



President's Perspective

A PROFESSION AT THE CROSSROADS

By Amy Noe Dudas

PRESIDENT'S PERSPECTIVE

I never wanted to be a lawyer. “I’ve *always* wanted to be a lawyer,” attorneys frequently tell me. They often spent a part of their formative years being influenced in some meaningful way by a lawyer who was close to them. Many colleagues report being inspired, if not mysteriously called by a higher power, to make the law their profession and, for most of them, their primary identity.

But me? I fell into it.

When I graduated from Earlham College, the plan was to get a doctorate in comparative literature and spend the rest of my days observing the rest of the world from an ivory tower, making obscure yet incredibly profound connections between Molière and August Wilson. But I needed a break. Instead of immediately heading off to such lofty academic pursuits, I decided to get a job in Richmond and spend a year or two saving up for graduate school. I sent out dozens of resumes and got exactly *one* call. A solo practitioner (my now dear friend Jeff Arnold) needed a legal secretary. After about a year, I shrugged my shoulders and thought, “I could do that.” And off to law school I went.



What I discovered was a community of civic-minded professionals for whom being an attorney is central to their core identity. With that identity comes a set of treasured ideals we guard fiercely. Attorneys are super-citizens. Ours is often referred to as a learned profession, and our values as set forth in the Preamble to the Rules of Professional Conduct demonstrate the lawyer’s role in society as one that stretches far beyond the courtroom.

As a result, bad behavior, even that wholly outside the context of our practice, could cost us our license. We have committed to cultivating our knowledge of the law beyond what we need to know to represent our clients, improving the legal system and the quality of legal services, and bolstering the public’s confidence in the rule of law. The attorney-client privilege is so sacred that our Rules of Professional Conduct do not require us to breach that confidence...*ever*. What we do is so important it is actually a crime to practice law without having first been admitted to do so by the Indiana Supreme Court.

When lawyers are reckless, unscrupulous, or even slightly less than competent, the consequences to their clients and the legal system could be grave. For these reasons, it is difficult to get into law school, even

more difficult to get through law school, and even more difficult than that to pass the bar exam. In fact, graduating from law school doesn't even guarantee us an opportunity to take the bar exam; first, we must pass a rigorous character and fitness investigation, which goes so far as to scrutinize even our traffic tickets.

With great power comes great responsibility.¹

Upon being admitted, every new attorney must take an oath, in which our commitments to the above ideals—and more—are explicitly and unambiguously declared. Lawyers occasionally get together and recite that oath again; I have pledged allegiance to these sacred principals

dozens of times. We're married to this profession, reciting our vows when we first commit our lives to it and renewing them periodically as a reminder of our lifelong devotion.

But we find ourselves at a crossroads. The generations

are beginning to shift roles as baby boomers reluctantly retire despite their original plan to die at their desks. Generation Xers have redirected their permanent eyeroll from their boomer bosses to their millennial subordinates. Those millennials are coming into

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their own, insisting on reasonable business hours ("what are business hours?" perplexed boomers and Xers ask) while trying to pay off six-figure student loans. Now the Gen Zs have begun enthusiastically raising their right hands in holy matrimony to the law after having spent at least some of law school in crushing social isolation, desperately hoping their webcam doesn't freeze during their turn with the Socratic method.

Each generation approaches the practice from a different perspective and with changing priorities. We owe it to ourselves, and to the public, to understand each other and, perhaps, to recognize areas where another generation (older or younger) may have better ideas.

In addition, our profession is at a turning point. The access to justice crisis is causing some to question whether attorneys really do need these core values and unique skills.

Utah is redefining who can perform tasks commonly restricted to those licensed to practice and, along with Arizona, is experimenting with allowing nonlawyers to have ownership interests in law firms (bye-bye, Rule 5.4). Other states are exploring these ideas as well.

These efforts at innovation and re-regulation, as proponents label them, are *freaking lawyers the heck out*. Myself included.

But in my pandemic-inspired quest for re-invention, self-examination,

way to effectively tell the world why. After all, if we simply take our ball and go home, we'll continue to see young lawyers running for the hills and new efforts at re-regulation, potentially eroding (but maybe, *just maybe*, enhancing) what we, as lawyers, hold dear.

Who better than attorneys in the trenches to guide the conversation? To keep those great powers reserved to those who demonstrate a commitment to great responsibility, we must identify and demonstrate how certain traits and skills make

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and mind-body connection (ask me about the meditation room my best friend/husband/soulmate created for me), I'm trying to keep an open mind. Instead of rejecting these ideas and young lawyers' concerns outright, I'm at least trying to understand why some are suggesting new approaches. This means identifying exactly which traits and skills are crucial to the practice of law and should therefore remain solely in the purview of lawyers. It also means considering whether the traditional approach to the practice is sustainable in light of these regulatory experiments and fresh attitudes. Finally, once we figure all that out, we must find a

only lawyers uniquely suited to provide certain services. We need to examine whether we're successfully ensuring new generations of lawyers enter the practice suitably armed and with sufficient support. That means not only carefully guiding them through those early years but also *listening* to them for ways we can enhance not only their satisfaction with the profession but our own as well. In the coming year, I invite you to join me in engaging in this exercise of professional self-examination. ☯

FOOTNOTE:

1. Many Americans attribute this wise old adage to the Spider-Man comics, but the precise wording is actually thought to have originated in the writings of French philosopher Voltaire and first declared in the context of the work leading up to the French Revolution. *"Ils doivent envisage qu'une grande responsabilité est la suite inseparable d'un grand pouvoir. (They must contemplate that a great responsibility is the inseparable result of a great power.)"* The concept has been expressed by many leaders, including Ulysses S. Grant, William McKinley, Winston Churchill, Teddy Roosevelt, and Franklin Delano Roosevelt, long before Uncle Ben imparted this wisdom onto young Peter Parker. I will say, however, I was delighted the wisdom shifted to Aunt May in 2021. But I digress...

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