

From the Cotton Fields to the Courtroom

BY ERNEST RADILLO

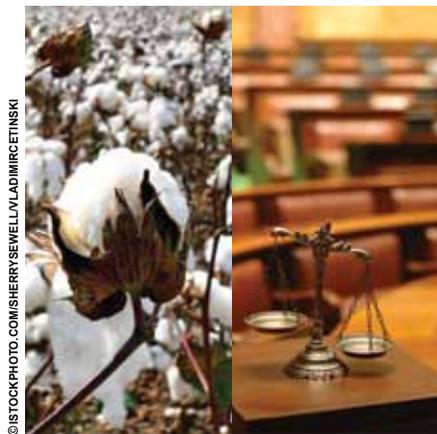
Raised in an immigrant family with parents trying desperately to simply make ends meet, I learned early on to value the importance of hard work. At the age of 16, I worked alongside my father in the cotton fields of California in order to help support my family. When I first began working with him, my father taught me some simple rules: show up on time, treat people with respect, put in an honest day's work, and your word is your bond. These four basic tenets, which virtually all parents try to instill in their children, served me well in the cotton fields and have shaped how I now practice law.

Incivility has become rife within the legal system. With far too many lawyers taking a win-at-all-costs approach, the legal profession must seek ways to instill in its practitioners a more respectful and civil mindset. In order to solve this problem, we must change the win-at-all-costs mentality that far too many lawyers fall victim to, with a mindset that better reflects the tenets of civil and courteous behavior outlined in the WSBA Creed of Professionalism. These basic tenets include the following affirmations:

- In my dealings with lawyers, parties, witnesses, members of the bench, and court staff, I will be civil and courteous and guided by fundamental tenets of integrity and fairness.
- My word is my bond in my dealings with the court, with fellow counsel and with others.
- I will endeavor to resolve differences through cooperation and negotiation, giving due consideration to alternative dispute resolution.
- I will honor appointments, commitments and case schedules, and be timely in all my communications.
- I will design the timing, manner of ser-

vice, and scheduling of hearings only for proper purposes, and never for the objective of oppressing or inconveniencing my opponent.

- I will conduct myself professionally during depositions, negotiations and any other interaction with opposing counsel as if I were in the presence of a judge.
- I will be forthright and honest in my dealings with the court, opposing counsel and others.
- I will be respectful of the court, the legal



© ISTOCKPHOTO.COM/SHERRYSEWELL/LADIMIRCTINSKI

profession and the litigation process in my attire and in my demeanor.

- As an officer of the court, as an advocate and as a lawyer, I will uphold the honor and dignity of the court and of the profession of law. I will strive always to instill and encourage a respectful attitude toward the courts, the litigation process and the legal profession.¹

There is no question that lawyers have the capacity to eliminate unprofessional behavior, but it will require focused and spirited leadership in order to develop a culture that glorifies and models civility. Judges and senior lawyers can be instrumental in fostering this civil culture by championing civility, rather than just being voices against incivility. Before we create this mindset, we first must remind ourselves why exercising civility as lawyers is of the utmost importance.

Some equate civility with being a push-over, faint of heart, or weak. However, civility goes beyond just the exterior perception of our actions. Civility embodies and demonstrates the respect we owe members of our profession, the court, our clients, jurors, and the general public. Civility includes valuing the reactions, views, and cultures of others. Civility is both an animating spirit and a mode of discourse.

Civility establishes limits upon our treatment of others and helps inoculate us against the temptation to demonize those who hold opposing views from our clients' and our own. It demands that we provide a respectful forum for debate. Civility does not preclude strong-willed debate or confrontation. The most important legal debates are polarizing, e.g., abortion, euthanasia, immigration, and same-sex marriage, to name a few. These issues stir deep passions and bring before us our most fundamentally held beliefs about life, death, economics, and the rights accorded to individuals and societies. These debates are precisely when civility and a measure of grace are most needed.

It is irrefutable that some of the causes of unprofessional behavior, e.g., the stress of practicing law, meeting client demands, and increased competition, have eroded our core tenets of professionalism and civility. Likewise, it's no secret that lawyers have suffered a great loss in public trust and confidence. Now is the time for us to do something about this state of affairs. The four basic tenets that I learned as a farm worker are not too humble for legal professionals to aspire to and put into practice. [®]

This series is produced in association with:



Ernest Radillo is an associate attorney at Ogden Murphy Wallace, P.L.L.C.'s Wenatchee office. Prior to joining Ogden Murphy Wallace, he worked at Columbia Legal Services, where he

focused on employment, class actions, and civil litigation. Radillo is a former recipient of the national Goldmark Equal Justice Internship and other awards including the American Red Cross Certificate of Merit Award, the WSBA Courageous Award, and Seattle University School of Law's Spirit of Service Award. He is a former president of the Chelan-Douglas County Young Lawyers Division, and serves on numerous boards.

NOTES

1. The WSBA Creed of Professionalism is a statement of professional aspiration adopted by the WSBA Board of Governors on July 27, 2001, and does not supplant or modify the Washington Rules of Professional Conduct.