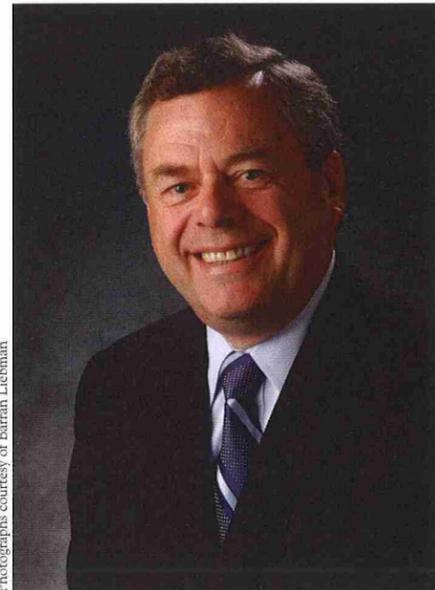


ON PROFESSIONALISM

Professionalism in the Modern Workplace

A Conversation

With Edwin A. Harnden and Andrew M. Schpak



Edwin A. Harnden



Andrew M. Schpak

Editor's note: Recently, Edwin Harnden and Andrew Schpak, lawyers at Barran Liebman in Portland, sat down for a discussion on professionalism. They both acknowledged that perspectives on appropriate behavior and professionalism inside and outside the workplace can materially differ according to different generations of lawyers. This article details their conversation and seeks to discuss a number of common situations that lawyers face, with Harnden (a seasoned lawyer with 25-plus years as an acting managing partner) and Schpak (a young partner who can claim both GenX and Millennial status, depending on the topic) providing their respective thoughts on how to navigate the waters and maintain professionalism in the modern workplace.

Jermaine Brown, a lawyer with the Oregon Department of Justice and member of the Oregon Professionalism Commission, assisted with the interview.

Internal Professionalism

Ed: Let's start with internal professionalism. Although the most common concern of professionalism is in communications and relationships with opposing counsel, professionalism is equally important in the office setting. We all start with a belief in basic attributes and principles for lawyers, including complete dedica-

"The expectation of professionalism goes beyond our treatment of co-workers and opposing counsel. It also extends to how we treat our clients. Regardless of the wealth of the client or your hourly rate, we should treat all clients with dignity and respect ..."

tion to our clients, to the public interest, to excellence in our work and to honesty

and integrity. But we too often forget that those who are working with us have the same deep commitment to excellence and to clients as do we. To be successful as a lawyer or a firm, we simply have to figure out how to weave those principles into the fabric and culture of our firms and practice. I suggest we need to use the same level of professional behavior in addressing or dealing with our secretaries, executive assistants, staff and other attorneys inside our office that we would use in dealing with the court or opposing counsel. Simply treating every person in the office with respect is priority one — and results in much more work getting accomplished (and potentially having someone help you out when you are in an extreme overload position). Each staff member is a key to the team, and if treated in a professional manner will perform accordingly.

Andrew: For newer lawyers who have not previously worked in office environments, it can be difficult to decipher the boundaries of what requests of staff are appropriate. I remember when I first started, I was not sure whether I should ask my assistant to make copies for me or assist me with projects. Based on conversations with other lawyers around the state, the standard for appropriate requests to make

differs significantly from one workplace to the next. I encourage newer lawyers to

ask other lawyers when in doubt — and to follow the lead of other people at the firm in navigating the waters of professionalism with respect to requests of staff. A related area of professionalism lies in how and when to provide feedback.

Ed: More senior (read: "old") lawyers tend to view the "old days" as the golden era of professionalism. Work-life balance and diversity were not issues, mentoring was done as if by magic, civility was enforced by the senior partner, and requests to the staff were simply to be done without question (*now*, thank you!). Thank goodness that era (if it existed) is disappearing. Attorneys should, in my opinion, do several things to ensure excellence and a completed project, including making sure that the request is specific, that the desired outcome and timing are communicated, and that there is a chance for direct feedback and discussion regarding the project at signifi-

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cant stages. We expect that as a part of our professional expectations with our clients, and we should treat staff to the same respect. If there are issues regarding work-life balance and situations that are uncomfortable, address them with the partner in charge of the work. For the supervising attorney, the wonders of electronic communication with everyone must be mastered and used; for the supervised attorney and staff member, remember to use in-person meetings (short and with a purpose) and communication to make sure you are on the right track. Direct and regular feedback is not only a professional approach, but the only way to ensure the quality end-product. In all of these situations, some caution, of course, must be used in terms of the words and tone used, as well as the general attitude adopted.

Andrew: There are certainly a lot of different ways an attorney can cross the line towards a staff member. It is impor-

tant to mindful that, from an employment law perspective, a lawyer may be viewed as a supervisor of any and all staff members. Therefore, discrimination, retaliation and harassment laws likely apply, and it is important to treat all staff members with professionalism and respect. Just because you are close in age does not mean that the same expectations apply to you both.

What about attorney-to-attorney internal professionalism, Ed? One tendency I have seen cause the downfall of attorneys in the past is speaking ill of a co-worker in the legal community. Very little can do as much damage to the target's reputation, while at the same time cause the undoing of the speaker's future with that firm. If you don't like the people you work with, change jobs. Don't speak ill of them to others.

Ed: I operate on the belief that anything I say or write about another person will most certainly at some point get re-

layed to that person. And having "Confidential" emblazoned on everything will not stop that from happening. The onset of social media outlets has meant that this has become even more important. From a professionalism standpoint, those comments that are meant to hurt, or to satirize, or to impugn another attorney (or staff member) simply should not be tolerated. That is not easy to accomplish, and I certainly have fallen into the trap of making a comment in the heat of battle, or just to be funny, or to fit in with the conversation, or to pass along the latest rumor (only the negative ones, right?). My Mom's motto (hated when I was young) of "Don't say anything if you can't say something nice" is probably about the best advice, but hard to attain. Don't immediately respond to personalized attacks; don't throw bombshells in response to incoming bombshells; and don't escalate the battle. But do keep track of the broadsides; do make sure that the other person

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