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Instilling Civility and Professionalism—From Law School to Retirement

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The Bencher—March/April 2013

By Chief Judge James F. Holderman

When President Ronald Reagan asked me in September 1984 to become a U.S. district judge, I felt, of course, highly honored. I was then 38 with a relatively successful federal court practice. I knew it would be a financial sacrifice for my family, but I could not decline the request. Looking back now, after more than a quarter of a century on the bench, I have never regretted my decision. The satisfaction I have experienced over the years from contributing to our system of justice, assisting in the development of the law, and helping people secure the rights and opportunities our country's founders envisioned cannot be quantified by any measure.

Beyond the satisfaction of my work as a federal district court judge, the most emotionally rewarding aspect of my position is the exhilaration and joy I experience watching the success of the young lawyers and law students I have had the opportunity to advise and mentor over the years.

Judges are in a unique position in our profession to mentor and, I believe, have a unique obligation to do so. Several other judges on my court have the same attitude and I encourage all judges to discover the joys of mentoring. The benefits of mentoring experiences far exceed the time and energy spent for all involved. The ripple-effects of the rewards to the profession, as well as to individuals, whether law students or others, are immeasurable. Moreover, opportunities for mentoring abound.

Mentoring Law Students

Judges have a number of opportunities to mentor law students, if judges desire to do so. Several judges on my court have law student externs who typically work in chambers part-time during a semester of the law school year. The students work for either law school credit-hours or as volunteers. These positions are often the first exposure the law students have to a professional working environment. The experiences provide great opportunities for absorbing the principles of professionalism and civility, and for learning the skills the students will need during their careers. Additionally, having law student externs work in chambers allows my law clerks to participate as mentors of the externs and enhances my law clerks' professional abilities. As so often happens, it is a win-win situation for both the mentor and the mentee.

Many of the judges on my court also teach part-time at area law schools. Most of their classes are conducted after court hours. The classes usually deal with trial procedure and trial advocacy. These teaching situations allow judges the opportunity to mentor and discuss professionalism and civility with law students as they re-create real world scenarios in which lawyers are called upon to demonstrate these abilities. When I was in law school over 40 years ago, I benefitted from a mentoring relationship with a professor who became a federal judge—Judge Prentice Marshall. His mentoring enhanced my career, and the pride on his face when I joined him as a colleague on the federal district bench will forever be an inspiration to me. I encourage all judges who have the desire to teach to do so.

Several judges on my court also participate in professional organizations involving law students, including the American Inns of Court. These organizations provide opportunities to instill professional values and inspire future leaders of the profession. An example is Judge Richard Linn of the U.S. Court of Appeals for the Federal Circuit, who has mentored many law students over the years. When he served as president of the Giles Rich American Inn of Court, Judge Linn met one law student who was working part-time at the U.S. Patent and Trademark Office while she went to law school. Judge Linn's dedication to mentoring so impressed her that after she was admitted to the bar, that law student, Olivia Luk, became the moving force behind the creation of the Richard Linn American Inn of Court in Chicago. As a rising leader of the profession, Luk was awarded the 2011 American Inns of Court Sandra Day O'Connor Award for Professional Service. Luk is also the immediate past-president of the Richard Linn American Inn of Court. The ripple-effect of Judge Linn's mentoring efforts thus continues to improve the profession.

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Mentoring Law Clerks

Many state and federal courts allow judges to hire law clerks. The vast majority of law clerks serving my federal district court are young lawyers who excelled in law school and have the potential to be future leaders of our profession. Many federal judges use their law clerk relationships as mentoring relationships. All judges should do this.

A judicial chambers is the perfect setting for mentoring law clerks about professionalism and civility. All it takes is a few moments of brief discussion within the chambers between the judge and the law clerks when the opportunity arises to talk about the conduct or demeanor of the lawyers who appeared before the judge. These opportunities allow discussion of both good and bad examples of civility and professionalism, which assists the law clerks to be better lawyers and thereby enhances the profession as a whole.

As an example, one of my previous law clerks, Matthew Crowl, who is now a law firm partner in private practice and the president of the Chicago American Inn of Court, has said: "I attribute much of my skill and success as a professional to the mentoring the judge provided while I was clerking. On a daily basis, the judge would use every opportunity he could to help his clerks learn, understand, and apply the principles of professionalism and civility both in and out of the courtroom. Now more than 20 years later, I think back to those mentoring experiences often in my professional practice."

Mentoring Lawyers

A judge must, of course, be more circumspect about providing advice to lawyers who appear before the judge than the judge is about talking to the judge's law clerks in chambers. Ex parte communications are not ethically allowed and a judge's mentoring comments could be embarrassing for the lawyer if a lawyer's client is present. There are, however, circumstances in which a judge may be able to mentor counsel. At the conclusion of a jury trial, I almost always conduct an off-the-record jury instruction conference with all counsel before we place counsel's objections on the record. Typically, clients do not attend these off-the-record conferences. I have found over the years that the informal discussion about the trial that takes place during these conferences is an opportunity to provide mentoring advice on professionalism, civility, and other areas that help counsel do their job better. When I was trying cases as a lawyer, I found these informal discussion sessions very useful. Judges, such as Judge William Bauer and Judge Joel Flaum, both of whom are active in American Inns of Court and sit on the Seventh Circuit, have provided and continue to provide me with excellent advice. Beyond their advice to me, they both have nurtured professionalism and civility among lawyers of all experience levels. Of course, as judges we also have a unique opportunity to act as role models of civility and professionalism in the courtroom setting.

Additionally, when judges participate in continuing legal education programs and other bar activities they can use these programs as vehicles for reiterating, emphasizing, and re-instilling the principles of professionalism and civility among the members of the bar. Though not a traditional mentoring environment, the informal post-program sessions that often occur at the conclusion of such programs allow for discussion that can assist lawyers and judges alike to have a better understanding of our responsibility to conduct our professional lives with professionalism and civility. Moreover, these sessions help me avoid becoming isolated from lawyers in practice and provide me with feedback about the current issues facing the profession. I encourage all judges, to the extent they can, to participate in such activities that enrich our professional lives and our profession as a whole.

Mentoring Judges

In our country, judges come to the bench after some period of time as members of the bar, unlike other countries where judges are formally schooled for their judicial role. Consequently, in our country, it is usually helpful to a new judge to obtain advice from more experienced mentor judges. I have found that answering new judges' questions and advising them on various aspects of the job are some of the most rewarding experiences I have had in my position as the chief judge of my court. In fact, while I was drafting this article, two different judges on my court called me for advice.

I encourage all my court's judges to seek the advice of fellow judges on all areas of our judicial work. No matter how experienced a judge is, there is always something that he or she can learn, and it is always helpful to have another judge from whom to obtain advice. Most judges on my court are receptive to such requests from fellow judges.

Mentoring to Retirement

I am now at the age of retirement and my term as chief judge ends July 1, 2013. As I contemplate the next chapter of my career, be it senior status or retiring from the bench, I look to my long-standing mentors for advice. Additionally, I look to new mentors as I approach new endeavors. I hope that I will be able to continue the mutual mentoring relationships I have formed. They are beneficial to all and I know they will continue to enrich during retirement as they have throughout my entire career.

Conclusion

As judges, we are in an excellent position to instill the principles of professionalism and civility from law school to retirement. We judges should make the effort to mentor at all levels of the profession. Like many things in life, the more effort and ingenuity one puts into an endeavor, the more benefits one receives.

Mentoring is a mutual process and the benefits inure to both sides of the relationship. In my more than four decades in our profession, including my more than quarter of a century on the bench, I have always been aided by the mentoring process both as a mentee and a mentor. Were it not for the wonderful people who have aided me, some of whom I have mentioned, I would not be where I am in my professional life. Additionally, my professional life would not be as fulfilling as it is. I encourage all judges to participate in mentoring. Your life will be better for it.

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