core when I learned of the death of attorney Antonio Mari. I did not personally know Mari, a family law attorney who was murdered by a client's ex-husband. I had, however, as a former family law attorney of almost 18 years, personally experienced the dynamics that caused his death: enmity, anger, retribution and a myriad of other vitriolic emotions directed at you as a lawyer (by opposing parties or clients) because you are striving to do your job to the best of your ability. I wanted to take a moment in this article to pay tribute to Mari and to honor the thousands of other Georgia lawyers who are just like him, men and women who toil in the trenches every day—putting their clients interests above their own personal well-being—as they strive to provide exemplary service and excellent representation. I also wanted to commend the wonderful professionalism example set by the Bartow County Bar Association, which stepped up in the midst of this horrible tragedy to divide up and take Mari's cases and to help close down his law practice.[1]

According to the *Daily Report*, Mari was afraid of the pro se opposing party who ultimately killed him.[2] Nevertheless, Mari fulfilled his legal obligations to his client and obtained a final divorce decree for the client less than two hours before his client's ex-husband shot him to death. This balance of client interests versus personal interests is not always played out as dramatically as in Mari's case, but it is always there. Do you go to your child's soccer practice or do you first finish the brief that is due tomorrow? Do you take time to go for a walk or a run or do you take that early morning meeting with a client who can't take time off from their work as an hourly employee? Do you tell the pro bono client you are meeting with they have to leave your office and reschedule (knowing they most likely won't) because they reek of cigarette smoke and you have asthma? Do you file a motion to withdraw well in advance of trial or do you take the chance the client will pay you "in installments" as promised, knowing the client really needs a lawyer in this custody battle?

Each day, Georgia lawyers are called upon to make choices, large and small, that force them to balance their personal well-being against the interests of their clients. Striking the "correct" balance is at the heart of what we call "professionalism."[3] One of the first quotes I came across when I started as executive director of the Chief Justice's Commission on Professionalism was from Karl N. Llewellyn, a jurisprudential scholar who taught at Yale, Columbia and the University of Chicago Law Schools. Prof. Llewellyn cautioned his students:

> The lawyer is a [person] of many conflicts. More than anyone else in our society, he [or she] must contend with competing claims on his [or her] time and loyalty. You must represent your client to the best of your ability, and yet never lose sight of the fact that you are an officer of the court with a special responsibility for the integrity of the legal system. You will often find, brethren and sistern, that those professional duties do not sit easily with one another. You will discover, too, that they get in the way of your other obligations—to your conscience, your God, your family, your partners, your country and all the other perfectly good claims on your energies and hearts. You will be pulled and tugged in a dozen directions at once. You must learn to handle those conflicts.[4]

I hope that, under my stewardship, the Chief Justice's Commission on Professionalism will honor Georgia's lawyers by ensuring CLE providers offer outstanding programming regarding professionalism concepts that give lawyers the opportunity to discuss the challenges (and sometimes joys) of practicing law. I look forward to continuing to recognize the amazing community service work of lawyers and judges at the Justice Robert Benham Awards for Community Service. I hope that the Commission's convocations, such as the 2018 Convocation on Professionalism and the Global Community, will continue to explore cutting-edge issues in the legal profession. I hope the Commission's work will help to embolden lawyers to stand courageously for the rule of law in our country and to provide guidance to lawyers on how to do so thoughtfully and with integrity. I look forward to the Commission's continued partnership with the State Bar of Georgia Committee on Professionalism and with Georgia's law schools as we strive to introduce law students to professionalism concepts during the Law School Orientations on Professionalism.

Too often, I think our profession focuses on the "bad" things for which lawyers may be known. I truly believe most lawyers are good, hard working men and women who want to do the best job they can for their clients in return for fair payment for their work. During my stewardship as executive director of the Commission, it is my goal to focus on and cultivate the good and the goodness in our profession that often happens without notice or comment. I am eager to help us all (myself included) grow to be the best professionals we can be. I sincerely hope the Commission's work will honor Georgia's lawyers for what they do each day and will help each lawyer to become consummate professionals while they do the tireless and often thankless work of representing clients. ●

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Endnotes

1. *See* R. Robin McDonald, *Cartersville Attorney Gunned Down by Client's Ex-Husband*, Daily Report, June 22, 2018, at 1, https://www.law.com/dailyreportonline/2018/06/21/cartersville-attorney-gunned-down-by-clients-ex-husband/ (last visited June 22, 2018).
2. See *Id.*
3. To learn more about how Georgia defines professionalism, see *A Lawyer's Creed* and the *Aspirational Statement on Professionalism* at: http://cjcpga.org/lawyers-creed/ (last visited August 10, 2018).
4. Mary Ann Glendon, A Nation Under Lawyers 17 (1994).

Celebrating 30 Years of Legal Professionalism in Georgia

"[T]he effort for professionalism requires constant striving; we cannot expect an easy or quick result."
—Excerpt from remarks at the 1988 Consultation on Professionalism and the Practice of Law given by 1974–75 State Bar of Georgia President Cubbedge Snow Jr.

BY KARLISE Y. GRIER

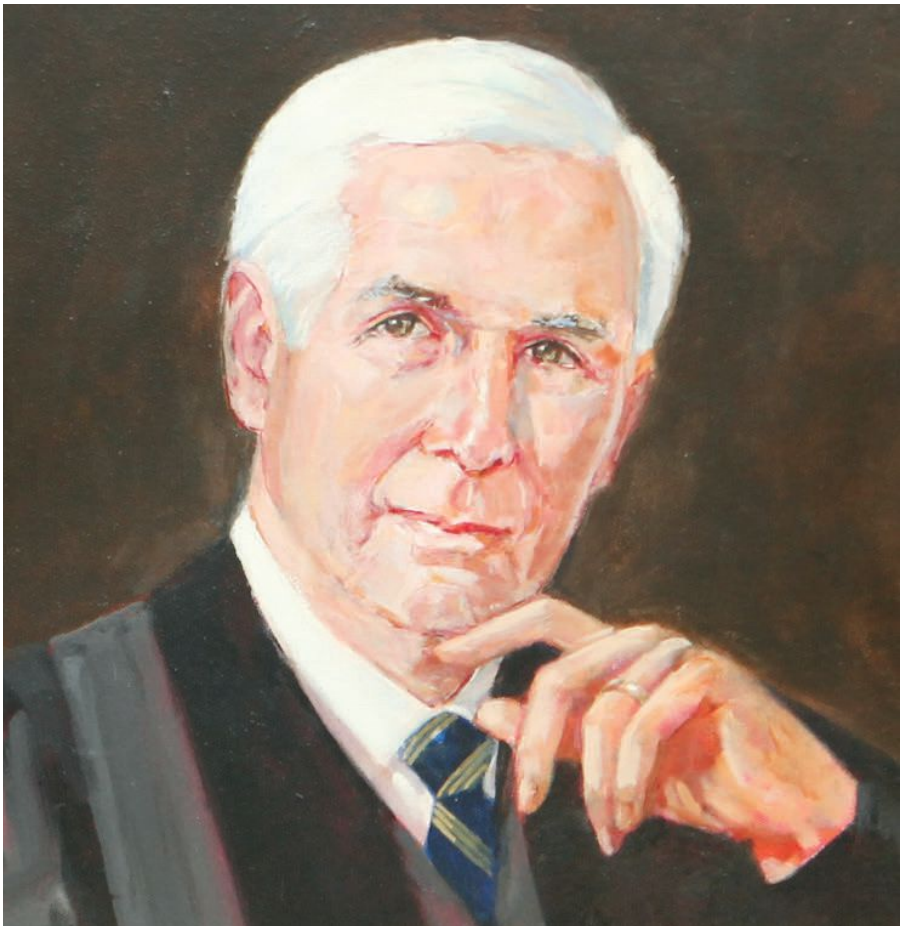

PHOTO PROVIDED BY THE SUPREME COURT OF GEORGIA

Chief Justice Thomas O. Marshall (1920-2003).

On March 31, 1988, former Chief Justice Thomas O. Marshall convened a Consultation on Professionalism and the Practice of Law. James T. Laney, the former president of Emory University, hosted the consultation. Thirty-five lawyers and judges attended the 1988 consultation and joined the discussion. Some of the recommendations that resulted from the consultation included: 1) the idea of a Center for the Study of Professionalism; 2) the appointment of a Special Counselor for Professionalism to act in an ongoing capacity as advisor and liaison with the Bar, and in particular with the Committee on Professionalism, to increase efforts to improve both the mettle and image of Georgia's lawyers; and 3) the suggestion to improve the level of civility among practicing lawyers at repetitive seminars for which mandatory continuing legal education credit would be given. State Bar of Georgia Past President Cubbedge Snow Jr. summarized his recommendations for next steps after the consultation as follows:

> I think that it is important that there be real encouragement for firms throughout the state to take more of an interest

in seeing that the younger lawyers do become more and more aware, not just of the technical ethical rules, but of the rules of professionalism. . . . My second thought would be that we might want to consider, through some sort of appropriate institution, the development of the Code of Professionalism. One would think that it not inappropriate for the Supreme Court itself to consider issuing such a [code], provided it was clearly pointed out that this was in the nature of aspirational goals.

In part, as a result of the 1988 Consultation on Professionalism, the Supreme Court of Georgia issued an order on Feb. 1, 1989, which stated: "In recognition of the need for emphasis upon and encouragement of professionalism in the law practice, the Court hereby creates The Chief Justice's Commission on Professionalism." The Supreme Court of Georgia also issued the following charge:

> The Commission's primary charge shall be to enhance professionalism among Georgia's lawyers. In carrying out its charge, the Commission shall provide ongoing attention and assistance to the task of ensuring that the practice of law remains a high calling, enlisted in the service of client and public good.

One of the commission's first tasks after its creation was the promulgation of a professionalism statement. After several years of work by the commission, the Supreme Court of Georgia entered an order on Oct. 9, 1992, adopting A Lawyers Creed and the Aspirational Statement on Professionalism, setting forth aspirational ideals that addressed an attorneys' relationships with clients, opposing parties and counsel, the courts, colleagues, the profession and the public.

According to former Executive Director Avarita Hanson, the commission was responsible for spearheading several new initiatives after engaging in a series of convocations with the bench and the bar to discern professionalism issues. Some of the State Bar of Georgia programs that

PHOTO PROVIDED BY DON MORGAN PHOTOGRAPHY & VIDEO

(Left to right) Vice Chief Judge Carla Wong McMillian, Court of Appeals of Georgia; Associate Dean A. James Elliott, Emory University School of Law; and Chief Justice Harold D. Melton, Supreme Court of Georgia, speak on a panel at the Convocation on Professionalism.

Chief Justice's Commission on Professionalism's Suicide Awareness Program

TUESDAY, APRIL 28 | 2 – 5 P.M.
3 CLE HOURS, INCLUDING 1 PROFESSIONALISM HOUR
LIVE AT THE BAR CENTER IN ATLANTA | VIA SATELLITE AT THE SAVANNAH AND TIFTON OFFICES
(ADDITIONAL SATELLITE LOCATIONS TBA)

Sally Yates

Make plans now to attend the Suicide Awareness Program, moderated by Sally Quillian Yates. The commission will highlight one of the aspirational ideals from A Lawyer's Creed, "To my colleagues in the practice of law, I offer concern for your welfare." Spurred by that ideal, the program will bring together a panel of lawyers and judges whose desire is to educate, inform and provide resources for all members of the profession. The live program will be broadcast to various satellite viewing locations throughout the state to encourage lawyers and judges to come together as one community and gain a better understanding of one of the great challenges currently faced by Georgia lawyers and judges.

If you are thinking of hurting yourself, or if you are concerned that someone you know may be suicidal, contact the Bar's Lawyer Assistance Program confidential hotline at 800-327-9631. #UseYour6. Learn more by contacting CJCP at kygrier@cjcpga.org, or by visiting cjcpga.org/suicide-awareness-program. •

PHOTO PROVIDED BY DON MORGAN PHOTOGRAPHY & VIDEO

(Left to right) A. James Elliott and Susan Cahoon, participants in the 1988 Consultation on Professionalism, return for the 2019 Convocation on Professionalism.

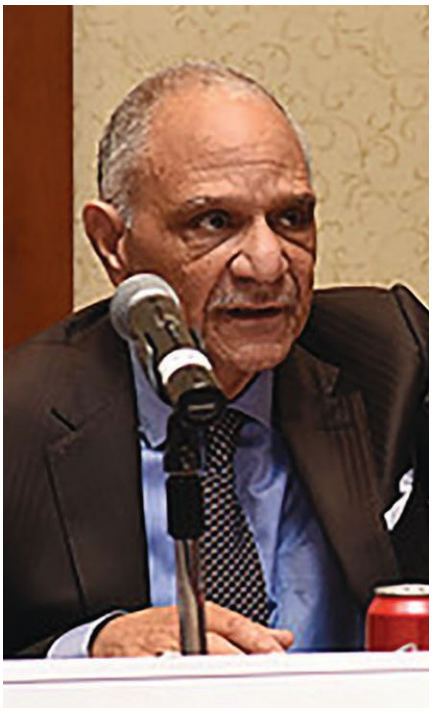

PHOTO PROVIDED BY DON MORGAN PHOTOGRAPHY & VIDEO

Thomas G. Sampson speaks on a panel during the 2019 convocation.

resulted from the commission's work include the formation of the Women and Minorities in the Profession Committee (now known as the Committee to Promote Inclusion in the Profession), and the Law Practice Management Program. According to Hanson, "Over the years, the commission has worked with the State Bar to establish other programs that support professionalism ideals, including the Consumer Assistance Program and the Diversity Program."

In 1993, under then-President Paul Kilpatrick, the State Bar's Committee on Professionalism partnered with the commission in establishing the first Law School Orientation on Professionalism Program for incoming law students, held at every Georgia law school. Now in its 27th year, the orientations engage volunteer practicing attorneys, judges and law professors with law students in small group discussions of hypothetical contemporary professionalism and ethical situations. In 1999, the commission established the Justice Robert Benham Awards for Community Service to recognize members of the bench and bar who have combined a professional career with voluntary participation in community organizations, government-sponsored activities, youth programs, religious activities or other humanitarian work outside of their professional practice or judicial duties.

On Dec. 13, 2019, the Chief Justice's Commission on Professionalism celebrated the commission's anniversary with the 2019 Convocation: Professionalism Then (1988) and Now (2019). Chief Justice Harold D. Melton welcomed the approximately 150 lawyers and judges who attended the convocation, which was chaired by Vice Chief Judge Carla Wong McMillian, Court of Appeals of Georgia, and Associate Dean A. James Elliott, Emory University School of Law. During the convocation, speakers and participants reflected on how the legal profession has changed over the past 30 years and explored how those changes impacted legal professionalism. Elliott and Susan Cahoon, two of the individuals who participated in the 1988 Consultation on Professionalism, also participated in the 2019 convocation. Thomas G. Sampson, who served in 1989 on the first Chief Justice's Commission on Professionalism, also spoke.

The commission's work to continue its legacy during 2020 has already begun. For example, the commission will honor eight individuals at the 21st Annual Justice Robert Benham Awards for Community Service on March 14. In addition, the commission will present a Suicide Awareness Program on April 28.

As the commission looks toward the next 30 years, we are excited to continue fulfilling the mandate of the Supreme Court of Georgia to provide ongoing attention and assistance to the task of ensuring that the practice of law remains a high calling, enlisted in the service of client and public good. •

Karlise Y. Grier

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

One tenet of the Chief Justice's Commission on Professionalism's "A Lawyer's Creed" is "To my colleagues in the practice of law, I offer concern for your welfare." If you are aware of a colleague that may be experiencing difficulties, ask questions and offer to help them contact the Lawyer Assistance Program for help.

BY MICHELLE BARCLAY

January is the month when Robin Nash, my dear friend and lawyer colleague, godfather to my child, officiate for my brother's marriage and former director of the Barton Center at Emory University, left the world. Positive reminders of him are all around, including a child law and policy fellowship in his name, but January is a tough month.

Robin's suicide, 12 years ago, was a shock to me. As time passed and I heard stories about Robin from others who knew him and I learned more about suicide, I can see in hindsight the risk looming for him. Today, I think his death was possibly preventable.

In 2006, Robin wrote this essay about himself for Emory's website

> "Robin Nash, age 53, drew his first breath, attended college and law school and now works at Emory University. He loves to travel to places like Southeast Asia and the Middle East but he always returns home to Emory and his hometown of Decatur. Robin majored in Economics and Mathematics. He began his law practice in 1980 in Decatur surviving mostly on court appointed cases for mentally ill patients in commitment hearings. His practice expanded to working with institutionalized developmentally delayed clients, special education cases, wills and estate litigation and representing banks in the hugely interesting area of commercial real estate closings.
>
> In 1995, he was appointed as a juvenile court judge in DeKalb County. He resigned from the bench effective December 2005. He sold most of his personal belongings, paid off his remaining debts and moved overseas to think and travel. After thinking and traveling for three months, he returned to the active world of Decatur. He was appointed director of the Barton Clinic effective April 15, 2006."

When Robin came back from traveling, he told his friends—"I can be more impactful here."—which was and is true. Robin's impact continues today through the work of young lawyers serving as Robin Nash Fellows and through the lives of the thousands of mothers, fathers, daughters and sons he touched, helping people traumatized by child abuse, neglect, addiction and crime.

He was impactful in part because he had so much empathy for others. He was

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well regarded and well loved. He was a person you could count on who did extraordinary things for others—helping a student obtain a TPO in the middle of the night to stop a stalker; quietly helping a refugee family get stable and connected to services; and of course, his consistent care of his friend Vinny. Vinny was a severely disabled adult Robin befriended and with whom he had a deep connection. Because he was a lawyer, Robin was able to help Vinny obtain full access to available medical services without being institutionalized.

So why did Robin leave? He lost his battle with mental illness. He masked it well and as a private person, did not share his struggles. His friends had some insight into his struggles but it was always complicated. While a judge, Robin was known for saying things like, "I am a manager of misery" or "I manage the competition not to serve the most vulnerable families and children." But he also said, "Talk like this is just dark humor which is a useful coping mechanism for an emotionally draining job."

I know today that a low serotonin level in his body was dangerous for his depression and that the medications he took waxed and waned in effectiveness. I also now know that he had not slept well for days before he acted. We'd had a work meeting the day before he died where he made a long 'to do' list. Who makes a long 'to do' list when one is contemplating suicide? Plenty of people, I have learned. I saw that 'to do' list on his table when I was in his apartment after his death.

What could have helped? Abandoning the shame and stigma of mental illness is a good start. I have been heartened by the social movement campaign, Time to Change,[1] designed to help people speak up about mental illness. A safety plan shared with a reasonably wide network of people can also help. Antidepressant medications can help. Recent studies about anti-depression drugs "puts to bed the controversy on anti-depressants, clearly showing that these drugs do work in lifting mood and helping most people with depression."[2] Science is advancing better treatments at a rapid pace. And some experts advise that directly asking whether a person has considered killing themselves can open the door to intervention and saving a life.

Before becoming a lawyer, I worked as a nurse in a variety of settings at both Grady and Emory hospitals. I saw attempted suicides. I witnessed a number of those people who were grateful they were not successful. I saw safety plans work when enough people knew about the risks. Sometimes, medicines were changed, new treatments tried and I saw people get better.

I feel like with my background I could have and should have probed Robin more. But at the time, I thought I was respecting his privacy by not asking too many questions. Today I know that a person can be fine one day and then chemicals in their brain can wildly change within 24 hours, and they're no longer ok. I learned that not sleeping can be deadly. I have also learned that just talking about it can help a person cope.

A book that has helped me is called "Stay: A History of Suicide and the Philosophies Against It," by Jennifer Michael Hecht.[3] If I had a second chance, I would try to use some of the arguments in that book, such as:

> None of us can truly know what we mean to other people, and none of us can know what our future self will experience. History and philosophy ask us to remember these mysteries, to look around at friends, family, humanity, at the surprises life brings—the endless possibilities that living offers—and to persevere.

Of course, first I would have just asked about his mental health with love and listened. I still wish for that chance to try. ●

Afterword by Chief Justice's Commission on Professionalism Executive Director Karlise Yvette Grier: One tenet of the Chief Justice's Commission on Professionalism's "A Lawyer's Creed"[4] is "To my colleagues in the practice of law, I offer concern for your welfare." If you are aware of a colleague that may be experiencing difficulties, ask questions and offer to help them contact the Lawyer Assistance Program[5] for help.

Counseling for Attorneys

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Michelle and Andy Barclay are so grateful to the Emory University community for the grace and care that surrounded everyone, especially the students, when Robin died.

Michelle Barclay, J.D., has more than 20 years experience working in Georgia's judicial branch. She is currently the division director of Communications, Children, Families, and the Courts within the Judicial Council of Georgia's Administrative Office of the Courts. Before becoming a lawyer, she was a nurse for 10 years, specializing in ICU and trauma care. Her degrees include a Juris Doctor from Emory University School of Law, a Bachelor of Science in Nursing from Emory University and a Bachelor of Interdisciplinary Studies from Georgia State University. She is also co-founder along with her husband Andrew Barclay of the Barton Child Law and Policy Center at Emory University School of Law. She can be reached at 404-657-9219 or michelle.barclay@georgiacourts.gov.

Endnotes

1. https://twitter.com/TimetoChange.
2. *See* http://www.bbc.com/news/health-43143889 (last viewed April 2, 2018).
3. *See, e.g.*, https://www.amazon.com/Stay-History-Suicide-Philosophies-Against/dp/0300186088 (last viewed April 2, 2018).
4. https://www.gabar.org/aboutthebar/lawrelatedorganizations/cjcp/lawyers-creed.cfm.
5. https://www.gabar.org/committeesprogramssections/programs/lap/index.cfm.

Promoting a Professional Culture of Respect and Safety #MeToo

In keeping with our professionalism aspirations, I challenge you to take a proactive, preventative approach to sexual harassment and to start the discussions . . . about things we as lawyers can do to promote a professional culture of respect and safety to prevent #MeToo.

BY KARLISE Y. GRIER

"There is no doubt that Marley was dead. This must be distinctly understood, or nothing wonderful can come of the story I am going to relate."—Excerpt from: "A Christmas Carol" by Charles Dickens.

To borrow an idea from an iconic writer: There is no doubt that #MeToo testimonials are real. This must be distinctly understood, or nothing wonderful can come of the ideas I am going to share.

I start with this statement because when I co-presented on behalf of the Chief Justice's Commission on Professionalism at a two-hour seminar on Ethics, Professionalism and Sexual

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Harassment at the University of Georgia (UGA) in March 2018, it was clear to me that men and women, young and old, question some of the testimonials of sexual harassment that have recently come to light. For the purposes of starting a discussion about preventing future #MeToo incidents in the Georgia legal profession, I ask you to assume, arguendo, that sexual harassment does occur and to further assume, arguendo, that it occurs in Georgia among lawyers and judges.[1] Our attention and discussion must therefore turn to "How do we prevent it?" We won't expend needless energy on "Is he telling the truth?" We won't lament, "Why did she wait so long to come forward?"

First, I want to explain why I believe that sexual harassment in the legal profession is, in part, a professionalism issue. As Georgia lawyers, we have A Lawyer's Creed and an Aspirational Statement on Professionalism that was approved by the Supreme Court of Georgia in 1990.[2] One tenet of A Lawyer's Creed states: "To my colleagues in the practice of law, I offer concern for your welfare. I will strive to make our association a professional friendship."

Frankly, it is only a concern for the welfare of others that in many cases will prevent sexual harassment in the legal profession because of "gaps" in the law and in our ethics rules. For example, under federal law, sexual harassment is a form of sex discrimination that violates Title VII of the Civil Rights Act of 1964. Title VII applies to employers with 15 or more employees.[3] According to a 2016 article on lawyer demographics, three out of four lawyers are working in a law firm that has two to five lawyers working for it.[4] In Georgia, there are no state laws similar to Title VII's statutory scheme.

There is currently nothing in Georgia's Rules of Professional Conduct that explicitly prohibits sexual harassment of a lawyer by another lawyer.[5] Moreover, it is my understanding that generally the Office of the General Counsel will not prosecute a lawyer for alleged lawyer-on-lawyer sexual harassment absent a misdemeanor or felony criminal conviction, involving rape, sexual assault, battery, moral turpitude and other similar criminal behavior.[6] Other circumstances in which laws or ethics rules may not apply include sexual harassment of lawyers by clients or sexual harassment that occurs during professional events, such as bar association meetings or continuing education seminars.[7]

Former Georgia Chief Justice Harold Clarke described the distinction between ethics and professionalism as . . . the idea that ethics is a minimum standard which is required of all lawyers while professionalism is a higher standard expected of all lawyers. Therefore, in the absence of laws and ethical rules to guide our behavior, professionalism aspirations call on Georgia lawyers to consider and implement a professional culture of respect and safety that ensures zero tolerance for behavior that gives rise to #MeToo testimonials.[8]

The American Bar Association Commission on Women in the Profession recently published a book titled "Zero Tolerance: Best Practices for Combating Sex-Based Harassment in the Legal Profession." The book provides some

Former Georgia Chief Justice Harold Clarke described the distinction between ethics and professionalism as . . . the idea that ethics is a minimum standard which is required of all lawyers while professionalism is a higher standard expected of all lawyers.

practical advice for legal employers to address or to prevent sexual harassment.[9] Some of the suggestions included: establishing easy and inexpensive ways to detect sexual harassment, such as asking about it in anonymous employee surveys and/or exit interviews; not waiting for formal complaints before responding to known misconduct; and discussing the existence of sexual harassment openly.[10] The federal judiciary's working group on sexual harassment has many reforms that are currently underway, such as conducting a session on sexual harassment during the ethics training for newly appointed judges; reviewing the confidentiality provisions in several employee/law clerk handbooks to clarify that nothing in the provisions prevents the filing of a complaint; and clarifying the data that the judiciary collects about judicial misconduct complaints to add a category for any complaints filed relating to sexual misconduct.[11] For those planning CLE or bar events, the American Bar Association Commission on Women in the Profession cautions lawyers to "be extremely careful about excessive use of alcohol in work/social settings."[12]

During our continuing legal education seminar at UGA, one of the presenters, Erica Mason, who serves as president of the Hispanic National Bar Association (HNBA), shared that HNBA has developed a "HNBA Conference Code of Conduct" that states in part: "The HNBA is committed to providing a friendly, safe, supportive and harassment-free environment for all conference attendees and participants . . . . Anyone violating these rules may be sanctioned or expelled from the conference without a registration refund, at the discretion of HNBA Leadership."[13] Mason also shared that the HNBA has signs at all of its conferences that reiterate the policy and that provide clear instructions on how anyone who has been subjected to the harassment may report it. In short, you don't have to track down a procedure or figure out what do to if you feel you have been harassed.

Overall, some of the takeaways from our sexual harassment seminar at UGA provide a good starting point for discussion about how we as lawyers should aspire to behave. Generally, our group agreed that women and men enjoy appropriate compliments on their new haircut or color, a nice dress or tie, or a general "You look nice today." Admittedly, however, an employment lawyer might say that even this is not considered best practice.

Many of the seminar participants agreed on some practical tips, however. Think twice about running your fingers through someone's hair or kissing a person on the check. Learn from others' past mistakes and do not intentionally pat or "flick" someone on the buttocks even if you mean it as a joke and don't intend for it to be offensive or inappropriate.[14]

In our professional friendships, we want to leave room for the true fairy-tale happily ever after endings, like that of Barack and Michelle, who met at work when she was an associate at a law firm and he was a summer associate at the same firm.[15] We also need to ensure that our attempts to prevent sexual harassment do not become excuses for failing to mentor attorneys of the opposite sex.

Finally, just because certain behaviors may have been tolerated when you were a young associate, law clerk, etc., does not mean the behavior is tolerated or accepted today. Professionalism demands that we constantly consider and re-evaluate the rules that should govern our behavior in the absence of legal or ethical mandates. Our small group at UGA did not always agree on what was inappropriate conduct or on the best way to handle a situation. We did all agree that the conversation on sexual harassment was valuable and necessary.

So in keeping with our professionalism aspirations, I challenge you to take a proactive, preventative approach to sexual harassment and to start the discussions in your law firm, corporate legal department, court system and/or bar association about things we as lawyers can do to promote a professional culture of respect and safety to prevent #MeToo. ●

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Endnotes

1. *See, e.g.*, In the Matter of James L. Brooks, S94Y1159 (Ga. 1994) and The Washington Post, *Wet T-Shirt Lawyers* (December 23, 1983), The Washington Post, https://www.washingtonpost.com/archive/politics/1983/12/23/wet-t-shirt-lawyers/c46ac2e6-2827-49a7-9041-f00ac5f21753/?utm_term=.bf1ec57a8b95 (Last visited May 31, 2018). For a more recent articles on sexual harassment in the legal profession, *see generally*, Vanessa Romo, *Federal Judge Retires in the Walk of Sexual Harassment Allegations* (December 18, 2017), NPR, The Two-Way Breaking News, https://www.npr.org/sections/thetwo-way/2017/12/18/571677955/federal-judge-retires-in-the-wake-of-sexual-harassment-allegations (Last visited May 31, 2018) and The Young Lawyer Editorial Board of The American Lawyer, *YL Board: This is What Sexual Harassment in the Legal Industry Looks Like* (February 28, 2018), The American Lawyer, Commentary, https://www.law.com/americanlawyer/2018/02/28/yl-board-this-is-what-sexual-harassment-in-the-legal-industry-looks-like/ (Last visited May 31, 2018).
2. *See* State Bar of Georgia, *Lawyer's Creed and Aspirational Statement on Professionalism*, https://www.gabar.org/aboutthebar/lawrelatedorganizations/cjcp/lawyers-creed.cfm (Last visited May 31, 2018).
3. U.S. Equal Employment Opportunity Commission, About EEOC, Publications, *Facts About Sexual Harassment*, https://www.eeoc.gov/eeoc/publications/fs-sex.cfm (Last visited May 31, 2018).
4. Brandon Gaille, *30 Mind-Boggling Lawyer Demographics*, BrandonGaille.com, https://brandongaille.com/30-mind-boggling-lawyer-demographics/, February 8, 2016 (viewed on April 26, 2018). *See also* American Bar Association 2013 Lawyer Demographics Data, https://www.americanbar.org/content/dam/aba/migrated/marketresearch/PublicDocuments/lawyer_demographics_2013.authcheckdam.pdf (viewed on April 26, 2018).
5. The Georgia Code of Judicial Conduct differs from the Georgia Rules of Professional Conduct in that Rule 2.3 (b) of the Code of Judicial Conduct specifically prohibits discrimination by a judge in the performance of his or her judicial duties. *See* https://

Convocation on Professionalism and the Global Community

The purpose of the Convocation was to model professionalism while discussing a high-conflict issue and to demonstrate the ways in which attorneys have implemented "A Lawyer's Creed" and the "Aspirational Statement" in their work with the global community.

BY LESLIE E. STEWART

PHOTO BY DON MORGAN PHOTOGRAPHY

Supreme Court of Georgia Chief Justice Harold D. Melton

On Nov. 30, 2018, the Chief Justice's Commission on Professionalism (the Commission) held its Convocation on Professionalism (the Convocation) at Atlanta's Porsche Experience Center. This year, the Convocation theme was Professionalism and the Global Community, which focused on the professionalism values of competence, civility, character, and commitment to the rule of law and the public good. The purpose of the Convocation was to model professionalism while discussing a high-conflict issue and to demonstrate the ways in which attorneys have implemented "A Lawyer's Creed" and the "Aspirational Statement" in their work with the global community. The event, which was sponsored by Squire Patton Boggs, Miller & Martin PLLC and Alston & Bird LLP, was well-received by the attendees. The speakers included an array of notables and dignitaries with ties to Georgia, beginning with Supreme Court of Georgia Chief Justice Harold D. Melton, who urged the attendees to demonstrate professionalism through service to their community, a key element of "A Lawyer's Creed" and the "Aspirational Statement."

The first panel, "Overview of the Global Community in Georgia," was facilitated by Javier Díaz de León, Consul General of Mexico. Two judges, Hon. Meng H. Lim, Tallapoosa Circuit Superior Court, and Hon. Dax E. Lopez, DeKalb County State Court, spoke movingly about how their judicial careers have been influenced by their experiences of straddling two cultures. Abby Turano, deputy commissioner for International Relations, Georgia Department of Economic Development, explained how and why Georgia welcomes foreign businesses to Georgia.

The second panel, "A View from General Counsels of Companies Doing International Business," was moderated by Shelby S. Guilbert Jr. from King & Spalding. The panelists, including Angus M. Haig, senior vice president and general counsel for Cox Automotive, and Ricardo Nuñez, senior vice president and general counsel for Schweitzer-Mauduit International, described their challenges and how core values affect their roles as international general counsels. Audrey Boone Tillman, executive vice president and general counsel for AFLAC, portrayed the challenges and successes of being a woman of color supervising attorneys in Japan. Joseph Folz, vice president, general counsel and secretary for Porsche Cars North America, shared his experiences working for a German-based company.

The third panel, "The Business Pros and Cons of Developing a Formal Working Relationship with an International Lawyer or Law Firm," was facilitated by Petrina A. McDaniel from Squire Patton Boggs. Tricia "CK" Hoffler, principal at The CK Hoffler Firm, regaled the attendees with her vivid descriptions of being threatened by automatic gunfire as a result of a cultural miscalculation while she represented an un-named government. Therese Pritchard, from Bryan Cave and Robert Tritt, Dentons US LLP, discussed the necessity of retaining competent local counsel in international cases.

The Convocation's keynote speaker, Randolph "Randy" Evans, U.S. Ambassador to Luxembourg, described his humble beginnings in Georgia and how the values instilled in him by his family continue to influence the way in which he deals with his professional duties—of treating each person with respect and dignity.

After lunch, the next panel, "What Lawyers Need to Know about Labor Trafficking," focused on the darker side of doing business in the global community. The moderator, Hon. Richard Story, judge, U.S. District Court, Northern District of Georgia, oversaw a lively discussion between Norm Brothers, senior vice president and general counsel for UPS; Susan Coppedge, former U.S. Ambassador-at-Large, the Office to Monitor and Combat Trafficking in Persons, and senior advisor to the Secretary of State (Ret.); and Jay Doyle of Lewis Brisbois Bisgaard & Smith LLP. This panel focused on the way in which government and private business have collaborated to combat the scourge of human trafficking.

The attendees were then treated to a presentation on "An Overview of Professionalism in Immigration Cases" by James McHenry, director of the Executive Office for Immigration Review at the Department of Justice, who unpacked the complex hearing procedures surrounding this timely topic.

The second afternoon panel, "Emerging Issues and Pro Bono Opportunities for Attorneys as a Result of Changes in Immigration Laws," was moderated by Phil Sandick from Alston & Bird. The panelists were Audra Dial from Kilpatrick Townsend & Stockton, Jorge Andres Gavilanes from Kuck Baxter, Monica Khant, executive director of the Georgia Asylum and Immigration Network, and Willis Linton Miller from The Latin American Association. During this panel, the speakers touched on the need for pro bono assistance on these important cases due to an upsurge in work and the consequent burnout on the part of those working full time in this area.

The final panel of the day, "Ethics, Regulatory and Procedural Issues in International Practice," was facilitated by Shelby R. Grubbs, from Miller & Martin. Along with Paula Frederick, general counsel of the State Bar of Georgia and Ben Greer Jr., retired partner at Alston & Bird, the presenters discussed the competing ethical standards that attorneys must negotiate in international work and the necessity of adhering to Georgia standards regardless of cultural or ethical differences.

The Convocation offered a marvelous opportunity for in-person attendees to learn about how the principles of professionalism impact our legal work in the global community. Commission member Hon. Carla McMillian, Court of Appeals of Georgia, tweeted throughout the day at @cjcpga in English and Spanish with the help of Commission member Maria F. Mackay, a Georgia certified interpreter who provided Spanish interpretations of the proceedings for McMillian to tweet. Commission advisor Jennifer Davis and Commission liaison Dee Dee Worley provided invaluable "behind the scenes" staff assistance for the event throughout the day. The Commission staff was grateful for the support of the Commission members and other Convocation contributors and planners who provided invaluable assistance for this immensely successful Convocation. More information about the Convocation and other upcoming Commission events, including the 20th Annual Justice Robert Benham Awards for Community Service, is available on the Commission's website at www.cjcpga.org. ●

Leslie E. Stewart is a child welfare attorney and has served as a Supreme Court Fellow on Georgia's Cold Case project since March 2009 and is also a contractor with the Chief Justice's Commission on Professionalism.

Building Community by Enhancing Professionalism

A look at the law school orientations on professionalism.

BY KARLISE Y. GRIER

In memory of Judge Stephen Goss, whose prior years of service as a group lea•er at the University of Georgia School of Law's orientations. He will be remembered and is already missed.

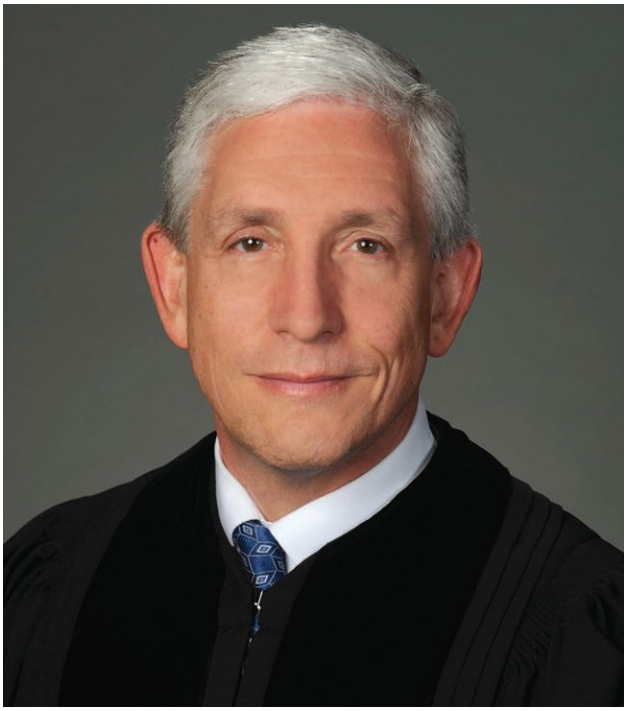

PHOTO PROVIDED BY THE SUPREME COURT

Presiding Justice David E. Nahmias was one of approximately 175 lawyers and judges who volunteered for the law school orientations on professionalism.

In 1992, when the Supreme Court of Georgia adopted an Order setting forth an Aspirational Statement on Professionalism, it wrote: "The Court feels that enhancement of professionalism can be best brought about by the cooperative efforts of the organized bar, the courts, and the law schools with each group working independently, but also jointly in that effort." Each year Georgia's legal community has breathed life into these words during the law school orientations on professionalism. For the past 27 years, the State Bar of Georgia Committee on Professionalism, the Chief Justice's Commission on Professionalism (Commission), each of Georgia's five law schools, and Georgia judges and lawyers have worked together to introduce incoming first-year law students to professionalism concepts during professionalism orientations. This year as in past years, each school selected a keynote speaker to discuss professionalism topics. The keynote speakers for 2019 were Presiding Justice David E. Nahmias, Supreme Court of Georgia (Georgia State University); Presiding Judge Stephen Louis A. Dillard, Court of Appeals of Georgia (Mercer University); Hon. Timothy C. "Tim" Batten Sr., U.S. District Court, Northern District of Georgia (University of Georgia); Hon. Eric Dunaway, Fulton County Superior Court (Atlanta's John Marshall School of Law); and Sherry Boston, district attorney, DeKalb County (Emory University).

In 2019, Nahmias returned to participate in the law school orientations on professionalism in multiple ways after having volunteered with the program several times in the past. He served as a group leader, gave the keynote speech and administered the "Professionalism and Honor Code Pledge" at Georgia State University College of Law. Two days later, Nahmias also participated in the professionalism orientation at Emory University School of Law by giving brief remarks, by administering the student oath, and by leading students and lawyers in reciting "A Lawyer's Creed."[1] When asked why he continued to participate in the program—despite his increasingly demanding work load—Nahmias responded: "I think it is important that judges and lawyers teach law students professionalism at the beginning of their careers so that the Supreme Court does not learn about them in disciplinary matters later in their careers."

During his remarks at Georgia State and Emory, Nahmias recounted that he had married his law school orientation

leader, as he fondly remembered his wife Catherine O'Neil, who passed in 2017. Then he shared with the students something they may not have expected to hear from a judge. He talked to them about love. Recalling what the late Chief Justice P. Harris Hines liked to tell lawyers, Nahmias told the students they need to love each other. He continued:

> "You are in a community. You are going to be part of a community in this law school. You are going to be a part of our community in the practice of law. . . . You are going to deal with each other in a stressful, chaotic atmosphere that is designed to be adversarial in many of its relationships. That doesn't mean that you have to put aside the moral compass you brought to this law school or forget that we are all neighbors in the practice of law. Keep in mind when you fight all day, to love your colleagues, to love them as people in the same way you love other people that you interact with daily. You want them to do well. You can beat them in the case, you can beat them in the transaction, but that doesn't mean you need to be mean to them or fight with them or not treat them as fellow important members of our profession."

"I think it is important that judges and lawyers teach law students professionalism at the beginning of their careers so that the Supreme Court does not learn about them in disciplinary matters later in their careers."
—Presiding Justice David E. Nahmias

In addition to hearing from the keynote speakers during the orientations, the judges, lawyers and students engaged in breakout sessions to discuss professionalism in small groups. The volunteer judges and lawyers served as group leaders and facilitated student discussions using hypothetical problems created by the State Bar Committee on Professionalism. This year, approximately 946 students and 175 judges and lawyers participated in the orientations. The 2019 orientations boasted many first-time group leaders and also included many dedicated volunteers who have returned frequently over the years to serve as group leaders. Several lawyers—and one justice—also volunteered to serve on multiple dates at the various law schools.

A comment from one student at the University of Georgia School of Law articulated two of the primary reasons for the professionalism orientations, stating: "I thought this was an incredible chance to bond with real attorney[s]. I think it was important to understand the implications of the honor code and professionalism aspirations for the next three years."

The State Bar Committee on Professionalism, the Commission and each of the law schools were deeply grateful to all of the judges and lawyers who volunteered their time to make the 2019 Law School Orientations on Professionalism a huge success. The law school orientations planning team has already begun work on the 28th Annual Law School Orientations on Professionalism, which will be held next August. If you are interested in volunteering to serve as a group leader for 2020, please contact the Commission's executive director at kygrier@cjcpga.org. •

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Endnote

1. To view "A Lawyer's Creed" and the "Aspirational Statement on Professionalism," visit the Commission's website at www.cjcpga.org/lawyers-creed.