

Editor's Perspective



By Seth L. Thompson, Esquire

Out of the Mouths of Tenderfeet

“I’m googling the Code of Hammurabi now. How familiar are you with the Magna Carta?” I said to Jay, another attorney in the firm.

“I just hope it doesn’t turn into the Spanish Inquisition,” he responded. “Let’s meet for dinner at 6:00 and then we can head over together.” To an eavesdropper, we probably sounded like two college students on the fifteen-year program cramming for an evening final exam.

In reality, the assignment was a bit more daunting. Our mission, which we had chosen to accept, was to impart our legal expertise, or at least thirty minutes’ worth, to a local youth group. Specifically, the job was to speak to a troop of Boy Scouts in order to fulfill a few of the requirements for their Law merit badge. There would be no multiple choice questions coming from that evening’s panel of Stars, Eagles, and Webelos, and my knowledge of the Justinian Code was rather limited.

Some of the merit badge requirements (such as the outer space-oriented discussions and the aforementioned historical discussions) seemed a bit tangential to current practice in Sussex County. Still, ideally, this was an opportunity to reassess my professional progress, away from the direct stressors that lead to such self-analysis in the office or during the half-hour commute. The evening offered the chance to shape some young minds who would be sitting in a similar position to me, only separated by about twenty years.

As usual, the instructor probably walked away with more of a lesson than the pupils. That lesson came courtesy

of the question-and-answer period. The crowd sent two main types of questions toward the front of the lodge: the practical and the ethical. I suspect the same result would have occurred with any similar youth group; it just so happened that this audience wore a lot of khaki and neckerchiefs.

The practical questions covered the types and scope of our representation, fee arrangements, conflicts of interest, and support staff. The first three of these practical issues have a direct effect on which of these children’s parents, uncles, friends, etc. become our clients. The last item of the list probably is a result of these same relatives and acquaintances working in or with law offices. Basically, these practical questions stemmed from localized issues of the firm’s role in the community and their lives.

I am certain these boys know the realtors, postal workers, mortgage brokers, and Court personnel that see us in our professional capacity on a frequent basis. So, for a few minutes, this editor got a glimpse from the perspective of the client-base’s children, who probably reflect the views of their household members coming to my office for help. These children, however, may not have those fully developed oral filters. Think: a verbal version of M.C. Escher’s drawing of the hand holding the reflective ball.

Significant discussion within the Delaware Bar focuses on the interaction between lawyers and other lawyers or judges. Publications warn us to instill in our out-of-state co-counsel the behavioral standards in our community. Seminars and CLEs focus on proper communication with opposing counsel. Case law

provides the precedent for controlling speakers in depositions and the courtroom with quotes that could make a hard-boiled Marine blush. Still, it is important to emphasize the need for courtesy in contact with *all* persons we encounter in our professional capacity. Additionally, purely in-house conduct may occasionally be a bit neglected in discussions of what is appropriate, as co-workers may otherwise bear the brunt of transposed frustration. While instances of bad inner office behavior are less likely to end up on Westlaw, they are no less noticeable to the people walking in and out of our offices.

The second category of questions during the Q & A period involved ethics and, typically, a broader, hypothetical background. These questions involved ethically dangerous situations to attorneys, clients, and judges. Their scenarios seemed based on a true story, with literary license having possibly driven the plotline to a new resolution.

My fear is that the public hears only about the small percentage of attorneys who choose to ignore the Code of Professional Responsibility, the outliers, the few bad apples. Many of these ethical questions apparently stemmed from the scenarios that are “ripped from the headlines,” dramatized, and then put on television, in magazines, or on the big screen. In my mind, it’s the equivalent of a visitor to this country perusing *Us Weekly* for the news of our society as a whole. Unfortunately, perception becomes reality, since “Stars, They’re Just Like Us!” as *Us Weekly* says. Our Bar can no longer simply remain vigilant in protecting its place; each attorney needs to take a personal, active

Editor’s Perspective (continued on page 7)

Looking ahead, the DSBA will celebrate Law Day with a lunch on Monday, May 5, 2008. Law Day was established fifty years ago when President Eisenhower designated May 1 as a day dedicated to the principle of government under law. Three years later, Congress formally recognized May 1 as the official date for observing Law Day. ABA President-Elect Tommy Wells will be our luncheon speaker. It has been several years since we have had an ABA President or President-Elect speak in Delaware. Accordingly, I urge you to attend the lunch and give President-Elect Wells a warm First State welcome. He is an interesting speaker with a good sense of humor. ☞

role in defusing the distorted images that portray our profession today.

As the half-hour discussion concluded, one of the youth asked about the most difficult case of my short career. In my response to the question, I relayed a scenario in which a boy had been raised by his grandparents, my clients, since he was just a few months old due to his parents' issues with substances and/or crime. Then, nearly a decade into the child's life, one seemingly rehabilitated parent filed for the child's return, causing the child to suffer extreme mental anguish which included suicidal thoughts. Fortunately, the Judge found my legal argument convincing as to the appropriate standard, and the witnesses' testimony met that standard.

As Jay and I were leaving, a woman thanked us for our time, especially for the time and effort on behalf of the grandparents' guardianship matter. With the Court matter resolved, the child had since returned to his previously pleasant demeanor in the woman's youth group. It served as a strong reminder that attorneys are very visible, frequently discussed members of their community. Our direct, positive interaction can dispel generalizations and misconceptions. Be prepared. ☞

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Sarbanes-Oxley, Ethical Considerations Regarding Managers of
Entities Facing Indictment, Private Equity Markets, the Blackstone
IPO, Issues Concerning Public LLCs, and the Delaware Series



Look for registration information coming out soon.