

New Jersey Commission on Professionalism in the Law

Learning From Bill McElroy, the Quintessential Professional

Former Judge Bill McElroy died a few months ago. The Commission on Professionalism in the Law dedicates these remarks to him and the beauty of his life. We can all learn from his example.

The Commission recently surveyed judges and bar leaders regarding the state of professionalism in New Jersey's legal community. As might be expected the results were mixed, and the consensus view is that while the topic of professionalism is now on the radar screen, persistent problems still exist.

Senior federal court Judge Dickinson Debevoise brought to the Commission's attention a situation well known to us all, but little examined. It regrettably does not bode well for the future of the profession. The theme – the bottom line/ billable hour orientation of law firms is a familiar one, but with a new spotlight placed upon it. Judge Debevoise suggests that the real root cause of unprofessional conduct can be traced not just to the aberrant behavior of a few individuals but to the way law practice is sometimes conducted today. Simply put, the work demands placed on lawyers make it almost impossible for them to be professionals in the true sense. So, instead of participating in family activities, community affairs, pro bono representation, or religious and charitable causes, lawyers put in extra hours at the office because their professional advancement depends upon it. The judge warns that such intense concentration on the business of the law firm, to the exclusion of all else, is the most serious threat today to lawyer professionalism.

To back up his point he provided us with an important study by the Boston Bar Association entitled *Facing the Grail: Confronting the Cost of Work-Family Imbalance*. The Boston Bar's report catalogues the problems faced by lawyers in attempting to balance work demands with family obligations. The results are troubling. For instance, many law firm partners, associates, and law students believe that being successful in law practice is incompatible with daily involvement in family life. Further, the intense competition for clients has changed the culture of some law firms so that revenue production is the primary measure of success. There are no longer client "relationships" but instead transaction-by-transaction business arrangements.

The implications of the report are clear, but what can be done? The Boston Bar suggests that law firms need to examine their values, policies and culture in tandem with a parallel examination of economic assumptions and incentives. What is the real meaning of "success"? Is it slavish dedication to consistently long hours, or should it be something much broader, including an appropriate balance between work, family and community service? How can lawyers be true "professionals" when they have no time for the things that define that term? Moreover, are the economic assumptions and practices of law firms becoming counterproductive?

The accounting profession has been attempting to deal with similar problems. Its major firms were plagued by rapid turnover of employees, particularly women concerned with both career success and maintaining family commitments. Many firms have instituted a variety of workplace and management reforms that have resulted in lower attrition of employees, higher productivity and reduced recruiting and training costs. In short, some of the larger accounting firms have come to realize that accommodating employee needs has helped, not harmed, the bottom line.

There was a time, not so long ago, when the legal profession was known not only for the quality services it delivered, but also for the quality of the people it produced. When law firms were concerned more about service and less about the economics of the practice. This was Bill McElroy's era. At his memorial service attended by hundreds of judges, lawyers and friends Judge McElroy was rightfully praised for his many accomplishments in every aspect of life, not just the law. Of course, his contributions to the law were substantial. He was widely recognized as the quintessential professional. It was fitting that beside the judge's photo in the memorial service program appeared a quotation, written years ago by Ralph Waldo Emerson, that is compelling in its relevance to all of us today. Emerson's words respond to the many questions raised by the Boston Bar study, and are worth repeating:

“To laugh often and much; to win the respect of intelligent people and the affection of children; to earn the appreciation of honest critics and endure the betrayal of false friends; to appreciate beauty; to leave the world a bit better whether by a healthy child, a garden patch, or a redeemed social condition; to know even one life has breathed easier because you have lived. This is to have succeeded.”

We need to remember that the legal profession is more than a business and life in the law is not an end in itself. Bill McElroy understood this and was a success in every way imaginable. For us, he is a person worth remembering and emulating. He understood how to balance priorities—especially the difference between true service to others and simply generating billable hours.

This article is intended to promote professional responsibility and encourage discussion about issues and problems facing the legal community. In the future the Commission will recognize other lawyers and judges whose careers stand as an examples for all of us, the focus on Judge McElroy is not intended to ignore the outstanding contributions of other departed colleagues.