

Don't slip down that slope!

Don't let personal issues lead you to bend the rules

At least two of the Law Society of Upper Canada's discipline decisions in the last few months referenced a lawyer's "loss of moral compass." Even honest and well-intentioned lawyers have, when under pressure or when suffering from illness, addiction or a personal crisis, succumbed to the belief that it's perfectly fine to bend the rules "just this once."

Unfortunately, bending rules and getting away with it has the effect of weakening a lawyer's scruples over time – especially when the pressures that led to the first transgression persist. Preserving your integrity will help you steer clear of serious threats to your career.

Here are a few of the first steps on a path to embarrassment and claims – or even ruin:

- "Borrowing" money from a trust account, client, or petty cash
- Telling a colleague or client you have completed something that you are still working on (or haven't begun)
- Padding dockets or legal aid billings
- Allowing non-lawyers to do legal work without appropriate supervision
- Lending out your Teraview® Personal Security Package (PSP)
- Exaggerating evidence, credentials, or experience
- Misstating the opponent's position to your client
- Taking heavy-handed "inspiration" from others' written works without attribution
- Selective memory
- All acts of forgery
- Cheque tricks (post-dating, kiting)
- Back-dating anything
- Billing disbursements before they're incurred

How can you avoid being the victim of temptation? Learn to recognize the factors –

pressure from clients, economic instability, ego, stress – that lawyers typically cite when forced to explain their actions in the wake of a claim or complaint. Know yourself and make an effort to steer clear of the situations that challenge your judgment. For example:

- Don't take on clients who intimidate, bully you, or make you their pawn
- Take steps to deal with financial difficulties (financial counselling, debt consolidation, move out of a too-expensive office)
- Don't run off at the mouth. To avoid embellishing facts, be concise. People who talk less are often viewed as more intelligent than people who say more
- Never lie about the status of a matter or your progress on it. The initial lie will beget further, more serious lies
- Don't take on more work than you can responsibly accomplish or supervise

When lawyers look back on an act of dishonesty, they can usually identify the turning point when a dangerous decision was made. Often a lawyer lies to avoid a potentially embarrassing situation: having to admit to a client that work is incomplete or that a negotiation or motion turned out badly, or lying to family or colleagues about trouble meeting financial obligations. Lawyers who are perfectionists may be particularly vulnerable to these kinds of lies. Think about how you present yourself to clients, colleagues, and other people in your life. Do you cultivate an air of infallibility?

While it can feel good to be viewed as a superstar, maintaining this image at all costs can lead to slippery-slope behaviour. If,



instead of bragging, you encourage clients to form realistic expectations about the outcome of their matters, you will avoid losing face should you encounter problems down the road. Remember, your clients are workers, too: they don't likely hold their own work up to a standard of perfection. Chances are they also don't expect perfection from you (and if they do, you've taken on the wrong clients). Do your best, but don't misrepresent your abilities or the strength of a case. You don't need that kind of pressure.

Also, consider your stress level. Stressed human beings are more vulnerable than usual to both error and bad decisions. Attend carefully to your physical and mental health. Try our self-assessment on page 9, and take steps to regain your balance.

Finally, remember that lawyers are not the only ones capable of acts of dishonesty. Staff can slip up, too. Pay attention to signs that employees are feeling undue performance pressure, or are facing personal financial challenges. Establish appropriate oversight for office finances, check in with staff regularly about the progress of their work, and strive to build an office culture where it's comfortable for all workers to ask for help or to take time off to deal with health challenges.

Integrity is a practice, not a fixed trait. You will have dozens of opportunities to exercise your integrity over the course of your legal career. Maintain good judgment and keep your stress under control. Your reputation will reap the benefits. ■

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