

COLUMBUS BAR ASSOCIATION
Professionalism Committee Meeting
January 11, 2006

Attendees: Pam Vest (Chair), Marc Helouin, Jennifer Otis, Mark Petrucci, Adam Todd, Daniel Whitehead, Lance Tibbles, Mary Ann Willis

The meeting was called to order and the minutes of the November 8, 2005, meeting were accepted.

Committee Meeting Schedule

Pam Vest reported that the next committee meeting is February 8. Ordinarily, the March and April meetings are held at OSU Moritz and Capital Law Schools, respectively, and she is still trying to firm up the dates for these meetings. She expects that the annual Professionalism Program will be held again at Capital.

Mission of CBA Professionalism Committee

Mark Petrucci reported on the status of the Professionalism Initiative to Law Schools. He passed out a listing of attorneys who have offered to give presentations related to professionalism at law schools. In response to OSU's request for a vetting process of potential volunteers, Mark asked committee members to notify Pam Vest on a confidential basis of any concerns they might have regarding the list. Once the list is finalized, there will be a link on the CBA website for professors to use. OSU's dean has approved the Initiative; the process for approval at Capital is still in progress.

Featured Speaker: Honorable Eric Brown, Franklin County Common Pleas Court

Judge Brown noted that in the course of his career he has worked in three different legal arenas, each with a different professional culture:

- Solo practitioner in Cleveland
- Attorney in the Ohio Attorney General's Office
- Magistrate and Judge, Franklin County

He noted that not until the mid to late-1980s or even later was there much discussion of the concept of professionalism. Even now, emphasis is primarily on the rules. Attorneys are encouraged to act professionally, which is usually taken to mean "act with civility and courtesy," but the reasons for doing so are not usually addressed.

Judge Brown emphasized that acting with civility and being courteous allows attorneys to be successful; *i.e.*, a style of working cooperatively and with courtesy helps one's clients and enables one to work smoothly in the legal system. Aggressiveness or lack of professionalism provokes non-productive responses from others and, far from signifying strength, may actually indicate one has a weak case.

Judge Brown passed out an article by Judge Alex Kozinski published in *Hofstra Law Review* which is concerned with judicial ethics but has parallels for legal practitioners. The article makes the point that the ethical canons focus on the obvious conflicts rather than more subtle ones.

Judge Brown told several stories about attorneys with questionable professional behavior who had come before him in his judicial role and his dilemma of whether to report them or not.

Discussion followed.

The meeting was adjourned at approximately 1:15 pm.

The next meeting is on February 8.

Minutes prepared by Mary Ann Willis