

New Jersey Commission on Professionalism in the Law

Recapturing Public Confidence

One of the most crucial problems facing us is the decline of public confidence in the legal profession and our justice system. Recapturing public support has proven to be an elusive goal, but is one of vital importance. Our legal system relies for its survival on public acceptance of its legitimacy. The courts, and the bar, can rely on neither the sword nor the power of the purse to advance the rule of law or obtain public respect for it. We instead must utilize moral suasion, reason, and principled discourse. When the public questions our conduct, practices, motives and abilities, we have a serious problem on our hands.

Public opinion about the bar and bench is linked directly to professionalism. We cannot expect to be popular all of the time, or with everyone; a role as an advocate or decision maker makes this impossible. But, at the same time we should not dismiss all criticism as being misinformed or irrelevant. Public perceptions are often accurate. I need not recount recent surveys that show declining public support for the bar, and the bench.

In an era when it appears that few want to take responsibility for anything, we should not join the crowd and look elsewhere for answers. Instead, we must shoulder some of the blame for our current condition. Despite the tenor of the times and its often negative impact on all segments of society, lawyers and judges should never forget that the public has the right to expect much from us---because each of us has been given much.

We must all begin to think about the kind of profession and justice system we wish to serve, the kind of professionals we wish to be. In short, it is time for us to make a difference. We like to speak of the “noble profession” of the law, but mere words will not do the trick. We must act like the professionals we want to be by never forgetting the core values that define us. We must hold others to the same standards.

Professionalism is not a bumper sticker that says “have you hugged your adversary today?” It is a commitment to the standards and values that have always well served the legal community, the values the public has come to expect lawyers to observe and judges to embody. The public is waiting to see if these standards and values still have meaning to us. Our response will determine the future legitimacy of the legal profession and the justice system it serves.

This article is one of a series authored by the commission and intended to promote professional responsibility and encourage discussion about issues and problems facing the legal community. The commission is a cooperative venture of the NJ State Bar Association, the state’s three law schools, and the judiciary. The commission’s goal is to improve the professionalism of lawyers and judges through education and other initiatives.