

Eye on Profession: Our profession needs to be ready for rocky times ahead

John Trimble November 2, 2016



EYE ON THE PROFESSION
John Trimble

I have the pleasure today to launch the inaugural offering of a new Indiana Lawyer column entitled, “Eye on the Profession.” The plan is to do my best to share commentary and insight on issues of the day that are or will be impacting our profession. A big thank you to IL for allowing me this opportunity, and thanks to you for taking a moment to read my musings.

As I begin this column, I am just returning from a specialty bar convention in Boston that attracted lawyers from all 50 states and around the world. Much of the week focused on discussions about the “21st century lawyer,” the impact of the new generations entering our profession, and the upcoming presidential election. If there were any common themes among the speakers, they agreed that things are changing rapidly and that the “old” way of doing things will not return. Without exception, the speakers’ greatest concern was that the public is losing respect for our profession and for the institutions we protect.

The 2016 presidential election process has revealed that there are vast numbers of citizens at each end of the political spectrum who feel intense discontent with our political institutions. They lack any level of trust in government, and increasingly they lack trust in the accuracy and integrity of the media. We have also learned that large percentages of the electorate lack basic knowledge of the duties of our branches of government, the checks and balances among the branches, and how the Constitution works. The push by partisans of both sides to shape and control the U.S. Supreme Court is scary for many in our profession.

The diminishing trust in government is concerning enough when we see baby boomers losing confidence, but the level of mistrust among newer generations is downright alarming. John Della Volpe, the director of polling at Harvard University’s Institute of Politics, shared some surprising poll results during our convention in Boston. According to Della Volpe, relations between the millennial generation and institutions of all kinds are “fractured.” Less than one-fourth of millennials trust the federal government; less than one-fifth trust Congress; and, most alarming of all, less than 10 percent trust the media. Della Volpe’s recent polling also revealed that nearly 50 percent of millennials feel that our justice system is unfair. Among those younger citizens who were polled, persons without a college degree were far more pessimistic about our foundational institutions. The lack of trust in our institutions of government has also translated to lack of trust in any form of authority, including employers and associations.

So, you may be asking yourself what this has to do with our profession. I hope that the answers are obvious.

Whether we realize it, we lawyers are a privileged group. We understand the branches of our state, local and federal governments. Many of us serve these branches as elected or appointed representatives, and

many of us are called upon daily to represent a branch. We also understand how laws are made and interpreted, how the Constitution can (or cannot) be amended, and most of us do not question the legitimacy of our state and federal courts. Our training has also given us the ability to recognize the role of the media in our society and to avoid being misled by biased reporting.

There is great fear in this country about the aftermath of the presidential election. No matter who wins, we will have a president who has been weakened and delegitimized by the brutal politics of the process. Confidence in our government may be at an all-time low. That is when we lawyers must be at our very best. It is when we must put the good of the country ahead of our own political views and stand up for the system in any small way that we can. We may have to be the ones to restore civility where it has been lost.

We have some rocky times in store for us, and we need to be ready to share our knowledge to objectively answer questions and to restore confidence. We will particularly need to reach out to the millennials in our families, our workplace, our associations and our circles of friends because they will need reassurance that the bedrock of our society is solid. Della Volpe urged our audience of lawyers to find ways to engage our young lawyers in the community so that they will feel a stake in the outcome. He urged transparency and honesty. He cajoled us to find the millennial “influencers” within our firms and associations and to give them titles, responsibilities and the power to be impactful. He admonished us that we *must* do what we can to rebuild confidence in institutions.

If we cannot be the voice of reason and understanding for all generations young or old, then even greater challenges will lie ahead. #WillYouBeThere?•

• **John C. Trimble** (@indytrims) is a senior partner at the Indianapolis firm of Lewis Wagner LLP. He is a self-described bar association “junkie” who admits that he spends an inordinate amount of time on law practice management, judicial independence and legal profession issues. The opinions expressed are those of the author.