

PRESIDENT'S MESSAGE

Professionalism and Showing up as the Lawyers We Want to Be

Sharpening the Axe

By David Rosen

One of the privileges afforded OSB presidents is participation on the Oregon Bench and Bar Commission on Professionalism. To work with lawyers striving to see the practice of law in its most aspirational light — this work is close to my heart.

In working together, I am inspired by the connection between professionalism and mindfulness and the shared emphasis on intentionality, presence and nonreactivity. It reminds me of a quote attributed to President Abraham Lincoln, which goes “give me six hours to chop down a tree, and I will spend the first four sharpening the axe.” I’ve understood that to mean:

1. There is a way of approaching our work with a sharp axe — wisely, mindfully and with intention.
2. There is a practice to be observed before we get to the work at hand. This practice enables us to show up with a sharp axe.
3. There is always the opportunity to determine if we are swinging a dull axe and recommit to sharpening it (the practice).

From this, the questions that I try to incorporate into my law practice are: How do I want to approach the task at hand? Am I positioning myself to show up wisely, mindfully and with intention (what practices allow me to sharpen the axe)?

Professionalism: A Sharp Axe

As Judge John Acosta identified in the February/March 2024 edition of the *Bulletin*, during Justice Edwin Peterson’s tenure as chief justice, the Oregon State Bar adopted its first Statement of Professionalism in 1990. The most current Statement of Professionalism, adopted by the Oregon State Bar House of Delegates and approved by the Supreme Court of Oregon in 2019 is on the bar’s website and is provided in a sidebar to this article.



As lawyers, we belong to a profession that serves our clients and the public good. As officers of the court, we aspire to a professional standard of conduct that goes beyond merely complying with the ethical rules. Professionalism is consistent conduct that includes compliance with all ethical rules promulgated by the Oregon Supreme Court, courageous representation of clients, striving for the public good and complying with the following principles in dealing with our clients, opposing parties, opposing counsel, the courts and all others:

- I will promote the integrity of the profession and the legal system.
- I will work to ensure access to justice for all segments of society.
- I will avoid all forms of discrimination.
- I will protect and improve the image of the legal profession in the eyes of the public.
- I will support a diverse bench and bar.
- I will promote respect for the courts.
- I will support the education of the public about the legal system.
- I will work to achieve my client’s goals, while at the same time maintain my professional ability to give independent legal advice to my client.
- I will always advise my clients of the costs and potential benefits or risks of any considered legal position or course of action.
- I will communicate fully and openly with my client, and use written fee agreements with my clients.
- I will not employ tactics that are intended to delay, harass, or drain the financial resources of any party.
- I will always be prepared for any proceeding in which I am representing my client.
- I will be courteous and respectful to my clients, to adverse litigants and adverse counsel, and to the court.
- I will only pursue positions and litigation that have merit.
- I will explore all legitimate methods and opportunities to resolve disputes at every stage in my representation of my client.
- I will support pro bono activities.

Oregon State Bar • 16037 SW Upper Boones Ferry Rd • PO Box 231935 • Tigard, OR 97281-1935
503.620.0222 or toll-free in Oregon 800.452.8260

To me, professionalism is:

- Something to strive for (a value we hold and wish to embody);
- Something that can be practiced (a choice within our control);
- A practice that will ask us to challenge ourselves and recognize what we can learn and change;
- A practice that can humble and inspire us;
- A practice that is rooted in economy of effort;
- A practice that delivers sustenance, growth, and strength; and
- Taking a position that is in alignment with who we want to be as attorneys *and* how we wish to be treated.

I also think of professionalism (or the lack thereof) as contagious. When we create a space that embodies professionalism, we may often find that others will meet us there. Likewise, when we create a space that does not embody professionalism, we may often find that others will meet us there, too.

What Dulls the Axe?

External forces can challenge our commitment to bring our best selves to every case and every encounter. These stressors are many: difficult opposing counsel, a tough client, an unexpected event or simply being stretched too thin and overwhelmed. Who among us has not had too much work and too little time?

Big changes and challenges can also take us off our center. If we don't employ practices that promote health and well-being, it may feel that our health, well-being and quality of life are at odds with our work.

In my law practice, at times, I have felt all of the above. However, I believe part of this work is acknowledging the patterns that cause us to swing a dull axe or that keep us from taking time to sharpen it. By recognizing those patterns, it furthers our skillset.

Change and Challenge as Incubators for Growth

While change and challenge can dull the axe by moving us away from our center (how we want to show up), they also provide opportunities for personal and professional growth. If we can acknowledge that our challenges may be there for us to learn from, then it becomes an endeavor in curiosity as opposed to an experience in

suffering. For me, sharpening the axe is cultivating practices that:

- Help us identify our center and bring us back to our center when we forget;
- Maintain calm in the face of attempts to take us away from our center, reminding us that what we can control is how we want to show up; and
- Create a space that embodies professionalism and invite others to meet us here through our modeling.

When we encounter difficult people or external forces that attempt to take us off center, often we have two choices: 1) move away from center and join the difficulty; or 2) hold the space that embodies how we want to show up and invite others to meet us here.

Likewise, when things change, we may jump to the conclusion that it will always be this hard. This is the fallacy of believing the impermanent is permanent. Some of this is inherent to the challenges legal professionals encounter. To some extent, it is the nature of our work. However, change is inherently impermanent.

When we recognize the difference between what is permanent (our effort to show up as our best selves) and what is impermanent (the situation), it provides perspective on what we are addressing and an opportunity to show up in a way that aligns with our values.

Bar leadership presents new, exciting (if demanding) challenges that take me out of my routine and, at times, comfort level. This year is giving me new ways to sharpen, serve and learn, and I am grateful. ■



David Rosen is the 2024 president of the Oregon State Bar. He is the founder of High Desert Law in Bend. Reach him at drosen@osbar.org.

Reach Every Attorney in Oregon



LLM
PUBLICATIONS

To advertise in the *Bulletin*,
email Ronnie Jacko at
ronnie@llmpubs.com.

To Learn More Visit:

www.llmpubs.com
503-445-2234