

Decide Now

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We all learn things from our clients. Recently, a lawyer-client of ours told us that when he started practicing law, one of the partners at the firm he joined told him, and the other new associates, the following:

"You have to expect that some time during your career, someone is going to ask you to do something you know to be wrong. It could be a client, a third party, an opposing lawyer or even a lawyer at this firm, but it will happen. Don't wait. Decide now what you will do about it."

One could say that this was just a rhetorical flourish. How can one decide now what to do about a future situation when one knows nothing about the particulars or even the context of the situation? And in an imperfect world full of moral relativism, legal gray areas and triable issues of fact, why should my own view of what is wrong control over the views of others?

We submit, however, that this is more than a rhetorical flourish:

- One of our jobs as lawyers is to look out for our clients and, in some cases, non-clients as well. We should therefore keep ourselves ready to identify and avoid "wrong" conduct even if our clients, our colleagues or others don't at first see what we see.
- Although reasonable minds can often differ, we suspect that many more lawyers get themselves (and others) in trouble by not following their personal and internal warning indicators than by following them.
- Without doubt, we should all be willing to listen to the points of view of others before we make decisions. But if we enter into a morally and legally complex conversation from the starting point that there are outside limits on how far we will go, we are more likely to be able to resist the temptation or impulse of the moment.

So like the partner said, decide now.