



MESSAGE FROM THE PRESIDENT

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Civility – The Benchmark of Attorney Conduct

A special thanks to the contributors and authors who provided input on this month's content related to immigration law. As members of the legal community, we are keenly aware of the importance and significance of immigration issues, both to Nevada and our country as a whole.

Though the majority of us do not practice in the immigration field, we are all aware of general concepts such as asylum, deportation, citizenship and naturalization. This is a complex and constantly changing area of law. Many of our employer-clients seek information and advice on various types of work visas, compliance obligations, record keeping and related matters. Immigration raids can cripple a business and have long-lasting effects. Ironically, the U.S. Constitution says very little about immigration or naturalization. The primary basis is found in Clause 1 of the 14th Amendment, which states:

“All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State where in they reside.”

From that simple sentence is born an entire area of law. From the majority of our members who know very little about this field of law, we offer to those practicing in this arena a heart-felt “thank you” for your efforts – we recognize that in many instances our brethren labor on behalf of those less fortunate and truly in need of legal representation in order to retain basic necessities – such as maintaining

employment or sustaining their family unit. Very important work!

Another very important area for *all* attorneys to recognize is the need for civility. The word “civility” finds its basis in the Latin work *civilis*, which is defined as the obligation to adhere to social mores. During the past decade, there has been increasing concern regarding the lack of civility in the legal system. The rapid decline in civility can be linked to any number of factors – economic, technological advancements, political ideologies and many others. As civil discourse increases in the general population, the trend has carried over to the legal profession. Civility and professionalism must remain at the forefront of concerns for both the bench and the bar. While our esteemed jurists have the ability to control the proceedings and level of civility within their respective courtrooms, a much larger problem exists outside the presence of the court. Specifically, the unbecoming conduct of counsel during discovery disputes, depositions and other non-judicial proceedings.

Unprofessional conduct acts like a poison. Left unchecked, incivility continues to spread and damages the image and reputation of our profession. Undoubtedly, a majority of attorneys have experienced incivility of one type or another over the course of their careers. Among the most misplaced notions is the unfounded belief that bullying and disrespectful behavior toward opposing counsel or an opposing party somehow provides an advantage. Nothing could be further from the truth! While it is always appropriate to act as a zealous advocate for our clients, it is equally important to express disagreement with respect and professionalism.

Remaining in control of one's emotions is a critical element of being a “professional.” Appropriate demeanor and professionalism are imperative. As “counselors” we owe it to our clients and opposing counsel to “take a breath” and remember that we set the tone – whether it be in the courtroom, deposition or other proceeding. The concepts of politeness, courtesy and respect are fundamental and must remain the basis of our legal profession. An outstanding article authored by Jayne Reardon and published by the *ABA Journal* (Sept. 2014), entitled “Civility as the Core of Professionalism,” notes that young attorneys often lack proper mentoring and rely on caricatures of attorneys from movies, television and popular culture to form their behaviors. Without argument, it is imperative that we each take the time to be a proper mentor and role model.

As attorneys, we maintain an extraordinary responsibility to exhibit respect and common courtesy. We must continue to “do right” by our fellow practitioners. In most instances, we are each able to address and deal with the improper conduct. However, should the conduct become truly outrageous, do not hesitate to involve the court or to duly report the unethical actions to the State Bar. We are a self-regulating profession. As such, we are responsible to each other and to our community to insure that civility is demanded and remains a top priority.

Thank you to all those members of our profession who continue to practice with courtesy and civility. Remember to mentor young attorneys in proper etiquette and to stand your ground when confronted by improper conduct. In the meantime, the fall season is upon us. May we all enjoy the season, and may we continue to support our profession and *our* State Bar. **NL**