The Lawyer's Compass

Character, Ethics and Trust in Modern Legal Practice

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Law Offices of John E. Moore, III
Vero Beach, Florida

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Faculty Fact Sheet

John E. Moore, III

Law Offices of John E. Moore, III
Vero Beach, Florida

John Moore is one of those people who you just enjoy spending time with. He is passionate about his life, his work and the help that he can provide to lawyers from all areas of practice. He is a high-energy, funny, smart and talented teacher.

His knowledge is practice-proven. John is a principal in the Law Offices of John E. Moore, III in Vero Beach, Florida, where he maintains an active estate planning practice. He is also an actively licensed CPA.

Moore's experience profile includes tenure with Arthur Andersen LLP, and service as an official of the U.S. Department of Housing & Urban Development and the Government National Mortgage Association, as well as time in private practice with a large law firm in Washington, D.C.

John's enthusiasm for the law reaches well beyond his office door. He was the 2010 recipient of the Florida Bar President's Pro Bono Service Award in the 19th Judicial District. He personally provided more than 1,500 hours of pro bono services, and oversaw about 1,000 hours on various projects.

Moore received his undergraduate degree from the **University of Notre Dame** and his law degree from the **University of Virginia**.

Curriculum

- **Winning Numbers:**
  Accounting & Finance for Lawyers *(6 hours)*
- **The Lawyer's Compass:**
  Character, Ethics and Trust in Modern Legal Practice *(6 hours)*

The Lawyer's Compass

Character, Ethics and Trust in Modern Legal Practice

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The Lawyers Compass

Character, Ethics and Trust in Modern Legal Practice

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Section 1: The Practice of Law: Today and Tomorrow

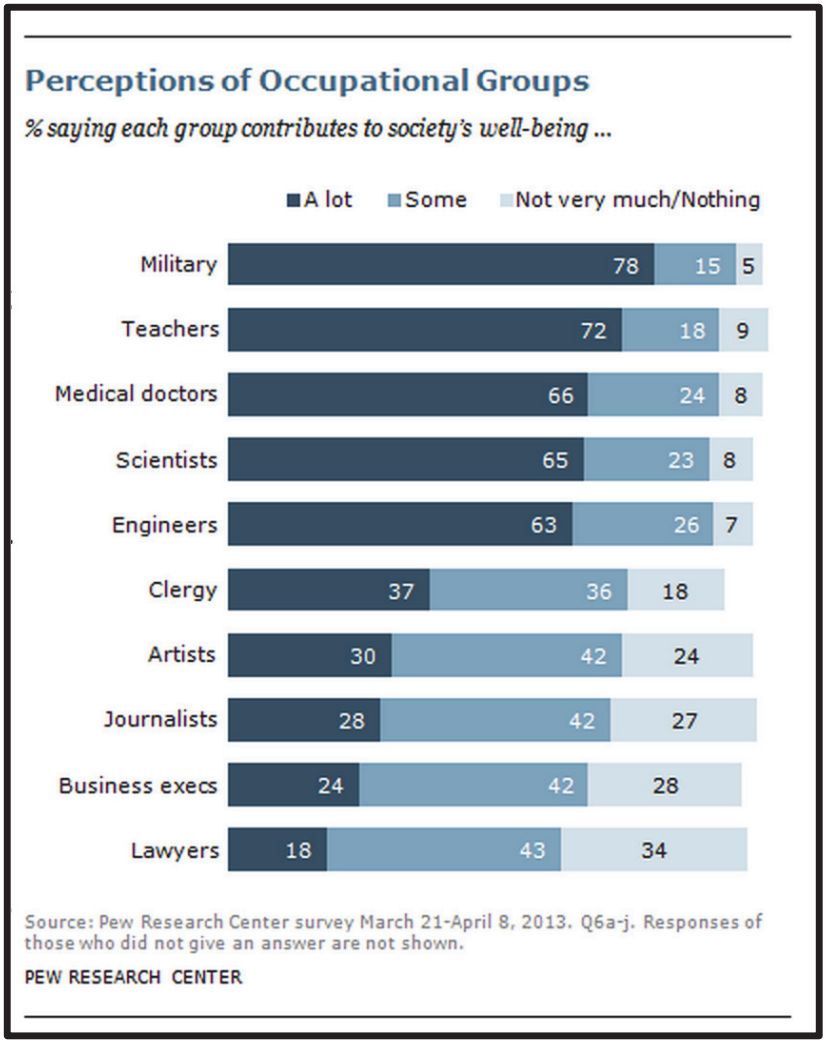
Current State of the Legal Profession

Where We Were…Where We Are

Three-Dimensional Crisis: Lack of Civility, Negative Public Perception, Substance Abuse and Depression

	Total (450)
ALL RESPONDENTS	100%
Percent of Americans Who Agree That:	
Lawyers are more interested in winning than in seeing that justice is served	74%
Lawyers spend too much time finding technicalities to get criminals released	73
Lawyers are more interested in making money than in serving their clients	69
Most lawyers are more concerned with their own self-promotion than their client's best interests	57
We would be better off with fewer lawyers	51
Lawyers do not keep their clients informed of the progress of their case	40
Most lawyers try to serve the public interests well	39
The best lawyers are selected to serve as judges	28
The legal profession does a good job of disciplining lawyers	26

ABA Survey of Public Perceptions of Lawyers, 2002



A Profession In Personal Crisis

Depression:	Out of 100 Professions Surveyed, Lawyers Lead in Depression at 3.6 Times Normal Rate
Suicide:	Male Lawyers Twice as Likely to Commit Suicide
Substance Abuse:	Twice the National Average
Satisfaction:	7 of 10 Lawyers Would Change Professions if They Could

Healthy Lawyers Are Critical to Success

To be a good lawyer, one has to be a healthy lawyer. Sadly, our profession is falling short when it comes to well-being. The two studies referenced above reveal that too many lawyers and law students experience chronic stress and high rates of depression and substance use. These findings are incompatible with a sustainable legal profession, and they raise troubling implications for many lawyers' basic competence. This research suggests that the current state of lawyers' health cannot support a profession dedicated to client service and dependent on the public trust.

Our Monopoly Puts Us At Odds with the Public: We Set Ourselves Apart

As a profession with a monopoly over the performance of certain services, we have a special obligation to the consumers of justice to be energetic and imaginative in producing the best quality of justice at the lowest possible cost for those who use it and with a minimum of delay…Unfortunately, few members of the general public see us this way.

Chief Justice Warren Burger
29 Cleveland State Law Review, 377, 378 (1980)

How Else Are We Set Apart?

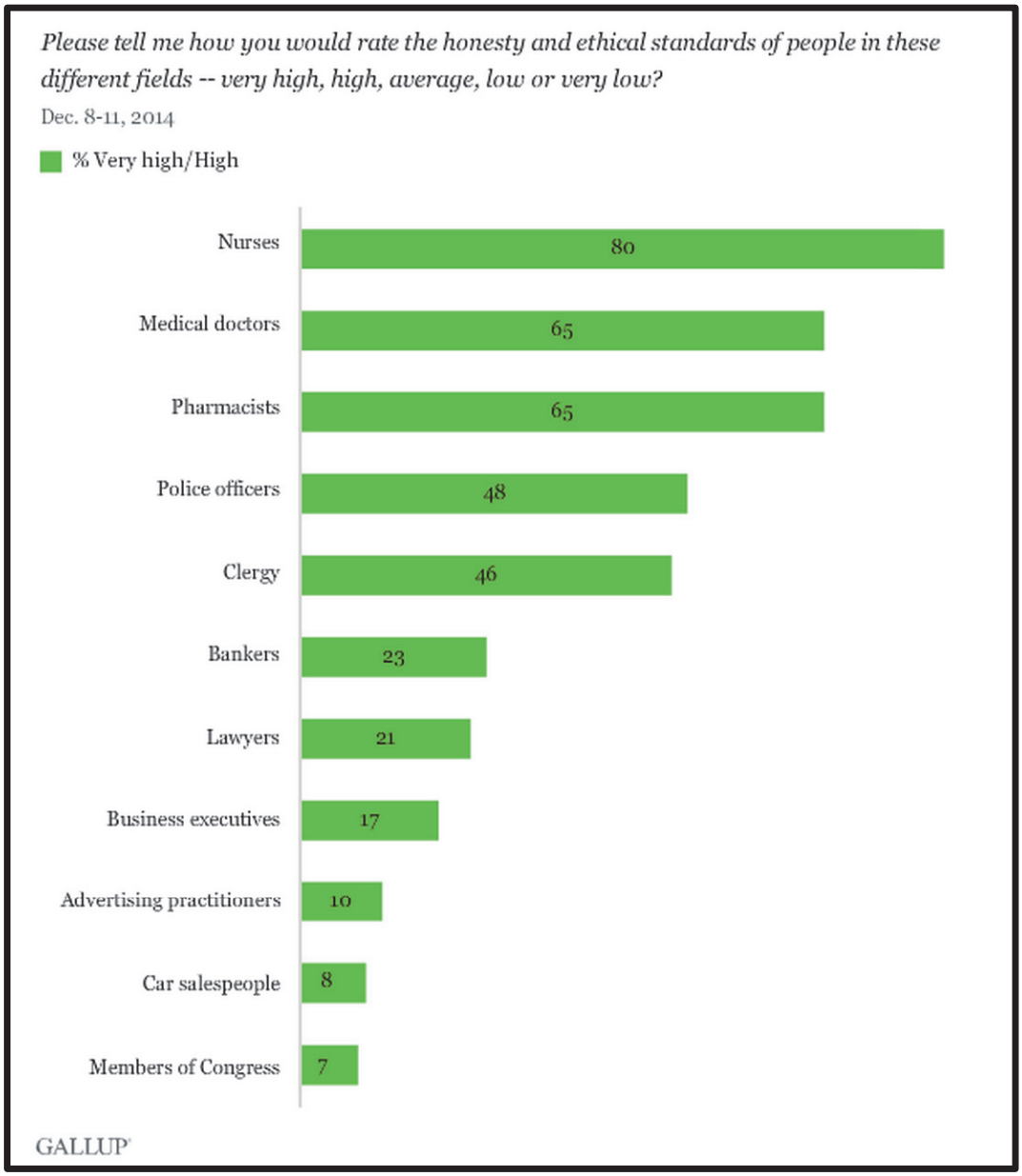
Compensation

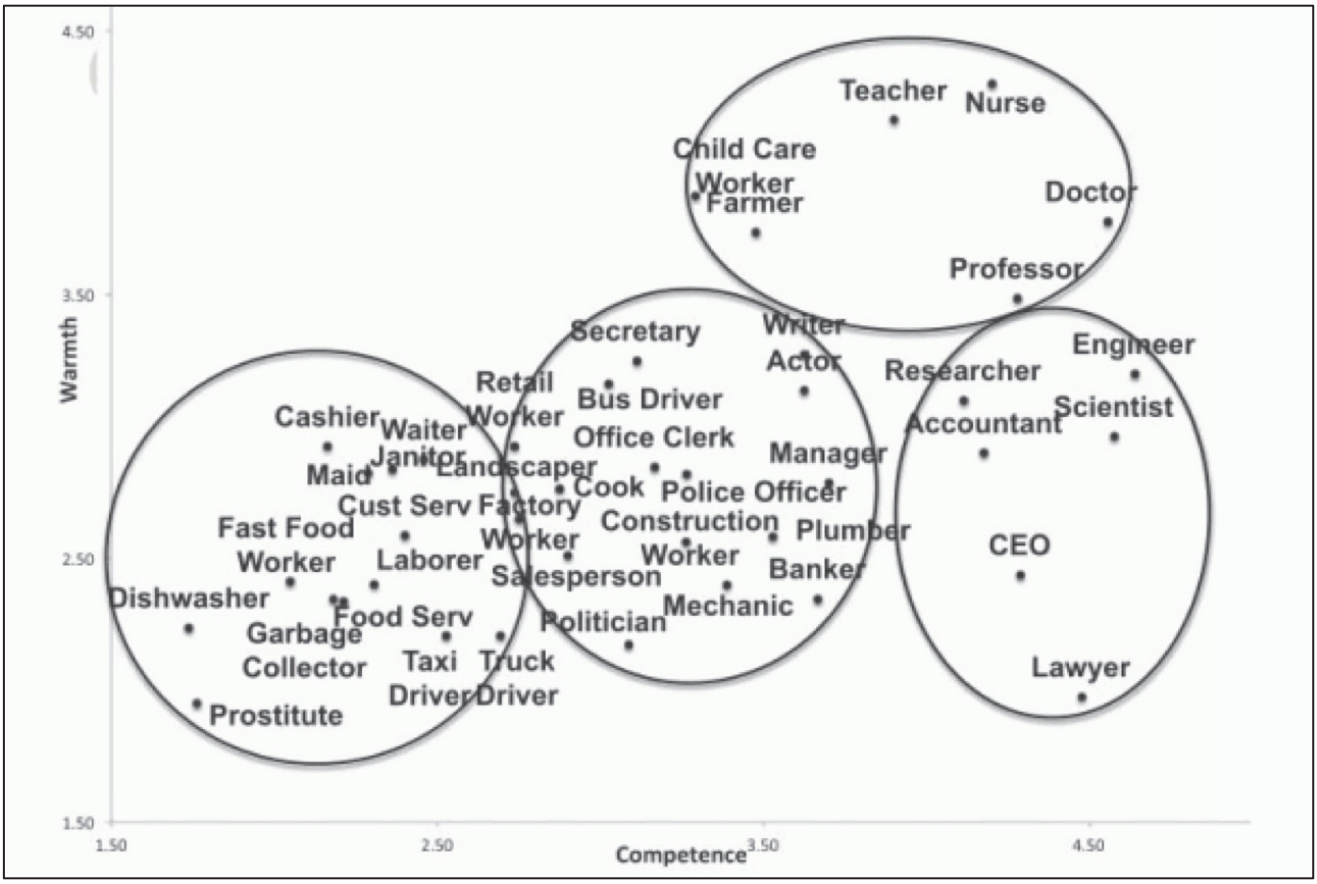
Traffic in the Negative

Self-Regulation

Personality Types

Our Fundamental Issue: Lack of Trust





SOURCE: https://abovethelaw.com/2014/09/scientific-study-concludes-no-one-trusts-lawyers/

Why Do People Mistrust Lawyers?

1. Lawyers get paid regardless of outcome; clients can “lose” while “winning”.
2. Media images focus on criminal defense lawyers which generate little empathy.
3. Clients must rely on lawyers to solve high risk problems: creates a loss of control which causes resentment.
4. Lawyers are often given access to the most personal aspects of people’s lives before earning the trust generally required to have that type of relationship with the client.
5. There are bad and unethical lawyers that cause mistrust of the profession as a whole.
6. Lawyers make a lot of money; lawyers are perceived as manipulating the system for the benefit of wealthy clients.
7. Clients mistrust those lawyers who seem to be willing to compromise their own ethics for the benefit of the client.

Ross, S., Ethics in Law, 20, (1998)

The Future of Work: Technology and Markets Are Causing Radical Changes to the Nature of Work

Many "Hands On" Jobs Will Be Replaced by Machines

Robert Cannon, Internet law and policy expert, predicts, "Everything that can be automated will be automated. Non-skilled jobs lacking in 'human contribution' will be replaced by automation when the economics are favorable. At the hardware store, the guy who used to cut keys has been replaced by a robot. In the law office, the clerks who used to prepare discovery have been replaced by software. IBM Watson is replacing researchers by reading every report ever written anywhere. This begs the question: What can the human contribute? The short answer is that if the job is one where that question cannot be answered positively, that job is not likely to exist.

Access to Information Will Change Roles

Lower Level Combinations of Information, Knowledge and Task Will Fundamentally Change

Artificial Intelligence Will Replace Simple Analysis

Markets Will Press to Eliminate Barriers to Entry

What Will Be Left: The Human Component and Trust

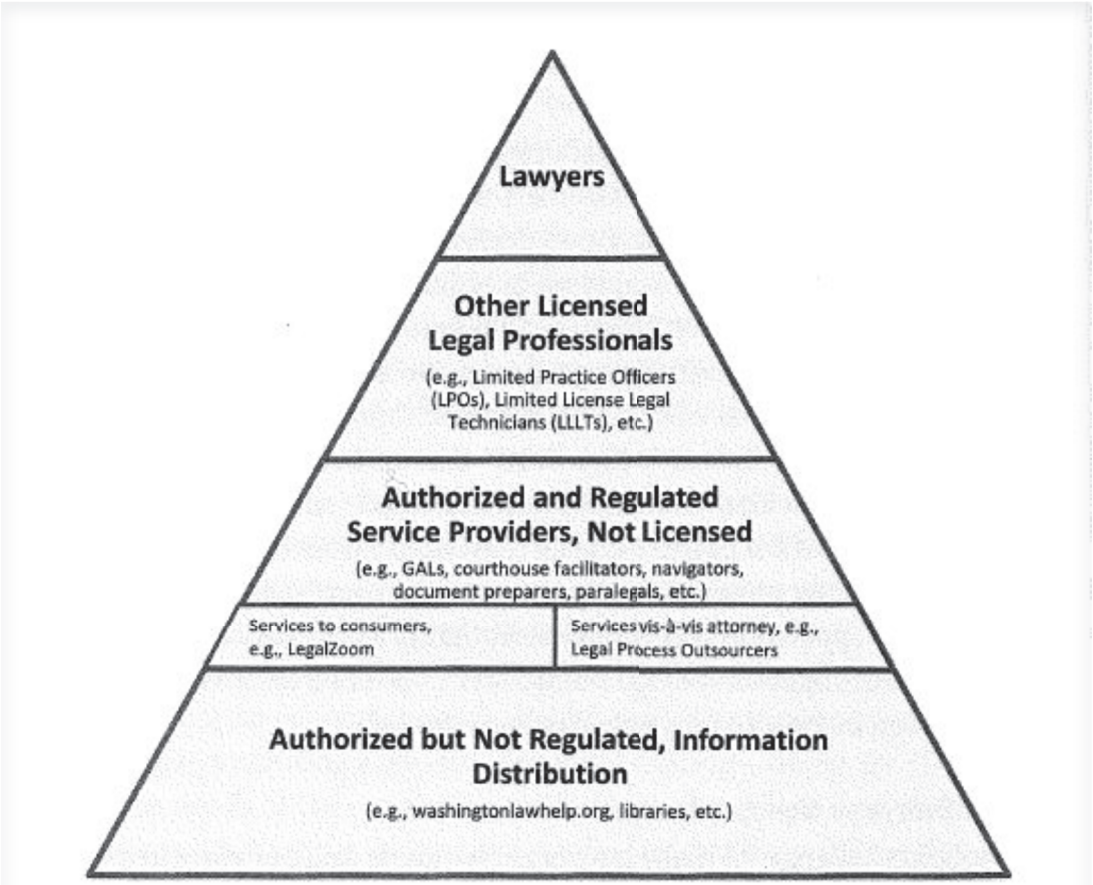
Lawyers do more than undertake legal analysis. They bond with their clients, thereby fostering relationships of trust, which allow the lawyer to facilitate clients to see their long-term legal self-interest, even when clients' passions and confusions cloud that interest.[65] Machines are unlikely to perform this bonding function and, thus, will be unlikely to substantially affect this important aspect of the lawyer-client relationship.

John O. McGinnis and Russel G. Pearce, "The Great Disruption: How Machine Intelligence Will Transform the Role of Lawyers in the Delivery of Legal Services", 82 Ford.L.Rev. 3041, 3055 (2014)

Section 2: The Trust Model of Legal Practice: Character and Competency

Trust and the Client-Lawyer Advisory Relationship

The Legal Services Pyramid



Pyramid of Legal Service Providers

Littlewood and Crossland, "Chapter 3: Alternative Legal Service Providers: Filling the Justice Gap" in *The Relevant Lawyer*, p. 28, Paul A. Haskins, Ed. (2015)

Views on Trust in the Client/Attorney Relationship

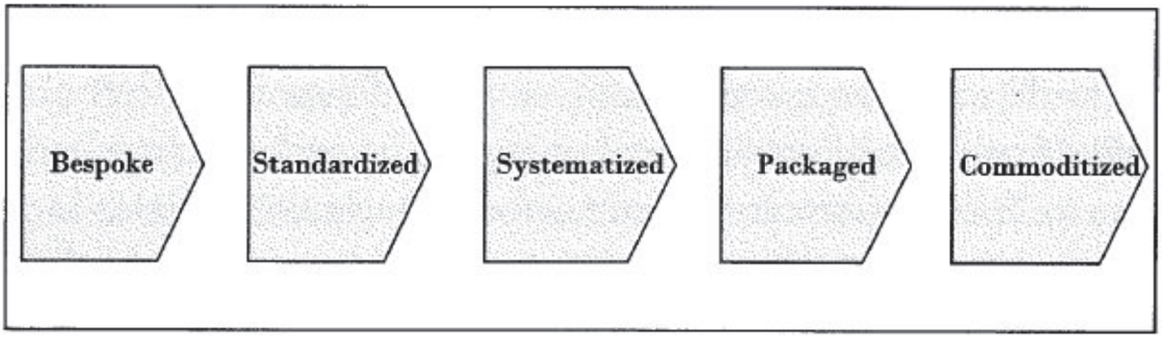


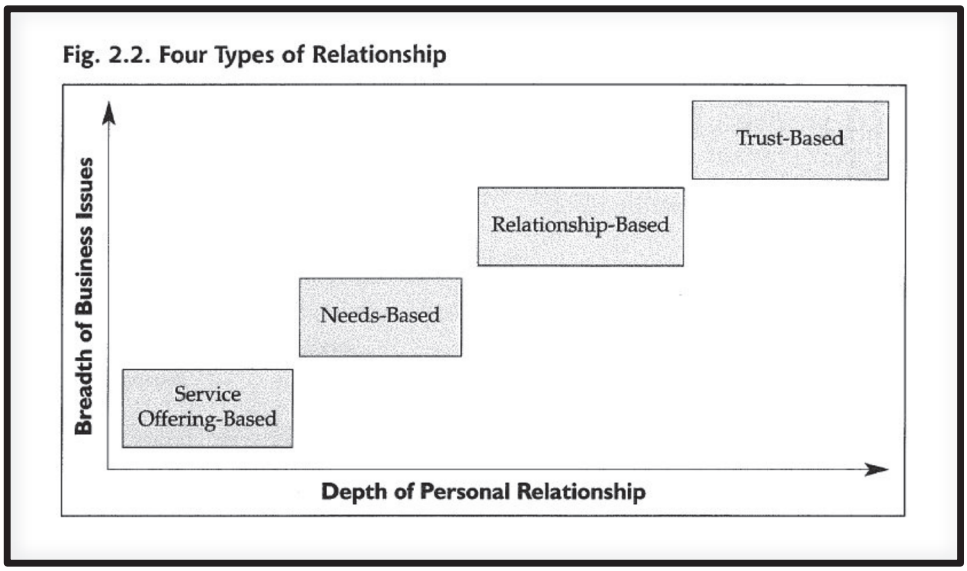
FIGURE 3.1 The evolution of legal service

Richard Susskind, *Tomorrow's Lawyers*, p. 25 (2015)

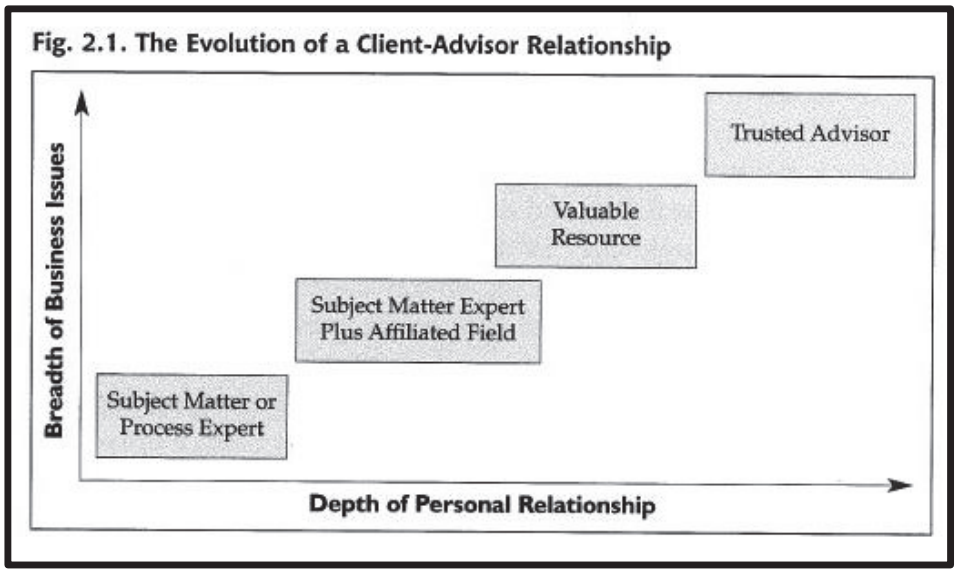
FIGURE 13.1

	Standardized Process Emphasis on Execution	Customized Process Emphasis on Diagnosis
High degree of client contact. Value is rendered in the "front room," i.e., during interraction with the client.	NURSE	PSYCHOTHERAPIST
Low degree of client contact. Value is rendered in the professional's "back room." Client focus is on result only.	PHARMACIST	BRAIN SURGEON

David H. Maister, *True Professionalism*, p. 116 (1997)



Maister, Green, Galford, *The Trusted Advisor*, p. 9 (2000)



Maister, Galford, Green, *The Trusted Advisor*, p. 7 (2000)

How Do We Create Trust?

Trust Flows Character and Competency

Your Character: Derived from Your Values and Actions

Actions Flow From Personality Type

The Eight Preferences		
Where you prefer to focus your attention	**E** EXTRAVERSION People who prefer Extraversion tend to focus their attention on the outer world of people and things.	**I** INTROVERSION People who prefer Introversion tend to focus their attention on the inner world of ideas and impressions.
The way you prefer to take in information	**S** SENSING People who prefer Sensing tend to take in information through the five senses and focus on the here and now.	**N** INTUITION People who prefer Intuition tend to take in information from patterns and the big picture and focus on future possibilities.
The way you prefer to make decisions	**T** THINKING People who prefer Thinking tend to make decisions based primarily on logic and on objective analysis of cause and effect.	**F** FEELING People who prefer Feeling tend to make decisions based primarily on values and on subjective evaluation of person-centered concerns.
How you prefer to deal with the outer world	**J** JUDGING People who prefer Judging tend to like a planned and organized approach to life and prefer to have things settled.	**P** PERCEIVING People who prefer Perceiving tend to like a flexible and spontaneous approach to life and prefer to keep their options open.

Source: www.kitces.com

Personality Type Test

1. **At a party do you:**
   a. Interact with many, including strangers
   b. Interact with a few, known to you

2. **Are you more:**
   a. Realistic than speculative
   b. Speculative than realistic

3. **Is it worse to:**
   a. Have your "head in the clouds"
   b. Be "in a rut"

4. **Are you more impressed by:**
   a. Principles
   b. Emotions

5. **Are more drawn toward the:**
   a. Convincing
   b. Touching

6. **Do you prefer to work:**
   a. To deadlines
   b. Just "whenever"

7. **Do you tend to choose:**
   a. Rather carefully
   b. Somewhat impulsively

8. **At parties do you:**
   a. Stay late, with increasing energy
   b. Leave early with decreased energy

9. **Are you more attracted to:**
   a. Sensible people
   b. Imaginative people

10. **Are you more interested in:**
    a. What is actual
    b. What is possible

11. **In judging others are you more swayed by:**
    a. Laws than circumstances
    b. Circumstances than laws

12. **In approaching others is your inclination to be somewhat:**
    a. Objective
    b. Personal

13. **Are you more:**
    a. Punctual
    b. Leisurely

14. **Does it bother you more having things:**
    a. Incomplete
    b. Completed

15. **In your social groups do you:**
    a. Keep abreast of other's happenings
    b. Get behind on the news

16. **In doing ordinary things are you more likely to:**
    a. Do it the usual way
    b. Do it your own way

17. **Writers should:**
    a. "Say what they mean and mean what they say"
    b. Express things more by use of analogy

18. **Which appeals to you more:**
    a. Consistency of thought
    b. Harmonious human relationships

19. **Are you more comfortable in making:**
    a. Logical judgments
    b. Value judgments

20. **Do you want things:**
    a. Settled and decided
    b. Unsettled and undecided

21. **Would you say you are more:**
    a. Serious and determined
    b. Easy-going

22. **In phoning do you:**
    a. Rarely question that it will all be said
    b. Rehearse what you'll say

23. **Facts:**
    a. "Speak for themselves"
    b. Illustrate principles

24. **Are visionaries:**
    a. somewhat annoying
    b. rather fascinating

25. **Are you more often:**
    a. a cool-headed person
    b. a warm-hearted person

26. **Is it worse to be:**
    a. unjust
    b. merciless

27. Should one usually let events occur:
a. by careful selection and choice
b. randomly and by chance

28. Do you feel better about:
a. having purchased
b. having the option to buy

29. In company do you:
a. initiate conversation
b. wait to be approached

30. Common sense is:
a. rarely questionable
b. frequently questionable

31. Children often do not:
a. make themselves useful enough
b. exercise their fantasy enough

32. In making decisions do you feel more comfortable with:
a. standards
b. feelings

33. Are you more:
a. firm than gentle
b. gentle than firm

34. Which is more admirable:
a. the ability to organize and be methodical
b. the ability to adapt and make do

35. Do you put more value on:
a. infinite
b. open-minded

36. Does new and non-routine interaction with others:
a. stimulate and energize you
b. tax your reserves

37. Are you more frequently:
a. a practical sort of person
b. a fanciful sort of person

38. Are you more likely to:
a. see how others are useful
b. see how others see

39. Which is more satisfying:
a. to discuss an issue thoroughly
b. to arrive at agreement on an issue

40. Which rules you more:
a. your head
b. your heart

41. Are you more comfortable with work that is:
a. contracted
b. done on a casual basis

42. Do you tend to look for:
a. the orderly
b. whatever turns up

43. Do you prefer:
a. many friends with brief contact
b. a few friends with more lengthy contact

44. Do you go more by:
a. facts
b. principles

45. Are you more interested in:
a. production and distribution
b. design and research

46. Which is more of a compliment:
a. "There is a very logical person."
b. "There is a very sentimental person."

47. Do you value in yourself more that you are:
a. unwavering
b. devoted

48. Do you more often prefer the
a. final and unalterable statement
b. tentative and preliminary statement

49. Are you more comfortable:
a. after a decision
b. before a decision

50. Do you:
a. speak easily and at length with strangers
b. find little to say to strangers

51. Are you more likely to trust your:
a. experience
b. hunch

52. Do you feel:
a. more practical than ingenious
b. more ingenious than practical

53. Which person is more to be complimented – one of:
a. clear reason
b. strong feeling

54. Are you inclined more to be:
a. fair-minded
b. sympathetic

55. Is it preferable mostly to:
a. make sure things are arranged
b. just let things happen

56. In relationships should most things be:
a. re-negotiable
b. random and circumstantial

57. When the phone rings do you:
a. hasten to get to it first
b. hope someone else will answer

58. Do you prize more in yourself:
a. a strong sense of reality
b. a vivid imagination

59. Are you drawn more to:
a. fundamentals
b. overtones

60. Which seems the greater error:
a. to be too passionate
b. to be too objective

61. Do you see yourself as basically:
a. hard-headed
b. soft-hearted

62. Which situation appeals to you more:
a. the structured and scheduled
b. the unstructured and unscheduled

63. Are you a person that is more:
a. routinized than whimsical
b. whimsical than routinized

64. Are you more inclined to be:
a. easy to approach
b. somewhat reserved

65. In writings do you prefer:
a. the more literal
b. the more figurative

66. Is it harder for you to:
a. identify with others
b. utilize others

67. Which do you wish more for yourself:
a. clarity of reason
b. strength of compassion

68. Which is the greater fault:
a. being indiscriminate
b. being critical

69. Do you prefer the:
a. planned event
b. unplanned event

70. Do you tend to be more:
a. deliberate than spontaneous
b. spontaneous than deliberate

Scoring

	Col 1			Col 2			Col 3			Col 4			Col 5			Col 6			Col 7	
	A	B		A	B		A	B		A	B		A	B		A	B		A	B
1			2			3			4			5			6			7		
8			9			10			11			12			13			14		
15			16			17			18			19			20			21		
22			23			24			25			26			27			28		
29			30			31			32			33			34			35		
36			37			38			39			40			41			42		
43			44			45			46			47			48			49		
50			51			52			53			54			55			56		
57			58			59			60			61			62			63		
64			65			66			67			68			69			70		
Copy to									Copy to						Copy to					

	E	I				S	N				T	F					J	P

1. Copy your answers to this answer key carefully.
2. Count the number of checks in each of the A and B columns, and total at the bottom.
3. Copy the totals for Column 2 to the spaces below the totals for Column 3. Do the same for Columns 4 and 6.
4. Add totals downwards to calculate your totals.
5. Circle the letter with this highest score. This is your type.

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Descriptions of Personality Types[1]

1. SJ's: The Guardians

ESFJ: The Provider

Warm-hearted, popular, and conscientious. Tend to put the needs of others over their own needs. Feel strong sense of responsibility and duty. Value traditions and security. Interested in serving others. Need positive reinforcement to feel good about themselves. Well-developed sense of space and function.

ESTJ: The Supervisor

Practical, traditional, and organized. Likely to be athletic. Not interested in theory or abstraction unless they see the practical application. Have clear visions of the way things should be. Loyal and hard-working. Like to be in charge. Exceptionally capable in organizing and running activities. "Good citizens" who value security and peaceful living.

ISFJ: The Protector

Quiet, kind, and conscientious. Can be depended on to follow through. Usually puts the needs of others above their own needs. Stable and practical, they value security and traditions. Well-developed sense of space and function. Rich inner world of observations about people. Extremely perceptive of other's feelings. Interested in serving others.

ISTJ: The Inspector

Serious and quiet, interested in security and peaceful living. Extremely thorough, responsible, and dependable. Well-developed powers of concentration. Usually interested in supporting and promoting traditions and establishments. Well-organized and hard working, they work steadily towards identified goals. They can usually accomplish any task once they have set their mind to it.

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[1] Type names at www.lciweb.com/personality-testing.html . Type descriptions and additional detailed information on types, including an online test, are available at www.personalitypage.com. The four categories: SJ, SP, NF and NT are considered the work of David W. Keirsey who correlated the categories to the personality types developed by Myers and Briggs who based their analysis on the work of Carl Jung. Keirsey developed an instrument known as the Keirsey Temperament Sorter.

2. NT's: The Rationals

INTJ: The Mastermind

Independent, original, analytical, and determined. Have an exceptional ability to turn theories into solid plans of action. Highly value knowledge, competence, and structure. Driven to derive meaning from their visions. Long-range thinkers. Have very high standards for their performance, and the performance of others. Natural leaders, but will follow if they trust existing leaders.

INTP: The Architect

Logical, original, creative thinkers. Can become very excited about theories and ideas. Exceptionally capable and driven to turn theories into clear understandings. Highly value knowledge, competence and logic. Quiet and reserved, hard to get to know well. Individualistic, having no interest in leading or following others.

ENTJ: The Field Marshal

Assertive and outspoken - they are driven to lead. Excellent ability to understand difficult organizational problems and create solid solutions. Intelligent and well-informed, they usually excel at public speaking. They value knowledge and competence, and usually have little patience with inefficiency or disorganization.

ENTP: The Inventor

Creative, resourceful, and intellectually quick. Good at a broad range of things. Enjoy debating issues, and may be into "one-up-manship". They get very excited about new ideas and projects, but may neglect the more routine aspects of life. Generally outspoken and assertive. They enjoy people and are stimulating company. Excellent ability to understand concepts and apply logic to find solutions.

.

3. NF's: The Idealists

INFJ: The Counselor

Quietly forceful, original, and sensitive. Tend to stick to things until they are done. Extremely intuitive about people, and concerned for their feelings. Well-developed value systems which they strictly adhere to. Well-respected for their perserverence in doing the right thing. Likely to be individualistic, rather than leading or following.

INFP: The Healer

Quiet, reflective, and idealistic. Interested in serving humanity. Well-developed value system, which they strive to live in accordance with. Extremely loyal. Adaptable and laid-back unless a strongly-held value is threatened. Usually talented writers. Mentally quick, and able to see possibilities. Interested in understanding and helping people.

ENFJ: The Teacher

Popular and sensitive, with outstanding people skills. Externally focused, with real concern for how others think and feel. Usually dislike being alone. They see everything from the human angle, and dislike impersonal analysis. Very effective at managing people issues, and leading group discussions. Interested in serving others, and probably place the needs of others over their own needs.

ENFP: The Champion

Enthusiastic, idealistic, and creative. Able to do almost anything that interests them. Great people skills. Need to live life in accordance with their inner values. Excited by new ideas, but bored with details. Open-minded and flexible, with a broad range of interests and abilities.

4. SP's: The Artisans

ESFP: The Performer

People-oriented and fun-loving, they make things more fun for others by their enjoyment. Living for the moment, they love new experiences. They dislike theory and impersonal analysis. Interested in serving others. Likely to be the center of attention in social situations. Well-developed common sense and practical ability.
.

ESTP: The Promoter

Friendly, adaptable, action-oriented. "Doers" who are focused on immediate results. Living in the here-and-now, they're risk-takers who live fast-paced lifestyles. Impatient with long explanations. Extremely loyal to their peers, but not usually respectful of laws and rules if they get in the way of getting things done. Great people skills.

ISFP: The Composer

Quiet, serious, sensitive and kind. Do not like conflict, and not likely to do things which may generate conflict. Loyal and faithful. Extremely well-developed senses, and aesthetic appreciation for beauty. Not interested in leading or controlling others. Flexible and open-minded. Likely to be original and creative. Enjoy the present moment.

ISTP: The Operator

Quiet and reserved, interested in how and why things work. Excellent skills with mechanical things. Risk-takers who they live for the moment. Usually interested in and talented at extreme sports. Uncomplicated in their desires. Loyal to their peers and to their internal value systems, but not overly concerned with respecting laws and rules if they get in the way of getting something done. Detached and analytical, they excel at finding solutions to practical problems.

Personality Types Among the Population as a Whole

	Total	
E	45–53%	49.3%
I	47–55%	50.7%
S	66–74%	73.3%
N	26–34%	26.7%
T	40–50%	40.2%
F	50–60%	59.8%
J	54–60%	54.1%
P	40–46%	45.9%

ISTJ 11–14% 11.6%	**ISFJ** 9–14% 13.8%	**INFJ** 1–3% 1.5%	**INTJ** 2–4% 2.1%
ISTP 4–6% 5.4%	**ISFP** 5–9% 8.8%	**INFP** 4–5% 4.4%	**INTP** 3–5% 3.3%
ESTP 4–5% 4.3%	**ESFP** 4–9% 8.5%	**ENFP** 6–8% 8.1%	**ENTP** 2–5% 3.2%
ESTJ 8–12% 8.7%	**ESFJ** 9–13% 12.3%	**ENFJ** 2–5% 2.5%	**ENTJ** 2–5% 1.8%

Myers & Briggs Foundation, www.myersbriggs.org

Personality Types Among Lawyers: Another Set Apart

Table 3 MBTI Type: How Lawyers Score

	Sensors		Intuitives		
	Thinkers	Feelers	Thinkers	Feelers	
Introverts	ISTJ 17.8%	ISFJ 4.2%	INFJ 2.7%	INTJ 13.1%	Judgers
Introverts	ISTP 3.9%	ISFP 1.4%	INFP 3.9%	INTP 9.4%	Perceivers
Extraverts	ESTP 3.3%	ESFP .5%	ENFP 5.2%	ENTP 9.7%	Perceivers
Extraverts	ESTJ 10.3%	ESFJ 2.7%	ENFJ 2.9%	ENTJ 9.0%	Judgers

The shaded blocks indicate most prevalent types among lawyers

Larry Richard, Ph.D., "The Lawyer Types", ABA Journal, July 1993

*Identifying **Values** That Build Trust*

Lewicy and Tomlinson (2003)

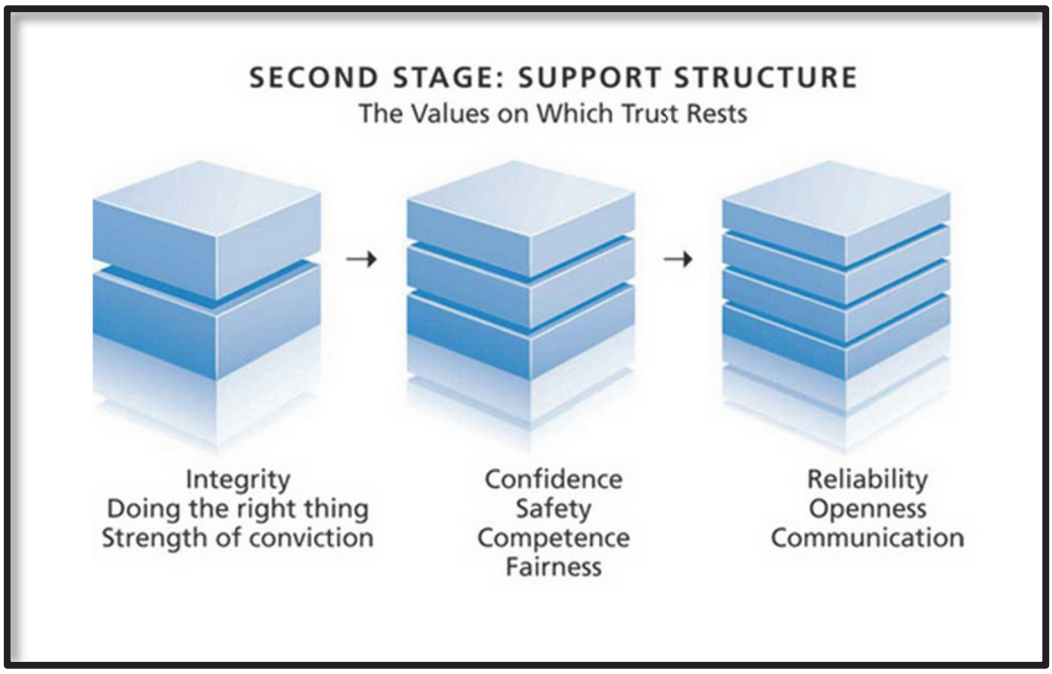
Consistency
Credibility
Fairness
Congruence of Word and Deed
Open Communication
Delegation
Share of Control

The Trusted Advisor

Focus on Other
Collaborative Approach
Medium to Long-Term Relationship
Transparency

The Speed of Trust

Integrity
Congruence
Courage
Humility



Section 3. Model Rules of Professional Conduct: Our Ethical Standards

History and Current Status

The Key Principles: Preamble to MPRC

[7] Many of a lawyer's professional responsibilities are prescribed in the Rules of Professional Conduct, as well as substantive and procedural law. ***However, a lawyer is also guided by personal conscience and the approbation of professional peers.*** A lawyer should strive to attain the highest level of skill, to improve the law and the legal profession and ***to exemplify the legal profession's ideals of public service.***

[8] A lawyer's responsibilities as a representative of clients, an officer of the legal system and a public citizen are usually harmonious. Thus, ***when an opposing party is well represented, a lawyer can be a zealous advocate on behalf of a client and at the same time assume that justice is being done.*** So also, a lawyer can be sure that preserving client confidences ordinarily serves the public interest because people are more likely to seek legal advice, and thereby heed their legal obligations, when they know their communications will be private.

[9] In the nature of law practice, however, conflicting responsibilities are encountered. ***Virtually all difficult ethical problems arise from conflict between a lawyer's responsibilities to clients, to the legal system and to the lawyer's own interest in remaining an ethical person while earning a satisfactory living.*** The Rules of Professional Conduct often prescribe terms for resolving such conflicts. Within the framework of these Rules, however, many difficult issues of professional discretion can arise. Such ***issues must be resolved through the exercise of sensitive professional and moral judgment guided by the basic principles underlying the Rules.*** These principles include the lawyer's obligation zealously to protect and pursue a client's legitimate interests, within the bounds of the law, while maintaining a professional, courteous and civil attitude toward all persons involved in the legal system.

The MPRC Matrix: Rules and Underlying Values

Download A Web-Enabled Version of This Document at www.thelawyerscompass.com

The Rule Compliant, Unethical Lawyer

Rule	Summary	Compass View	Comment Topics	Core Values	Notes of Interest
Scope	The Rules are "…partly obligatory and disciplinary and partly constitutive and descriptive in that they define the lawyer's role." Many Comments use the term "should" which do not add obligations but provide guidance; the text of the Rule is authoritative. The Rules presuppose a larger context (i.e, multiple rule systems) for governance of lawyers. ***"The Rules do not, however, exhaust the moral and ethical considerations that should inform a lawyer, for no worthwhile human activity can be completely defined by legal rules. The Rules simply provide a framework for the ethical practice of law."*** Discipline for violation of the Rules should take place in the context of all of the facts and circumstances. Rules are not designed to be a basis for civil liability nor should a violation give rise to a presumption that a legal duty has been breached. They are not meant to be used as a weapon by an opposing party and an adverse party does not necessarily have standing to invoke a rule. A lawyer's violation of a Rule may be evidence of breach of the "…applicable standard of conduct…"				
Rule 1.0 Terminology	A list of defined terms.				

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Rule	Summary	Compass View	Comment Topics	Core Values	Notes of Interest
Client-Lawyer Relationship					
Rule 1.1 Competence	One must practice competently to include: skill, knowledge, thoroughness and preparation.	Be Competent	Legal Knowledge and Skill; Thoroughness and Preparation; Retaining of Contracting with Other Lawyers; Maintaining Competence	Responsibility	
Rule 1.2 Scope of Representation and Allocation of Authority Between Client and Lawyer	Client controls form of and scope of representation; Lawyer cannot counsel criminal acts. See also Rules 1.16 and 3.4.	Client Is In Charge	Allocation of Authority Between Lawyer and Cilent; Independence from Client's Views or Activities; Agreements Limiting Scope of Representation; Criminal, Fraudulent and Prohibited Transactions	Others Before Self; Counsel	
Rule 1.3 Diligence	Lawyer must act diligently	Be Diligent	N/A	Others Before Self; Counsel	

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Rule 1.4 Communications	Lawyer must communicate, especially to allow client to make an informed consent.	Communicate	Communicating with Client; Explaining Matters; Withholding Information	Others Before Self Open Communication Transparency	
Rule 1.5 Fees	Fees must be reasonable and communicated. Contingent fees are appropriate except in family and criminal matters. Fee splitting between lawyers allowed if approved by client.	Charge a Fair Fee That The Client Understands	Reasonableness of Fee and Expenses; Basis or Rate of Fee; Terms of Payment; Prohibited Contingent Fees; Division of Fee; Disputes over Fees	Others Before Self; Fairness	
Rule 1.6 Confidentiality of Information	Lawyer must not reveal (without consent), and must protect, information relating to representation. Exceptions include: prevention of (i) death or bodily harm and (ii) of certain crimes; as needed in course of defense or to comply with court order See also 4.1.	Keep Information Confidential	Authorized Disclosure; Disclosure Adverse to Client; Detection of Conflicts of Interest; Acting Competently to Preserve Confidentiality; Forrmer Client	Reliability; Responsibility; Open Communication	

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Rule	Summary	Compass View	Comment Topics	Core Values	Notes of Interest
25 Rule 1.7 Conflict of Interest: Current Clients	No representation of client with concurrent conflict (defined) unless certain conditions are met, most notably informed written consent.	Don't Represent Clients With Current Conflicts	General Principles; Identifying Conflicts of Interest: Directly Adverse; Identifying Conflicts of Interest: Material Limitation; Lawyer's Responsibilities to Former Clients snf Other Third Persons; Personal Interest Conflicts; Interest of Person Paying for a Lawyer's Service; Prohibited Representations; Informed Consent; Consent Confirmed in Writing; Revoking Consent; Consent to Future Conflict; Conflicts in Litigation; Nonlitigation Conflicts; Special Considerations in Common Representation; Organizational Clients	Others Before Self; Loyalty; Reliability	

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Rule	Summary	Compass View	Comment Topics	Core Values	Notes of Interest
26 Rule 1.8 Conflict of Interest: Current Clients: Specific Rules	No business relationships with clients without written informed consent; no use of client information to client's detriment; no solicitation of gifts; no obtaining media rights before concluding representation; no financial assistance to clients other than advancing some costs and no acquisition of interest in litigation other than a contingent fee; no accepting payments from third parties unless client is protected; no settlement or negotiation away of malpractice claims without, at least, recommendation of independent advice to client; no aggregate settlements without informed consent of all clients; no sex with clients; any rule applicable to you applies to your firm.	Don't Take Advantage of Clients in Your Business and Personal Relationships with Them	Business Transactions between Client and Lawyer; Use of Information Related to Representation; Gifts to Lawyers; Literary Rights; Financial Assistance; Person Paying for a Lawyer's Services; Aggregate Settlements; Limiting Liability and Settling Malpractice Claims; Acquring Proprietary Interest in Litigation; Client-Lawyer Sexual Relationships; Imputation of Prohibitions	Others Before Self; Loyalty; Humility	

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Rule 1.9 Duties to Former Clients	No representation of a new client in a matter substantially related to former representation and adverse to former client without informed consent. Applies to all clients of former firm if lawyer had access to confidential information at old firm. No use of former client information to former client's disadvantage unless otherwise required by rules.	Don't Maintain Conflicts with Former Clients	Lawyers Moving Between Firms	Others Before Self; Loyalty; Fairness	
Rule 1.10 Imputation of Conflicts of Interest: General Rule	**Conflicts in a Law Firm**. The conflicts of one lawyer in a firm are attibutable to all unless the conflict: (i) is based on a personal interest of one lawyer that will not limit the representation by others or (ii) arises out of an experience of an attorney at a prior law firm AND a "Chinese Wall" is enforced. When a lawyer leaves, the firm can represent a client with an adverse interest to a former client who had been represented by the departing lawyer unless: (i) the current matter is substantially related to the prior matter or (ii) any current firm lawyer has confidential information material to the current matter.	One Conflicted? All Conflicted	Definition of "Firm"; Principles of Imputed Disqualification	Others Before Self; Loyalty; Fairnes	

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Rule 1.11 Special Conflicts of Interest for Former and Current Government Officers and Employees	Special rules applying to activities of former government officials.		N/A	Honesty; Loyalty	
Rule 1.12 Former Judge, Arbitrator, Mediator or Other Third-Party Neutral	"Neutrals" cannot represent a participant in a matter matter in which they served as a neutral without prior consent of all parties. Neutrals cannot negotiate for employment with participants (judicial law clerk exception). Rule imputed to all firm lawyers; "Chinese Wall" allowed. Selected Arbitrator exception. See Rule 2.4.	Don't Switch from Neutrality to Advocacy	N/A	Others Before Self; Reliability; Fairness	
Rule 1.13 Organization as Client	Lawyers represent organizations through authorized "constituents" and should explain this relationship to constituents; concurrent representation of organization and "constituents" is possible under current conflict rules. General obligation to refer detrimental behavior to higher ups. Exception for release of confidential information in narrow circumstances if no action taken. "Noisy Withdrawal" may be appropriate.	You Represent the Company and Not the Officers	The Entity as the Client; Relation to Other Rules; Government Agency; Clarifying the Lawyer's Role; Dual Representation; Derivitive Actions	Open Communication; Responsibility; Compliance w. Rules	

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Rule 1.14 Client with Diminished Capacity	Attempt normal relationship. Lawyer may consult with those with ability to help protect client and may reasonably use confidential information in doing so.	Help Those Who Need Help	Taking Protective Action; Disclosure of the Client's Condition; Emergency Legal Assistance	Others Before Self; Responsibility; Courage	
Rule 1.15 Safekeeping Property	Client assets must be held separately, accounted for and related records maintained over time. Notice of receipt of such property should be given and assets promptly turned over to clients when client entitled to receive assets. Fees and costs paid in advance must be placed in separate account and withdrawn only as incurred/earned. Lawyers funds can be added to trust account only to pay service charges. **See separate Trust Accounting rules.**	Keep Client Assets Separate and Account for Them Properly	N/A	Others Before Self; Honesty; Responsibility	

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Rule 1.16 Declining or Terminating Representation	Lawyer cannot represent a client: (i) in violation of law or MRPC; (ii) if physically or mentally unable to do so; or (iii) if discharged. Withdrawal allowed if otherwise permitted by rule or court when: (i) no adverse effect to client; (ii) client continues to violate criminal law or commit fraud or has used lawyer to do so; (iii) client's action is repugnant/fundamentally disagreeable; (iv) failure to meet obligations after notice and cure; (v) unreasonable financial burden to lawyer or unreasonable difficulty created by client; or (vi) other good cause. Attorney must take reasonable steps to protect client's interests after withdrawal.	You Can Withdraw So Long as Client is Reasonably Protected	Mandatory Withdrawal; Discharge; Optional Withdrawal; Assisting the Client upon Withdrawal	Fairness	

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Rule 1.17 Sale of Law Practice	Sale of law practice allowed if: (i) Seller stops practicing locally; (ii) entire practice is sold to one buyer; (iii) written notice to client of sale, right to retain other counsel or to take file, and client's consent presumed after 90-day period and (iv) no increase in fees will result.	Clients Can Opt Out of the Sale of Your Practice to a Single Buyer	Termination of Practice by the Seller; Sale of Entire Practice or Entire Area of Practice; Client Confidences; Consent and Notice; Fee Arrangements Between Client and Purchaser; Other Applicable Ethical Standards; Applicability of the Rule	Others Before Self; Fairness; Open Communication	
Rule 1.18 Duties to Prospective Client	Essentially treats prospective clients as current clients with respect to use of information and concurrent conflicts. Read against Rule 1.7.	Treat Prospective Clients as Current Clients for Conflict and Confidentiality Rules	N/A	Reliability; Responsibility; Open Communication	

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Rule	Summary	Compass View	Comment Topics	Core Values	Notes of Interest
Counselor					
Rule 2.1 Advisor	Maintain independence and candor. May refer to relevant external factors, including morals.	Real Advisors Are Candid and Complete	Scope of Advice; Offering Advice	Congruence; Honesty; Humility; Courage	
Rule 2.2 Intermediary (Deleted)	Former Rule allowed lawyer to act as an intermediary between clients when doing so could be undertaken in mutual interests of both clients, that clients can make informed consents, and there is little risk of prejudice to clients' interests. Lawyer required to withdraw upon request of either client. Deleted in 2002 revisions to MRPC.	Lawyer Can Act As Intermediary Between Clients When No Prejudice Occurs	N/A	Transparency; Open Communication; Collaboration; Fairness	
Rule 2.3 Evaluation for Use by Third Persons	Lawyer may evaluate a client matter for use by a third person if in client's interest; if not, must obtain consent of client. Evaluation is generally confidential.	Evaluation Allowed When Client Consents	Definition; Duties Owed to Third Person and Client; Access to and Disclosure of Information; Obtaining Client's Informed Consent; Financial Auditors' Request for Information	Transparency; Open Communication; Collaboration	

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Rule 2.4 Lawyer Serving as Third-Party Neutral	Lawyer may serve as neutral with non-clients and must explain not serving as attorney.	Service as Neutral Permitted	N/A	Transparency; Open Communication; Collaboration; Fairness	

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Rule	Summary	Compass View	Comment Topics	Core Values	Notes of Interest
Advocate					
Rule 3.1 Meritorious Claims and Contentions	No frivolous claims but lawyer may require proof of all elements in criminal matter.	Don't Make Frivoulous Claims	N/A	Fairness; Responsibility; Compliance with Rules; Congruence	
Rule 3.2 Expediting Litigation	Shall make reasonable efforts consistent with client's interests.	Keep Things Moving	N/A	Fairness; Responsibility; Complance with Rules; Congruence; Honesty	

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Rule	Summary	Compass View	Comment Topics	Core Values	Notes of Interest
Rule 3.3 Candor toward the Tribunal	No knowing false statements of law or fact. Must correct previous false statements of law or fact. Must disclose law directly adverse to client's position and not disclosed by opposing counsel. No knowing presentation of false evidence and must remediate if later discovered. Lawyer may refuse to present false testimony, except testimony of criminal defendant. Must take steps to prevent or remediate criminal or fradulent action towards tribunal. Must disclose both sides in ex parte proceeding. Responsibilities continue to conclusion and may require disclosure of Rule 1.6 information.	When in Court: Don't Lie, Condone Lies or Let Lies Go Uncorrected. Make a Complete Presentation Even When Adverse	Representations by a Lawyer; Legal Argument; Offering Evidence; Remedial Measures; Preserving Integrity of Adjudicative Process; Duration of Obligation; Ex Parte Proceedings; Withdrawal	Fairness; Responsibility; Compliance with Rules; Congruence; Courage	
Rule 3.4 Fairness to Opposing Party and Counsel	No obstruction, destruction or falsification of evidence or testimony. No frivolous discovery. Must make reasonable response to discovery. No references allowed to that which cannot be proven, your personal knowledge or your personal opinions on justice, credibility and culpability.	Play Fair. Your Personal Opinions Are Not Evidence.	N/A	Fairness; Compliance with Rules; Others Before Self	

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Rule	Summary	Compass View	Comment Topics	Core Values	Notes of Interest
Rule 3.5 Impartiality and Decorum of the Tribunal	Do not attempt to influence judges or juries wrongfully; Do not talk to jurors after trial if prohibited, unwelcome or harassing. Do not engage in behavior which disrupts the tribunal.	Respect the Court and the Jury with Your Behavior Before, During and After Trial	N/A	Humility; Others Before Self; Responsibility; Congruence	
Rule 3.6 Trial Publicity	No public statements about your work that might influence an ongoing proceeding, except for the bare facts and a potential warning of substantial harm. But, you may make a statement needed to mitigate harm to your client from other public statements not made by you.	Stick to the Facts in Public Statements	N/A	Transparency; Fairness; Humility; Honesty	
Rule 3.7 Lawyer as Witness	No service as advocate and witness unless testimony (i) is immaterial or (ii) relates to legal fees or where disqualification would harm client. Rule does not apply across lawyers in firms.	You Cannot Wear Two Hats	Advocate-Witness Rule; Conflict of Interest	Compliance with Rules; Congruence	

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Rule	Summary	Compass View	Comment Topics	Core Values	Notes of Interest
Rule 3.8 Special Responsibilities of a Prosecutor	No claims without probable cause (parallel 3.1); must ensure that defendants are represented and exculpatory and mitigating evidence is provided (parallel 3.2); avoid bringing defense lawyers as witnesses unless absolutely necessary; avoid inflaming the public with comments (parallel 3.6); make efforts to correct wrongful convictions (parallel 3.3)	Prosecutors Generally Bound by Same Principles As Others With Special Emphasis on Protecting Defendants	N/A	Fairness; Responsibility; Compliance with Rules; Transparency	
Rule 3.9 Advocate in Nonadjudicative Proceedings	Lawyers appearing before legislative and administrative agencies in non-adjudicative proceedings must disclose representation and follow Candor, Fairness and Impartiality and Decorum Rules.	Rules Apply to Advocacy in Non-Court Settings	N/A	Responsibility; Compliance with Rules; Congruence; Fairness	

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Rule	Summary	Compass View	Comment Topics	Core Values	Notes of Interest
Transactions with Persons Other Than Clients					
Rule 4.1 Truthfulness in Statements to Others	In course of representation, no lies to third parties. Must disclose material facts when necessary to prevent criminal or fradulent act unless facts are confidential (see Rule 1.6). N.B.: no requirement to disclose material facts in normal circumstances.	Don't Lie. Don't Hide Criminal or Fradulent Acts Unless Confidentiality Requires	Misrepresentation; Statements of Fact; Crime or Fraud by Client	Honesty; Counsel; Transparency of Action; Congruence	
Rule 4.2 Communication with Person Represented by Counsel	Do not communicate with another lawyers client without consent of the other lawyer.	Respect the Role of Other Attorneys	N/A	Fairness; Open Communication; Collaboration; Others Before Self	
Rule 4.3 Dealing with Unrepresented Person	Do not imply disinterest, allow unrepresented adverse party to think you represent them or give them legal advice (except to get an attorney)	Do Not Take Advantage of Those Not Represented	N/A	Fairness; Collaboration; Responsibility; Counsel	

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Rule 4.4 Respect for Rights of Third Persons	Do not embarrass, delay, harass or violate the rights of a third person. If you receive information you are not supposed to have, notify sender. No affirmative requirement ***in these rules*** to return the information.	Don't Act Like a Jerk	N/A	Others Before Self; Humility; Congruence	
Law Firms and Associations					
Rule 5.1 Responsibilities of a Partner or Supervisory Lawyer	Partners and supervisors must make reasonable efforts that firm and subordinates, respectively, follow MRPC. You are responsible for acts of others if you order or knowingly ratify the conduct or fail to take action that could have prevented or remediate the conduct.	You Are Responsible for Ethics of Lawyer Subordinates	N/A	Responsibility; Compliance with Rules	
Rule 5.2 Responsibilities of a Subordinate Lawyer	No defense for actions taken at direction of superior. No liability for actions taken at direction of superior when reasonably resolving arguable ethics questions.	No "Nuremberg Defense" Unless There is a Bona Fide Dispute	N/A	Responsibility; Compliance with Rules	

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Rule	Summary	Compass View	Comment Topics	Core Values	Notes of Interest
Rule 5.3 Responsibilities Regarding Nonlawyer Assistant	Rules for lawyer subordinates (see 5.1) apply to non-lawyers as well.	You Are Responsible for Ethics of Non-Lawyer Subordinates	Nonlawyers Within the Firm; Nonlawyers Outside the Firm;	Responsibility; Compliance with Rules	
Rule 5.4 Professional Independence of a Lawyer	No sharing of fees with non-lawyers (other than estates of deceased lawyers and non-profit referring organizations in certain circumstances). Profit sharing plans with non-lawyers permitted. No co-ownership with, or direction of firms practicing law by, non-lawyers. Must maintain independence from those referring or paying you (other than client).	Lawyers Must Remain Professionally and Financially Independent of Non-Lawyers	N/A	Loyalty; Transparency of Action; Congruence	
Rule 5.5 Unauthorized Practice of Law; Multijurisdictional Practice of Law	You must be licensed here to practice actively here. Temporary exceptions exist that include working with a local lawyer, pro hac vice admission, services that do not require pro hac vice admission or which are reasonably related to practice where lawyer is admitted. Other limited exceptions exist for multi-jurisdictional firms/employers and federally-authorized practice.	You Must Be Licensed Here To Practice Here	N/A	Competency; Compliance with Rules	

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Rule 5.6 Restrictions on Rights to Practice	Post-employment/partnership restrictive covenants not allowed; restrictions on lawyer practice cannot be part of settlement of client controversy	No Restrictive Covenants for Lawyers	N/A	Others Before Self; Loyalty; Congruence	

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Rule 5.7 Responsibilities Regarding Law-related Services	Lawyer subject to MRPC when providing non-lawyer services that are bundled within practice; also apply to law-related services provided by entities you ensure that third parties know that attorney/client relationship does not exist.	Ethical Rules Generally Apply to all Law-Related Activity You Conduct	N/A	Responsibility; Congruence	
Public Service					

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Rule	Summary	Compass View	Comment Topics	Core Values	Notes of Interest
Rule 6.1 Voluntary Pro Bono Publico Service	Aspirational goal of 50 hours each year. Substantial portion in form of no charge service to people of limited means. Other recommended contributions: civic organizations that cannot afford to pay; reduced fees to those of limited means; improving the bar and justice systems.	50 Hours Per Year of Pro Bono Time	N/A	Responsibility; Others Before Self; Congruence	
Rule 6.2 Accepting Appointments	Accept court appointments unless: (i) it would violate MRPC (see also Rule 1.16); (ii) unreasonable financial burden or (ii) gross repugance to lawyer.	Accept Court Appointments	Appointed Counsel	Responsibility; Others Before Self; Congruence	

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Rule 6.3 Membership in Legal Services Organization	May serve as director of LSO outside of your practice but cannot take action in that role that would conflict with your clients or clients of LSO adverse whose interests are adverse to your clients.	Can Serve a LSO; Don't Maintain Conflicts	N/A	Others Before Self; Loyalty	
Rule 6.4 Law Reform Activities Affecting Client Interests	You can be involved in efforts to reform the system that affect clients but must disclose when actions supported will benefit your client.	Reform the System but Disclose When Doing So Helps Your Client!	N/A	Responsibility; Congruence; Transparency of Action	

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Rule 6.5 Nonprofit and Court Annexed Limited Legal Services Programs	Conflict rules are narrowed for certain short-term non-profit legal services programs	Informal Advice Settings Do Not Rise to Client-Attorney Relationship	N/A	Others Before Self; Fairness	
Information About Legal Services					
Rule 7.1 Communication Concerning a Lawyer's Services	You can't make false or misleading statements about you or your services. N.B. Omitting a material fact violates this rule.	Don't Lie About Yourself	N/A	Honesty; Open Communication; Humility	
Rule 7.2 Advertising	Lawyers may advertise with attribution. No payment for referralsis allowed except payments to a referral service or a disclosed, non-exclusive referral arrangement.	Advertising is Permitted; Buying Referrals is Not	Paying Others to Recommend a Lawyer	Open Communication; Transparency of Action	

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Rule 7.3 Direct Contact with Prospective Clients	No live or real-time contact with prospective clients. Real-time contacts with lawyers, family members and prior clients allowed as are written communications with others. No unwelcome or offensive contact allowed. Must label material clearly as "Advertising Material". No prohibition on marketing by legal services plans.	Advertising Must Be at Arm's Length	N/A	Fairness; Open Communication; Transparency of Action	
Rule 7.4 Communication of Fields of Practice and Specialization	You may communicate that you do, or do not, practice in certain areas of the law. You cannot claim that you are a 'specialist' unless an appropriate certifying agency designates you as such.	You Cannot Claim Expertise You Do Not Ojbectively Hold	N/A	Loyalty; Transparency of Action; Congruence	
Rule 7.5 Firm Names and Letterhead	Your firm name or letterhead cannot be misleading, generally, or specifically as to jurisdicitional admissions or form of professional relationship. You can use a trade name when not misleading or when no governmental connection is implied.	No Misleading Letterhead or Firm Names	N/A	Honesty; Open Communication; Transparency of Action	

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Rule	Summary	Compass View	Comment Topics	Core Values	Notes of Interest
Rule 7.6 Political Contributions to Obtain Legal Engagements or Appointments by Judges	No acceptance of appointments if you gave to, or solicited contributions for, a judge for purpose of obtaining appointments.	You Can't Bribe Judges With Contributions	N/A	Honesty; Compliance with Rules; Congruence; Transparency of Action	
Maintaining the Integrity of the Profession					
Rule 8.1 Bar Admission and Disciplinary Matters	You cannot lie or omit material facts in applying to the Bar. Rule 1.6 information is protected.	Don't Lie to the Bar	N/A	Honesty; Compliance with Rules; Congruence	
Rule 8.2 Judicial and Legal Officials	You cannot lie, or make reckless statements, about the qualifications or integrity of a judge or equivalent.	Don't Disrepect Judges	N/A	Compliance with Rules	
Rule 8.3 Reporting Professional Misconduct	You have an affirmative obligation to report the misconduct of another lawyer that raises a "substantial question" of "...honesty, trustworthiness or fitness as a lawyer." Affirmative obligation to report when a judge violates the rules of judicial conduct so as to call fitness for office into question.	We Police Ourselves	N/A	Compliance with Rules; Congruence	

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The Lawyer's Compass Summary of ABA Model Rules of Professional Conduct

The information here is one interpretation of the ABA's MRPC and serves as a practical summary and overview of the information presented. Consult your state's complete set of rules and interpretive guidance.

Rule	Summary	Compass View	Comment Topics	Core Values	Notes of Interest
Rule 8.4 Misconduct	Broad catch-all for misconduct including: violating, inducing or helping others violate the MRPC; criminal acts reflecting on honesty, trustworthiness or fitness; other conduct involving dishonesty, fraud, etc.; conduct prejudicial to administration of justice; stating an ability to wrongfully influence the legal process; knowingly helping a judge to violate the rules.	If It is Bad and Not Prohibited Elsewhere, It is Prohibited Here	N/A	Honesty; Compliance with Rules; Congruence; Fairness	Amendment to MRPC currently proposed. Read text here.
Rule 8.5 Disciplinary Authority; Choice of Law	Lawyers always subject to discipline in jurisdictions where admitted wihtout regard to where conduct occurs. Non-admitted lawyers subject to local jurisdiction. May be subject to discipline by multiple jurisdictions for the same act. Choice of law rule.	You Are Subject to Discipline Everywhere	Disicplinary Authority; Choice of Law	Compliance with Rules	
Links to Specific State Rules	Florida Rules of Professional Conduct				

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Three Programs detailing the history of the scandal

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Section 4. Becoming a Trust Generator

Live the Values that Build Trust

The Continuous Backdrop of Trust

To Build Trust, We Must ALWAYS:

1. Speak Directly
2. Speak the Truth
3. Display Passion
4. Be on Time
5. Make and Keep Commitments
6. Be Prepared
7. Respect the Other Through Active Listening

Establishing Trust Quickly

To Establish Trust Quickly:

1. Listen First
2. Recognize Uniqueness
3. Be Confident, Not Arrogant
4. Introduce Reality
5. Establish a Rapid Credibility Step or Deliverable

Practice Trust Building Competencies

The Trusted Advisor
Trust Building Process

1. Engage
2. Listen
3. Frame
4. Envision
5. Commit

Maister, Green, Galford, *The Trusted Advisor*, pp. 85-90 (2000)

Covey's Trust Building Behaviors

1. Talk Straight
2. Demonstrate Respect
3. Create Transparency
4. Right Wrongs
5. Show Loyalty
6. Deliver Results
7. Get Better
8. Confront Reality
9. Clarify Expectations
10. Practice Accountability
11. Listen First
12. Keep Commitments
13. Extend Trust

Stephen M.R. Covey, *The Speed of Trust*, pp. 136-230, (2006)

21 Ways to Build Trust…Fast

I. Create Credibility

a. Show You've Done Your Homework
b. Have and State a Point of View
c. Speak the Truth, Always.
d. Answer Direct Questions with Direct Answers
e. Express Your Passion
f. Convey Confidence

II. Ratchet Up Reliability

a. Make Lots of Small Promises
b. Be on Time
c. Use Other's Terminology
d. Dress Appropriately

III. Increase Intimacy

a. Name the Proverbial Elephant in the Room
b. Listen with Empathy
c. Tell Your Partner Something You Appreciate About Them
d. Be Yourself

IV. Shrink Self-Orientation

a. Give Ideas Away
b. Build a Shared Agenda
c. Don't Solve Problems Too Soon
d. Ask Open-Ended Questions
e. Ask Questions That May Seem Out of Scope
f. Relax Your Mind
g. Practice Thinking Out Loud

Green and Howe, *The Trusted Advisor Handbook*, pp. 158-160 (2012)

Establishing Client Expectations

The Five Client Expectations

The Lawyer's Compass
Five Client Expectations

1. **Cost**

   What Will This Cost Me in Dollars and Other Resources?

2. **Timeliness**

   How Long Will this Take?

3. **Process**

   How Will We Work Together?

4. **Result**

   What Will You Accomplish for Me?

5. ***Risk***

   What Happen to the Other Expectations if Something Unexpected Occurs?

The Process Expectation: Work as a PROFESSIONAL

Prompt
Responsible
Organized
Follow-Through, Follow-Up
Effective, Efficient
Sincere
Serious
Informative
Optimistic
Neurotic
Attentive
Loyal

Getting to a Jointly Shared Expectation

The Power of A Positive No

I. Prepare

a. Uncover Your "Yes"
b. Empower Your No
c. Respect Your Way to "Yes"

II. Deliver

a. Express Your Yes
b. Assert Your No
c. Propose A Yes

III. Follow Through

a. Stay True to Your "Yes"
b. Underscore Your No
c. Negotiate to "Yes"

William Ury, *The Power of a Positive No: Save The Deal, Save The Relationship and Still Say No* (2006)

The Five Expectations Quick Tool Checklist

Managing The Five Expectations Quick Tools Checklist

I. Cost

a. Flat Fees
b. Range Estimates
c. Budgets
d. Percentage Fees
e. Stage or Milestone Fees
f. Incentives
g. Blended Rates
h. Value Adjustment Line
i. Disputes: Let the Client Win Whenever You Can

II. Timeliness

a. Proactively Manage
b. Motion/Movement
c. Stage Setting Goals

III. Process

a. Build Trust Constantly

    i. Practice as a PROFESSIONAL
    ii. Trust Building Behaviors
    iii. Build Trust Fast

b. Get Feedback from Clients

IV. Result

a. Define Possible Outcomes with Quantification
b. Best Case/Worst Case
c. Avoid Cheerleader Syndrome

V. Risk

a. What Unexpected Events Might Happen?
b. What Happens When If Those Occur

Tracking the Expectations

The Lawyer's Compass
Tracking Expectations

1. **Monitor Progress**

   How are we progressing against expectations?

2. **Be Proactive**

   Raise problems to the client's attention.

3. **Create Feedback Loops**

   Give clients the opportunity to comment during the engagement.

4. **Be Accountable for Improvements**

   Address negative feedback with positive steps

5. **Create a Final Feedback Loop**

   Give the client a chance to comment on overall experience. Address revised expectations accordingly.

Section 5. Contentment Theory: Values, Congruence, Satisfaction and Calling

Defining Your Values

Congruence: Matching Who You Are to Where You Are

Satisfaction: Happiness/Fulfillment/Excellence

Calling/Vocation: Meaning Through Meeting the Needs of Others

Contentment: Integration of Satisfaction and Calling

Section 6. Building Your Lawyer's Compass

The Lawyer's Compass Tool

Download a Web-Enabled Version of The Lawyer's Compass tool at www.thelawyerscompass.com

The Lawyer's Compass

1. Who Am I?
2. Where Am I?
3. Change Analysis
    a. Competencies
    b. Congruence Inventory
    c. Willingness/Ability to Change
4. Contentment Assessment
5. Call to Action
    a. SMART Goals
        i. Specific
        ii. Measurable
        iii. Achievable
        iv. Results Oriented
        v. Time Limited
    b. Accessing Resources

Who Am I? Tool

1. What Are My Values?

Compass View	Tools and Resources
Values are your moral roots. When combined with actions, your values form character. Character, combined with competencies, determines your trustworthiness. Values can be shaped by choice. The analysis here is in addition to the Values Prioritizer which appears as a separate Worksheet below.	Value Test.com Values Ranking Exercise Personal Values Assessment at valuescenter.com Online Values Profile at psychologytoday.com

Notes, Results, Observations, Insights

Add Your Inputs Here:

John E. Moore, III

Download at www.theprofessionalcompass.com

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Who Am I? Tool

2. What Is My Personality Type?

Compass View

Your actions will be strongly influenced by your personality type. The Myers-Briggs Type Indicator is a widely accepted tool for determining your personality type based on four factors: Extraversion/Introversion; Sensing/Intuitive; Thinking/Feeling and Judging/Perceiving. Others tools include the DISC Profile and The Keirsey Temperament Sorter.

Tools and Resources

Find an MBTI® Professional

Online Personality Type Test at onlinepersonalitytests.org

Online DISC Profile at discpersonalitytesting.com

Online Keirsey Temperament Sorter at keirsey.com

Notes, Results, Observations, Insights

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Who Am I? Tool

3. How Trustworthy Am I?

Compass View	Tools and Resources
As technology changes the nature of work by placing more emphasis on **Who You Are** rather than **What You Do,** your ability to be trusted becomes ever more important. Steven M.R. Covey's book, "The Speed of Trust" sets out an excellent overview of trust and a unique self-assessment tool of your current level of trustworthiness.	Read "The Speed of Trust" by Steven M.R. Covey Online Work Integrity Test at testyourself.psychtests.com

Notes, Results, Observations, Insights

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Who Am I? Tool

4. What Are My Strengths?

Compass View

Your "Strengths" are your natural talents: those things for which you have an innate aptitude. Effort applied to strengths can develop powerful skills. What are your natural gifts? Identifying your strengths and bringing them to bear in your work can improve your effectiveness and fulfillment.

Tools and Resources

Determine Your Strengths: Gallup's Strength Finder 2.0 at strengths.gallup.com

Via Online Strengths Analysis at www.viacharacter.org

Notes, Results, Observations, Insights

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Who Am I? Tool

5. What Are My Interests?

Compass View

Your "Interests" are developed from the application of your strengths and talents in a variety of life situations. Taking inventory of your life experiences...tasks that you have enjoyed, settings that have been meaningful, types of people you have enjoyed working with...getting to know yourself in practical terms creates a powerful basis for guiding your future.

Tools and Resources

What Color Is Your Parachute Workbook by Richard Bolles

Calling Card Exercises in "Work Reimagined" by Leider and Shapiro

Notes, Results, Observations, Insights

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Who Am I? Tool

6. What Are My Religious/Spiritual Beliefs?

Compass View	Tools and Resources
Your religious and spiritual beliefs can become the focal point of your value structure and life.	If unsure, you may want to start with The Spiritual System Belief Selector Tool at http://www.selectsmart.com/RELIGION/

Notes, Results, Observations, Insights

Add Your Inputs Here:

Download at www.theprofessionalcompass.com

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Who Am I? Tool

7. What Is My Financial Health?

Compass View	Tools and Resources
Your financial health represents a significant component of who you are at any point in time? Are you burdened by debt? Does your income meet your needs? Do you aspire to greater levels of income? Have you planned for your retirement or the possibility that you may need long-term care? An assessment of your overall financial health will help reveal your relationship with money.	Compute Your Personal Financial Health Index CNN.com Financial Health Tool

Notes, Results, Observations, Insights

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Who Am I? Tool

8. What Is My Risk Tolerance?

Compass View

Life presents us consistent opportunities to move ourselves forward: a primary use of a compass. Many times those steps forwards involve a move into the unknown and a measure of risk. Your willingness to use your Professional Compass depends in no small part on your ability to accept risk.

Tools and Resources

Online Risk Tolerance Exercise at www.queendom.com

Notes, Results, Observations, Insights

Add Your Inputs Here:

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Who Am I? Tool

9. How Do I Spend My Time?

Compass View	Tools and Resources
How you spend your time is one of the most important measures of who you are, what you value, your interests, and your motivations. There is no more objective test of what is important to you than how you spend time. On another level, time spent measures your effectiveness in maintaining work/life balance.	Tools to Analyze Your Priorities, Prepare a Time Budget and Prepare A Master Schedule Are Provided as Separate Worksheets Below

Notes, Results, Observations, Insights

Add Your Inputs Here:

Download at www.theprofessionalcompass.com

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Who Am I? Tool

10. Is My View of Myself Consistent With How the World Sees Me?

Compass View	Tools and Resources
Many of the tools in The Professional Compass are self-administered. In this step, reaching out to the those around you for input will provide a more independent perspective on your life. The "360 Degree Profile" has proven a useful leadership and personal development tool because it helps validate that your understanding of yourself squares with the experience that others have with you.	Online 360 Degree Profile Tool at www.selfstir.com

Notes, Results, Observations, Insights

Add Your Inputs Here:

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Who Am I? Tool

11. What Is My Calling/Vocation?

Compass View

Your Calling/Vocation exists when you undertake activities or work for the benefit of someone other than yourself...to serve a greater societal goal. Is your work a means by which you make a living? Is there are a greater goal to your daily efforts? Is there a need in society that your work or activities outside of work can help you fulfill?

Tools and Resources

"How To Find Your Mission In Life" by Richard Bolles

"The Happy Lawyer: Making a Good Life in the Law"

Finding Your Vocation Exercises at www.zurinstitute.com

"A Life of Excellence" by Richard E. Simmons, III

"Halftime: Moving from Success to Significance" by Bob Buford

Notes, Results, Observations, Insights

Add Your Inputs Here:

Download at www.theprofessionalcompass.com

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We Have a Role Beyond Winning

> Self-respect demands that we get away from the intellectual tyranny of instrumentalism. We are not just means to someone else's ends. We have a far prouder heritage, which, unfortunately, has been obscured in the classroom. This heritage is founded on our ancient duties: to protect the rule of law as an ideal, to serve the system of justice on which our democracy is based, and to study and promote humanism—the mutual bonds of our humanity on which peace itself ultimately depends.

Daniel R. Coquillette. "Professionalism: The Deep Theory." North Carolina Law Review 72, (1994): 1271, 1294

Time is Growing Short

> The legal profession is already struggling. Our profession confronts a dwindling market share as the public turns to more accessible, affordable alternative legal service providers. We are at a crossroads. To maintain public confidence in the profession, to meet the need for innovation in how we deliver legal services, to increase access to justice, and to reduce the level of toxicity that has allowed mental health and substance use disorders to fester among our colleagues, we have to act now. Change will require a wide-eyed and candid assessment of our members' state of being, accompanied by courageous commitment to re-envisioning what it means to live the life of a lawyer.

ABA Report on Lawyers Well Being, August 2017

A Jerk is a Jerk

Simply passing your time in an occupation, or careening through life in a career, or even being called by your talent to a particular job does not require anything from *you*. But being a "professional" most certainly does. Here the root is the Latin *professio*, or "declaration,"[6] referring to a vow, a declaration of belief—an avowal made by *you*. All of you have taken "professional" oaths. These oaths require you to uphold the rule of law and to obey the regulations of the bar. They are not equivocal. You took these oaths in open court. If your word means anything, you are committed to this formal "profession" of obedience and to other "professional" duties.

This obligation is a deeply personal one. It is a delusion of young, inexperienced lawyers to think that they can separate their personal from their professional lives and their personal from their professional morality. The current jargon refers to this dichotomy as "role-defined" ethics. It is true intellectual rubbish. As Aristotle observed:

> The man, then, must be a perfect fool who is unaware that people's characters take their bias from the steady direction of their activities. If a man, well aware of what he is doing, behaves in such a way that he is bound to become unjust, we can only say that he is voluntarily unjust.[7]

You cannot be a bad person and a good lawyer, nor can you be a good person and a lawyer with sharp practices. A lawyer who behaves like a jerk in court is not an "aggressive advocate" with an "assertive strategy," but a jerk.

Daniel R. Coquillette. "Professionalism: The Deep Theory." North Carolina Law Review 72, (1994): 1271, 1294

21 Steps

How to Succeed as a Lawyer

By ROLAND BOYD of McKinney

Dear Son:

You are now in your senior year in law school. Maybe a few things I have learned in thirty years in the law practice will be helpful. Law school is teaching you things which will be good for your clients; the following will be good for you. You cannot have professional happiness unless you are financially successful.

One of the. greatest pleasures in life is achievement. In my judgment, if you will remember the following 21 things, you will have a long, happy, and successful career.

1. Remember, the rule of nine:

It works this way nine people out of ten are good, honest, intelligent, decent, and fair-minded people. Therefore, if you want to have the odds, nine to one, in your favor, get on the right side of the issue. In - the legal profession the right side of the issue is the side that helps society. In other words, don't injure your fellow man. - In the courtroom the rule of nine works the same way. *Nine times out of ten the right side wins at the courthouse.* Bub, I believe that the lawyers in the smaller county seat cities engaging in the general practice of civil law are more convinced that the rule of nine really works, than the *average* city lawyers.

2. Remember, a lawyer's integrity is. of vital concern to the community.

If the butcher, the baker and the candlestick maker are not honest, this is not ' a major catastrophe, but on the other hand the lawyer plays such a vital role in the lives of his fellow men that if he is not honest, it *is* a major catastrophe. Let me give you some examples of vital roles a lawyer is called on to play:

(a) A few years ago, shortly after noon in July the door to my private office opened; there stood a man, a little past middle age.

WHEN HE WROTE his son, Roland Boyd had no idea his letter would be published. Fellow lawyers convinced him other students should have the privilege of reading it, too.

I had represented him for many years; he was a successful farmer; he was very pale, was trembling all over as he said, "'I have just made the worst mistake a man can possibly make, I have killed a man, I knew a second after it was done how terrible it was. For God's sake help me."

(b) About ten years ago three members of a family, two others of which· had just had visited upon them one of the most horrible crimes that had ever occurred in Texas, came to my office. This family was' face to face with stark unnatural tragedy. The spokesman said, "At a family meeting this morning we all agreed that we wanted you as special prosecutor, to help us see that justice is done."

(c) A few· weeks ago an elderly retired farmer; a good, sound citizen, came to the office bringing with him a smartly and attractively dressed daughter, apparently about 35 years old. He told me a story of the daughter's marriage to ail energetic, handsome, well-educated, dynamic young man, how well he was doing in business, how the family began growing, then embezzlement, then divorce, then a new life, then remarriage, then robbery. with fire-arms and murder, now a death penalty in just a day or so. ”We need your help.”

(d) Several months ago, on Saturday afternoon, while I was in the office with the outside doors locked, a telephone call from a middle-aged man I had represented for years, as well as his father before him, in a distressed voice, said, "I am down- stairs; your door was locked, I was just praying that you were in. I must talk to you. When he arrived, he showed me several daily newspapers that he had just gotten out of the Post Office from a distant city. The headlines and front-page articles told a story of a liquor store stickup with the owner being murdered when he tried to reach for a gun, the capture by police blockade, the laboratory reports proving conclusively who had fired the shot that killed the owner. His son. Crying like a baby, the man said: “Help me. What can l do?”

(e) You might be employed by the State Bar of Texas to investigate, brief, file and try a fellow lawyer in a disbarment proceeding. This assignment cannot be taken lightly.

(f) In 30 years of practicing law I have felt that my professional duty required me to ask a jury to take a man's life on three different occasions. In two cases the jury complied with my request; in the third the defendant took his own life the day he was sentenced for life. Under these. conditions the only reward life provides is a clear conscience. No profession can be more vital than one which makes such requirements on its members. Therefore, the · integrity of its members is certainly · of major concern to society.

3. Remember, always be nice to people regardless of their social status, educational level, or financial rating, because:

(a). That boy who is now "jerking soda" at the drug store, 25 years from now *might* · be· president of the Investment Bankers Association of America and be calling you about an important matter in New York.

(b) · That boy who is now picking up scrap metal in the alleys and selling it to get spending money, 20 years hence *might* be employing you to examine titles to ranch lands he is buying in other states.

(c) That boy, who, on graduation from high school, Said, "I am not going to college ·because 1already have all the education I need," *might* many years hence, by being elected chairman of the board of directors of a major manufacturing concern, prove the truth of his statement.

(d) Some successful people in business can neither read nor write.

4. Remember, in the practice of law under a democratic form of government there are no secrets.

Therefore, don't ever be a party to anything, don't put anything in a letter, don't say anything in conference or on the telephone that you would mind (except for your client's interest) seeing on the front page of a newspaper, on TV, or hearing. from the witness stand, or on the radio.

,.

5.· Remember, the best way to disarm your enemies is to do what is just under the circumstances.

It absolutely drives them crazy. Often it will throw them into such confusion that they become helpless. Ordinarily their "double dealing" will "backfire" if you don't resort to the same tactics.

6. Remember, no people have ever developed a better method for settling disputes among men, than our judicial system.

It was developed by the legal profession, it has been through fire, millions of times; although not perfect, it is· still the "best"· there is. The "jury" is the heart of the system. Always defend the system. When you lose a lawsuit, don't try to tear the courthouse down.

7. Remember, the important thing, so far as getting legal business is concerned is what your homefolks think about you.

· Everything on earth connects on to your town and then your block. As to how high you go in your profession depends on who · employs you. The important employment I have had in many different matters which has necessitated my being out of the state much of my time can be traced back to someone *very dose to home.* So it is what your neighbors say about you that counts:

8. Remember, no profession makes it possible for its members to enjoy a longer professional life than law.

· So long as a lawyer lives he can ·practice law. So long as he keeps his health and mind he can do it ·successfully. Our neighbor, the late Senator, demonstrated this. fact; he practiced law for 70 years.

9. Remember, there is no ceiling on success in the legal profession.

The only limit on the amount of success you can achieve is ,your *time* and *energy.* And the thought that will give strength to finish when the· hour . gets late and going gets rough, is that irrespective of how it might look to others, you know you are fighting according to the accepted rules of the game.

10. Remember, the end does not justify the means•

Two wrongs do not make a right. It is better to lose than not to tight according to the rules. It is extremely easy for a young lawyer to violate these rules. If you have a growing family to · support on a meager income, there is a strong temptation to become lax on your professional morals. Many times it might appear necessary to "fudge" a little; You will profit financially if you don't do it, The magnitude of responsibility entrusted to you is in direct proportion to the confidence people have in you. No one can destroy the confidence of other people in you, except you. Integrity is to the lawyer what virtue is to the, woman; therefore, you must not· only be honest, but also you must maintain the appearance of honesty.

11. Remember, to be a good lawyer you must first be a good man.

Your sole ambition should be to be a good husband, a good father, a good neighbor, a good citizen, and a good lawyer. If you achieve this, you will have achieved all the· success there is. The· pressure of life in the space age is such that it is very easy for a young man to get the idea that he must be a dynamic individual, he must · break all records, he must set the world on fire: _ If he gets this idea, he starts life with a handicap. The papers are full of such cases at this time.

12. Remember, don't ever put your interest in the fee ahead of your interest in the case.

Your future depends more on the manner in which you handle the case than on the amount of the fee you collect.

13. Remember, the primary purpose of the legal profession is to find, recognize, interpret, and preserve the truth.

The quicker you can learn the truth about any situation, the better off you will be.·. After you learn it, don't join issue against it.

14.· Remember, your clients subconsciously make you the guardian of their morals.

·· As inconspicuously as possible you should assume this responsibility. If you do, and discharge it properly, it will help you build a good law practice: ·

(a) · Many years ago a client who lived in a nearby city came to the office and said, "That case you are representing me in, I got to thinking, that property represents 90% of my life's. work. If you lose that case, I am ruined.· A man told. me if I would go to so and so and pay him $10,000, then my property would be re-appraised. at a high figure and I could settle without a trial. I have about decided to do it that way. What do you think?" 1told him in my opinion he would be making the greatest mistake he had ever made; that he had always been honest. and I couldn't see' any reason for him to change this late in life.

He reluctantly agreed. A few months later he was well pleased with the outcome of his case, and told me many times, that I kept him from ruining a happy and successful life, and he consulted me on every important matter for the balance of his life.

(b) A few years ago about mid-morning, I got a call from a; local citizen who was then in a distant city. He made an appointment as soon as he could drive. That after- noon when he arrived, he explained that he. had been low bidder on a big construction contract, that the second bidder had approached him on the proposition that if he did not qualify, the second bidder would be awarded the contract, then he would let him do the work and they would split the difference in the two bids. He wanted me to write a contract that would bind both parties. After explaining why no lawyer could write that contract without committing a felony, he decided to qualify and perform, which he did. He and his entire family have. been my clients since then.

15. Remember, the courtroom is where the showdown comes.

This is where the lawyer must "put up. or shut up." This is the arena in which you must meet your adversary. There is a large segment of the profession who avoid the courtroom in every possible manner. This is a mistake. Of course, the courtroom is strictly the last resort, but I never had any luck in handling matters in negotiation until I got the situation in good shape for the courtroom. If you have a good case and are well prepared, nine times out of ten. you don't have to try it. If you are not well prepared, you will either lose the case or coerce your client into an unfair settlement. Trial work is essential for the general practitioner; until you have a fair estimate of what you can or can't do at the courthouse, you have no true standard by which to measure your case; The trial lawyer is to the legal profession what the surgeon is to the medical profession. An office lawyer - who never goes into the courtroom - never knows whether he is rendering. the right kind of service to his clients. To be a good "trial lawyer" you must know why, where, when, and how, people "tick." The highest compliment that can be paid a lawyer is to say "He is a good trial lawyer."

16. Remember, there is no sure way to bind men together and keep them bound by any written instrument.

The only thing that binds men together is the fact that under all circumstances most men, without knowing what the other will do, will reach for the golden rope of justice, truth, decency, and fairness and thereby - bind themselves to every - other person who grasps the same rope. This is the only combine that will endure.

17. Remember, to live for your fiftieth birthday.

- Soon after I graduated and opened my office, one of the service clubs had as guest speaker an evangelist who was holding a revival in a big tent on the trade lot. In his talk he said: "I don't care what your life's work is; if you are a young man just beginning, I am going to tell you what to expect from life. If from now until your fiftieth birthday you will make every decision in. your business or profession in such a way as you think helps society, from your fiftieth birthday on, for the balance of your life, the pleasure you get from your life's work will double every twelve months. On the other hand, if your decisions are against society, your disappointments and your miseries will double every twelve months." I am now three years past my fiftieth birthday. I believe the man was right.

18. Remember, money loses most of its importance when you get sufficient food, clothing, and shelter for you and your family.

And at this point with most people the pleasure diminishes as the amount increases. People who have nothing but money have very little.

19. Remember, that the happiest man on earth is the man who has to work for a living.

20. Remember, that many of your thrills, excitement, unusual experiences, etc., will come in peculiar fashion and at unexpected times:

(a) A call from an undertaker saying the funeral has started, that he is calling for one of the mourners who asked that you not accept employment from anyone else until he could get to your office after the funeral.

(b) While walking to the office just at sun-up during the middle of a long, vicious trial, on coming to an intersection, seeing a man standing

in the middle of the walk, with no other human being in sight, who three days before said he was going to whip you, on account of your role in the trial.

(c) The woman who drove 20 miles, rushed into your office and said, "I just heard you died of a heart attack. Thank God it wasn't true."

(d) On driving up to a filling station, the owner whom you don't remember ever having seen before, saying to a child: "Honey, go get your mother; this man talked us out of getting a divorce many years ago. We both want to thank him."

(e) Clients who send more than their fee, and say you didn't charge them enough (this doesn't happen often, but it gives you a thrill when it does).

(f) Thank you letters from distant heirs that you have never met.

(g) People coming to your office as new clients, whom you have previously sued.

21. Remember, that the people who stay hitched the longest usually fare the best.

I believe you have the ability to succeed in medicine, engineering, business, or almost anything you might want to under- take, but you don't have the time. To become thoroughly qualified, to establish yourself and to succeed in any line requires an entire lifetime. So the people who chart a course early in life and stay with it are usually the ones who enjoy the greatest success. In the legal profession this same principle applies to location. Many times each month people come to my office as a result of some association with them or other members of the family several years ago. If you don't stay put in one spot, you lose this advantage.

I believe that after you have practiced law for thirty years, you too, will know that law is the greatest profession there is.

Sincerely,
Your Father

ROLAND BOYD

Mr. Boyd, a 1933 graduate of Southern Methodist University Law School, is a member of the McKinney law firm of Boyd, Veigel & Gay.

He is a former county attorney of Collin County and is currently serving as a member of the American Bar Association's Condemnation Committee.

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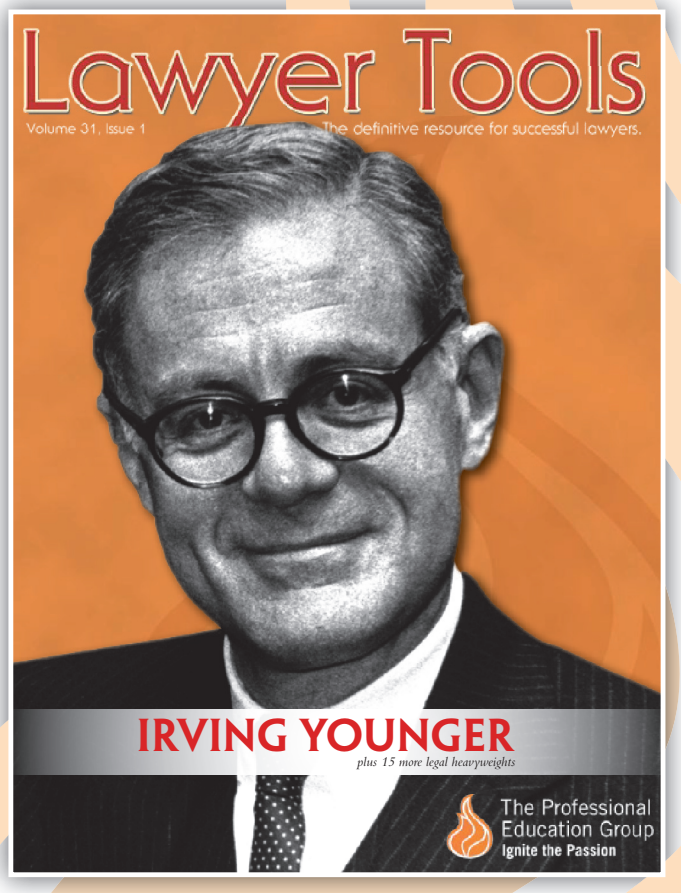

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