

# A Nostalgic Touch

## Civility, Professionalism, and Good Deeds: The State of the Kansas Bar

By Matthew Keenan, Shook, Hardy & Bacon, Kansas City, Mo.

In David Brooks's Jan. 27, *New York Times* column, he commented on the changing role that institutions play in our society. "As we go through life, we travel through institutions – first family and school, then the institutions of a profession or a craft." Yet he observed, "institutional thinking is eroding. Faith in all institutions, including charities, has declined precipitously over the past generation, not only in the U.S. but around the world. Lack of institutional awareness has bred cynicism and undermined habits of behavior. Bankers, for example, used to have a code that made them a bit stodgy and which held them up for ridicule in movies like 'Mary Poppins'. But the banker's code has eroded, and the result was not liberation but self-destruction."

Brooks's column continued: "We are not defined by what we ask in life. We are defined by what life asks of us." That statement should give pause to any adult – especially one who labors in a profession whose central touchstone is a dedication to public service and public good. His observation prompted a moment of reflection as I wondered what are the institutional markers for our profession? And are we meeting them, or falling short? What are the teachings that make the one part of the whole? That weave the "I" into "we."

It seems that today's villains toil not in courtrooms but boardrooms. Perhaps now, more than ever in recent history, our profession is demonstrating the truism that no one likes a lawyer until they need one. And right now people like us. For good reason. They are depending on us – largely – to sort out the mess that another singular entity – bankers – has got us into. Including counting on the lawyer who goes by "Mr. President."

One hallmark of our trade is professionalism. In a word, respect. Be kind. Be on time. Be prepared. Justice Clarence Thomas once noted that "civility ... is the natural functioning of a legal profession in which we are all servants of that higher, nobler master, the Constitution and the law. The lawyer on the other side, or the judge is not the enemy, but a fellow traveler on the journey toward discovering the correct legal answer." And so, is our institution in decline, or experiencing a resurgence as the rest of the world seems in free fall?

All institutions offer a way of teaching, mentoring others coming up through the profession. But our craft has a legacy that no other professional institution can match. The role of lawyers in the formation of our country, the shaping of our most fundamental ways of life, our liberties, cannot be overstated. For instance, 26 of the 56 signatories to the Declaration of Independence were attorneys. Of our 44 presidents, 26 have been attorneys, including the one historians consider to be the greatest president of all, Abraham Lincoln.

An integral part of this has been the role of the bar associations, whether local or state. Early visionaries in this state founded the Kansas Bar Association (KBA) 127 years ago. Today its mission statement includes advancing the profes-

sionalism and legal skills of lawyers, promoting the interests of the legal profession, providing services to its members, advocating positions on law-related issues, encouraging public understanding of the law, and promoting the effective administration of our system of justice. The KBA needs us. And we need it.

Our Kansas Bar Association has a membership of roughly 6,500 reflecting about half of the total number of Kansas attorneys. This year, as a reflection of our economic woes, the Bar has introduced a hardship program for those attorneys whose firms are no longer paying for membership, or solos and small firms that simply had to tighten their belts.

This is a time for rallying around the Bar, as our annual meeting is approaching. This is a great time to show our support for this institution that is an integral part of what we do every day for our clients, for our families, for our profession.

So what does life ask of us? What does our profession ask of you? For our meeting, I have assembled a panel of our peers to discuss our profession in this new age. Where are we heading? What is our legacy? Representing a demographic and geographic cross section of our state bar, I have invited four private practitioners, a state judge, a federal magistrate, and the state disciplinary administrator to join me on a roundtable discussion of the practice and the state of civility and professionalism. Friday, June 19, at 3:30 p.m. at the KBA Annual Meeting.

It will be an interesting and engaging give-and-take with the panel and the assembled audience that hopefully will include you. While giving you ethics credit as a bonus. See you there! ■



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