

I am so happy to be speaking to you today. Congratulations on what I know is a very meaningful occasion. You have devoted several valuable years to studying the law and can now appreciate the fruits of your labor. Passing the bar exam is no easy task and your doing so is evidence of your dedication. Take some time to reflect on what you have accomplished and know that this bodes well for a successful future in the law. Some of you here have already practiced law and are merely seeking admission in Vermont. I hope that my comments will be useful to you as well.

Thirty-three years ago I took the same oath and my life has been an adventure ever since. After twelve years as a prosecutor, 17 as a Superior Court Judge and 4 and ½ on the Supreme Court, I thought I had seen it all, until I open that next file and realize I've had but a small glimpse. I hope you enjoy the adventure as much as I have.

Why would anyone want to become a lawyer today? Today, there are more jokes about lawyers than anyone else. You only need to open a newspaper or turn on the news to be inundated with negative stories of attorneys acting fraudulently, requiring prospective clients to pay unreasonable retainers or attorneys who routinely profit from class action law suits when the plaintiffs themselves walk away with little.

However, for every story of a lawyer failing the system, there is another young person stepping up to take the reins and to put his or her skills to work for the good of others. More than 100 years ago, Oliver Wendell Holmes expressed his belief that there is no profession as rewarding as the law. It is an honorable profession. Lawyers are the defenders of the Constitution, the guardians of our liberty and the advocates for the disadvantaged. Lawyers protect the powerless. Lawyers ensure that the innocent are not jailed, that the weak are not preyed upon, that children remain safe in their homes, and that victims of crime are heard. Lawyers fight daily for fairness and against injustice.

With these admirable goals comes responsibility not undertaken by those in other professions. As a lawyer, you must respect and follow the law. You will be required to abide by strict ethical standards, the violation of which may result in the end of your career. You will be asked by family and friends to comment on the latest trial in the news, creating an obligation to accurately educate others about the law. I was a prosecutor during the OJ Simpson trial. I cannot tell you how many times I had to field questions about that case. Know that when you do attempt to educate others about the law, the manner in which you do so and the attitude you exude may have a direct impact on your audience's impression of lawyers and the legal profession. Be honest about the problems within the system, but try to send the message that you chose to be lawyer because you believe in the system or are

aimed at making change where it is needed. A career in an honorable profession comes with great responsibility.

I want to talk about what I consider the most important trademarks of successful and respected attorneys: Civility and Professionalism.

I once presided over a murder trial. The prosecutor, who is one of the most talented, well-prepared attorneys I have seen in the courtroom, became very disrespectful and argumentative during his cross-examination of witnesses. The defendant was convicted by the jury and several years later, I was approached by a person in a store whom I did not recognize. This woman identified herself to me as a juror in this murder trial. She told me that the prosecutor's behavior was not lost on the jury and that, for a moment, the jurors actually considered punishing this behavior by finding the defendant not guilty of this serious offense, despite the proof beyond a reasonable doubt that he was guilty of it.

On another occasion, while I was presiding over an involuntary commitment case in the mental health docket, the attorney for the respondent became so argumentative with me and opposing counsel that her own client, an elderly, mentally ill woman, was grabbing at the attorney's arm asking her to "please stop."

These are examples of the type of impact an attorney's behavior has on those involved in the process and how society's views of lawyers can be affected by individuals. Of late, our society has become more politically polarized and less

tolerant of different points of view and the people who hold them. I have seen this bleed over into the practice of law. Arguments have become more emphatic and there is, at times, less respect shown amongst attorneys who regularly practice as adversaries. This results in attorneys losing their credibility with each other and with judges before whom they regularly practice and results in a far more adversarial and emotional process which benefits no one. The line between being adversarial and being a zealous advocate is sometimes blurred but easy to stay away from.

In 2011, the American Bar Association passed a resolution affirming the principle of civility as a foundation for democracy and the rule of law. It encourages attorneys to set an example for civil discourse by resolving differences constructively and without disparagement of others. An 18th century poet, Mary Wortley Montagu, wrote that, “Civility costs nothing and buys everything.” And George Washington published a book, “George Washington’s Rules of Civility and Decent Behavior in Company and Conversation” in which he noted that: “Every action done in company ought to be with some sign of respect to those that are present.” I can’t agree more and would argue that for lawyers, this should extend to actions done not just in company, but when collaborating with an adversary and also with individual clients. As I have already said, the most admirable and successful attorneys I have worked with and who appeared before me are the ones

who are respectful of the legal process and of everyone involved in it. As an attorney, once you cause others to form a particular impression of you, it is difficult to undo, especially in a small state like Vermont.

If I can stress one thing to you today, it is that I hope you will begin now to consider and work toward how you wish to be perceived as an attorney. Don't view the practice of law as a competition. Treat your adversaries with respect. Listen to and learn from your colleagues and opposing counsel and understand that each of us are doing the best we can to make sense of a changing world. Be open to and consider the ideas of others; reject them if you must, but do so in a civil and professional manner. Value your reputation among your colleagues, other practitioners and the court. Make a concerted effort to be civil and professional. It will be noticed.

On behalf of the Court, I also make a plea for your help. There are many organizations in Vermont that do their part to provide legal services for the indigent. Many of these employ attorneys who focus on this work. Still, others rely solely on the good will of attorneys who step up and donate their time for little, or no compensation. The Vermont Bar Association devotes a section of its website to opportunities for attorneys to serve their communities. Several judges have initiated programs in their courts which rely on volunteer attorneys to represent indigent litigants in specific dockets such as eviction matters. The courts

routinely seek out attorneys to provide ad hoc representation of defendants in criminal cases when public defenders and conflict counsel have both withdrawn. There is a great need for attorneys to volunteer their time so that indigent litigants can be properly represented in matters of great importance to them. Whether you are a new attorney or an attorney waiving in, please give these options serious consideration.

Finally, and most importantly, take care of yourself. You are about to enter some of the most rewarding, but challenging years of your life and these challenges will continue. Make a plan now to take time for yourself. Keep active but also take time to relax and get away from the law. Find that one person with whom you can commiserate, but do it in moderation. Most importantly, keep yourself focused on and passionate about what brought you here today.

Some of you will make change that will appear in headlines and some of you will do it one small step at a time. Still, some of you don't intend to make change at all but hope only to make a small difference in someone's life. Whatever your goal, your decision to practice law is an admirable one. I wish you well in your endeavors. Remember, that if you were not up to the challenge, you would not be here today. Good luck to all of you.

