

TORYS

Professionalism:

I wish I knew then what I know now

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- Professionalism
- Professional conduct
 - in presentation
 - in communication
- Reputation

- In all cases, the feedback we collected stresses that students prefer to be put to work and challenged rather than to have their time wasted with a bunch of ***soft balls*** and meandering anecdotes.

So ... let's start with The Lorax.

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Why Advocate?

"Unless someone like you cares
a whole awful lot,
Nothing is going to get better.
It's not."

Dr. Seuss,



The Lorax

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- advocacy is zealously defending the positions of our clients to advance their interests
 - unless you care, it is not going to get better
 - advocacy is persuasion
 - persuasion requires credibility, reputation, conduct (what we do) and comportment (how we do it) – *i.e.*, professionalism
 - professionalism pervades everything
 - meetings
 - one on one
 - multiple people
 - your representation of your profession and your school:
 - what you do
 - how you do it
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- Rules of Professional Conduct
 - **Question** for you to consider: Are the rules that govern our professional conduct based on:
 - norms of compliance:
 - do the rules merely set a minimum standard to which we must all comply?
 - aspirational goals:
 - lofty ideals which while we strive toward we never meet?
 - Better to think the rules have been based on data (i.e., “things we don’t like”) by those who have seen it all.
 - The goals have been set high
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- **2.1-1**
- A lawyer has a duty to carry on the practice of law and discharge **all responsibilities** to clients, tribunals, the public and other members of the profession **honorably** and **with integrity**.

- **2.1-2**
- A lawyer has a duty to **uphold** the **standards** and **reputation** of the legal profession and to assist in the **advancement** of its goals, organizations and institutions.

- **5.1-1**
- When acting as an advocate, a lawyer shall represent the client **resolutely** and **honourably** within the limits of the law while treating the tribunal with candour, fairness, **courtesy**, and **respect**.

- **5.1-5**
- A lawyer shall be **courteous, civil, and act in good faith** to the tribunal and **with all persons** with whom the lawyer has dealings.

- **5.6-1**
- A lawyer shall **encourage public respect** for and try to improve the administration of justice.

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- Because your job is to advocate/persuade/advance
 - If you are
 - not liked
 - not trusted
 - distracting
 - offensive
 - off-side of the standard expected of youyou are not going to be persuasive
 - If you are not persuasive, you are not doing your job
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- Be aware of how you are being perceived
 - you will be judged by your
 - reputation
 - conduct and comportment
 - body language and dress
 - demeanor
 - confidence
 - voice
 - do I interrupt instead of listening?
 - manner of speech
 - am I a hand talker?

- Survey says:
 - **if you use proper hand gestures:**
 - engaging, charismatic, genuine, passionate
 - you engender trust
 - you explain better and show demonstrative intention
 - **if you don't use hand gestures:**
 - you may come across as cold and aloof
 - you come across as systematic and *logical*
 - **if you misuse hand gestures:**
 - distracting
 - annoying
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- So, if your job is to advocate, who do you want to be?
 - Don't *diss* the data
 - Be self-aware
 - Use gestures to make you look disciplined
 - for emphasis or transition
 - to control or list
 - show you have restraint: stay “in the box”
 - Be comfortable with stillness
 - the rule is ... (as it is for humour)
‘don't do it unless you are good at it’

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- What the data reveals on hand-talking can be applied to more significant issues
 - dress
 - behavior
 - comportment
 - reputation
 - Be aware of the risk of distraction – taking the viewer/listener/influencer off topic takes away from your message.

- I'm a free wheeler, you are cramping my style!
- “Aim to project a professional image, even as a law student. Today’s professor, mock trial judge, or supervising attorney at that summer associate position could be tomorrow’s potential employer. Your conduct, speech, dress, correspondence, and overall presence should reflect the same image that you would want to convey to a potential employer during an interview.”
 - Linda Rothstein, Lorne Sossin, 2009

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- Err on the side of caution, but not necessarily conformity
 - We love creative and individual expression, but be mindful that your appearance sends signals to others
 - We trust you to exercise judgment on issues of dress and grooming, in order to adapt to your colleagues in our professional environment
 - We specifically encourage people to dress in accordance with cultural and religious obligations

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- how you present yourself online can leave an impression with professors and potential employers alike
 - spoiler alert: employers are increasingly checking on applicants' online history.
 - social networking
 - LinkedIn
 - Twitter
 - Instagram
 - Facebook
 - blogs
 - email – assume that everything you write in a professional setting has been written down forever

- Employee charged with the task of rating financial products
- Responds to another employee's concern about a poorly created financial
- “It could be structured by cows and we would rate it.”

- employee of company developing dangerous financial products being sold
- “Let’s hope we are all wealthy and retired by the time this house of cards falters.”
- “OK, still have this vomit?”

- From the 1990s,
- female employees asserted a sexual harassment lawsuit against Chevron
- Email circulated by male employees, one of which was entitled
 - “25 Reasons Why Beer Is Better Than Women.”

- Massachusetts class-action suit about the dangers of a diet drug
- Drug company's executive's email was disclosed:
- “Do I have to look forward to spending my waning years writing checks to fat people worried about a silly lung problem?”

- if you cannot tolerate having your email appear before a jury or on p. 1 of the ROB, don't write it
- if you don't want it published then why are you writing it?
 - if you want to be a comic, take an improve course

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- **Reputation matters.** Have a plan. Of the platforms that are available, decide how you will use them.
 - **Watch your language.** Clean speech, lack of coarse language, proper spelling, proper grammar. These all can be used to build credibility.
 - **Did I mention stillness.** PAUSE before hitting ‘send.’
 - **Monitor your privacy.** Learn about privacy settings and set them accordingly. Disconnect from others’ posts if you notice something inappropriate. Use private email.
 - **Be positive.** Regardless of the platform you use, negative comments about work and others are inappropriate and can harm your professional reputation.
 - adapted from Elizabeth Rock, AICPA

Don't be this guy.



One prominent example, cited in an academic paper ... involves a group of health care workers, including physicians, who travelled to Haiti to deliver aid (J Gen Intern Med 2010;25:1227-9). Their good work was overshadowed by Facebook pictures of doctors grinning while holding guns and bottles of alcohol, as well as photos of naked, unconscious patients.

Professionalism: Social media mishaps, CMAJ. 2012 Sep 4; 184(12): E627–E628.

Example – when is too much too much TORYS

- 2011-2012.
 - Dentistry Students at Dalhousie.
 - “Class of DDS 2015 Gentleman’s Facebook Group.”
 - One of the first items up for discussion was a poll regarding who in the class members would like to marry.
 - The discussion devolved into questions about students with whom the members would like to have “hate sex.”
 - Over the next three years, talk became more sexist and sexually violent and homophobic
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- Don't take shortcuts.
- “In recommendations, referrals, and hiring, professors and employers look for students who are hard-working and successful. As you must know by now, the practice of law requires **diligence**, **drive**, and **determination** — get a head start by working hard as a student.”
 - Rothstein, Sossin, 2009

- “I don't want you wasting your effort and running the risk that, in the inevitable post-competition contemplation that will overcome you, your thoughts will become consumed with the lousy feeling of regret that -- putting it plainly – you could have done a better job.”
 - Don't be that person.
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- **make relationships matter:**
 - when two people come together they should each leave the moment feeling better about the other person and feeling better about themselves
- why does this matter?
 - you need rapport in order to persuade
- You will also engender a sense of caring
 - remember the Lorax?

- *follow me and I will show you the way*
 - be principled; be disciplined
- lead by attracting, not by pushing:
 - use your senses in the proportion that you have them
 - You have two eyes, two ears and one mouth
 - use them in that proportion (and in that order)
- why does this matter?
 - you can't persuade if you can't be trusted to be a leader of the issue

You have two eyes, two ears and one mouth

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- listen, watch much more than you speak
 - Why?
 - You may not be the smartest person in the room!
 - It empowers people to think and to share
 - It fosters creativity: you can add to the best ideas
 - Data says: it builds rapport
 - Be comfortable with silence
 - This will prevent the mouth from going into gear before the mind is fully engaged
 - Filtration can be the best protection mechanism

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- Don't hide your anger, opposition or protest
 - get it out there early – professionally
 - your goal is to resolve it
 - Why?
 - advocates need to deal with the hard issues that stand in the way of their arguments
 - resolving conflict early prevents entrenchment
 - resolving conflict forces you to develop necessary skills (forgiveness, accountability, apology) which reflect our high ideals
 - if you provide a solution to a hard issue, you engender trust – they call this leadership
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make it easy for yourself – the Torys version

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- With thanks to Georgia Brown and Sheena MacAskill for content

- Show up on time or early
- RSVP as soon as invited
- Do not wait for a better offer
- Once you commit to attend, only emergencies excuse you



- Be engaged and confident
- Join a group
- Approach someone standing alone
- Meet someone new



- Always ask open-ended questions
- Practice the 3 question rule
- Follow the flow of the conversation
- Taboo topics (politics, religion, confidential client info, gossip, personal finances)

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- Focus on supporting development & growth (ask questions! be proactive & curious! make sure to speak up if your name is on the bill! be prepared to share your perspective!)
 - Treat **everyone** with respect

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