Membership in the Bar is a Privilege Burdened with Conditions

By Robert A. Kutcher

Chief Justice Warren Burger stated those words almost 35 years ago, and they hold true today. Our license to practice comes with obligations, foremost of which is professionalism. Over the past six months, I’ve had the opportunity to travel around the state and attend multiple local and specialty bar functions. I appreciate the hospitality shown to me by everyone. These Bar meetings are professionalism at its best.

One of the most enjoyable experiences I have had as Bar president was to attend and speak at the swearing in of the 312 new members of our Bar. Those of us who have been practicing for a few decades forget the enthusiasm and excitement of taking the oath. These new lawyers have virtually their entire future in front of them. They are our future. For those new lawyers who don’t have a mentor, I urge them. They are our future. For those new lawyers, it doesn’t matter on what side of the desk you are. We should all remember that our adversaries are not our enemies. The judge is not our enemy. The judiciary is the foundation of the system upon which the law sits. Judges can’t protect themselves from unwarranted attacks. The very nature of judging dictates that half the litigants will be unhappy. It is up to us to safeguard the integrity of the judicial system and honor the rule of law.

It is very easy these days to conduct business by email and text. Unfortunately, this absence of personal interaction also creates keyboard bullies who would never behave as rudely in a phone call or face-to-face meeting. Personal relationships are important. Sometimes just picking up the phone works. It is important to remember that we all live in small towns, and all any of us have to sell is our reputation. Guard it carefully. Honor your obligations, show up on time, and remember that you’re not the most important person in the room.

It seems that, today, it is very difficult for people to disagree without being disagreeable. It is up to all of us to not only uphold the rule of law but also to set the example of being civil and courteous while doing so. Chief Justice Burger once noted that everyone involved in the judicial process owes a duty of courtesy to each other. On behalf of the Court, he stated, “[t]he license granted by the court requires members of the bar to conduct themselves in a manner compatible with the role of courts in the administration of Justice.” In Re Snyder, 472 U.S. 634, 644-645 (1985).

For the benefit of society, we should all dedicate ourselves to the rule of law, not just for our profession but for our communities as well.