



Photo by Alison Church/
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Raising the bar

C. Ronald Ellington, the holder of the A. Gus Cleveland Distinguished Chair of Legal Ethics and Professionalism and former Georgia Law dean, addresses ethical and professionalism issues confronting today's lawyers as well as the creation of the State Bar of Georgia's Transition Into Law Practice initiative.

Q: What is the biggest challenge facing the legal profession today?

A: The tension that exists between preserving the core ideals of professionalism and practicing law as a service versus the pressures of commercialization that increasingly make the practice of law more of a business. For example, there is tremendous pressure on law firms and lawyers to be profitable, to bring in new business and to work extraordinarily long hours to pay the cost of operating a law firm. There is also the growing pressure to offer legal services as part of a larger financial services practice – including accounting, business consulting and governmental relations advice – that threatens to undermine what is distinctive about being a lawyer.

Q: Are lawyers today encountering different ethical dilemmas than they were 20 years ago?

A: Twenty years ago, the biggest concern was lawyer advertising and the solicitation of clients, which has been largely settled. The issues today are the extent to which, in light of recent corporate scandals, lawyers are expected to be watchdogs for the public rather than lawyers for their corporate clients. There is new pressure today for lawyers to police the conduct of their clients' business or risk facing civil liabilities themselves. Additionally, there is an increased frequency of conflict of interest issues – the interests of one client of the firm may infringe on the interests of some other client the firm represents, which should prohibit simultaneous representation.

Q: Lawyers are often the butt of jokes. Why do you think the legal profession is such a popular target?

A: Lawyers still constitute an elite group by virtue of education, income and the exercise of enormous privileges, with a kind of state monopoly. They are also often involved in disputes, some of which are not particularly publicly popular.

Q: What is the biggest challenge new lawyers face coming out of law school?

A: Learning to act like a lawyer and learning to practice like a lawyer should.

Q: You have been instrumental in the creation of the State Bar of Georgia's Transition Into Law Practice initiative, a mandatory mentoring program aiding newly admitted members to the bar with ethical and professional issues they encounter as first-year legal professionals. Why did the bar start this program?

A: The program was created to help beginning lawyers up the steep learning curve that separates good law students from good lawyers. Nothing teaches quite like experience. The bar's program is designed to ensure that beginning lawyers during their first year of practice will have access to an experienced lawyer for guidance and advice as they begin their first steps as lawyers.

Q: Are other states running similar programs?

A: Georgia is the first state to institute such a mandatory program. It is quite a remarkable undertaking, frankly. Additionally, a number of other states, bar associations and courts have expressed an interest in what Georgia is doing.

Q: Are attorneys embracing the program?

A: The program formally began with lawyers who passed the July 2005 bar exam. Anecdotal evidence suggests that a number of lawyers, who would have been eligible for admission to the bar prior to that July dateline, opted to wait to be admitted so they would come under the umbrella of the program. Many beginning lawyers will receive their mentoring from within their law firm or practice setting where they work. However, approximately 200 lawyers will begin their practice largely on their own. We were concerned initially about finding volunteers to mentor these new lawyers, but the response from the bar has been very encouraging. I have been impressed with the support the appellate and trial court judges have shown for this program. With judges and the bar association saying they think this is worth doing, I am confident that each new lawyer will be matched with a mentor.

Q: Professionalism issues have been a large part of your scholarship and research agenda in recent years. Why?

A: I think it is good for members of the teaching academy to look at what lawyers do and the challenges our students will face when they become practicing attorneys.