

Credibility and Your Legal Career

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By A. Harrison Barnes, Esq.

"Can you be trusted?"

Beyond any other single question-regardless of how motivated you are, where you went to law school, or your work history-if you slip up on an issue of credibility, you might as well forget about a successful career in the law. Certainly, there are many people who get ahead by playing fast and loose with the rules. I have seen more examples of this over the course of my career than I can count. Nevertheless, when all is said and done, no matter how far untrustworthy people get, they almost always come crashing down. When these crashes occur, they are not normally bumps in the road. Legal careers end.

I used to teach professional responsibility in law school. In this class, like most professional responsibility classes, we spent a lot of time going over the rules and debating various ethical questions. Personally, when I took this class in law school, I believed that it was somewhat of a "blow off," as did most of the students in the class I was in. This is not a blow-off article about professional responsibility, however. As a legal recruiter, I have seen far too many legal careers end-or stall out-due to credibility lapses by attorneys. This is more common than you might think. In fact, I would estimate that at least 5-10% of all legal careers experience long-term negative effects because an attorney has done something that is dishonest or not credible. When you probe the reasons why top attorneys often cannot get interviews or are not hired when references are checked, it is most often because people believe they cannot be trusted.

While the need to maintain credibility may seem obvious—for example, no self-respecting attorney would steal client money or lie in court—most often, indiscretions can be far more subtle. If an attorney shades the truth to superiors or does not make important information known to a client or superiors, the results can be disastrous for his/her career.

Beyond any other single trait, credibility is something that can instantly ruin a career. Over the course of my career as a legal recruiter, I have witnessed countless legal careers crash and burn due to credibility slip-ups. Moreover, in the organizations I have been involved in or run, the most persistent cause of failure is someone's losing credibility as well. Once people lose credibility, their careers usually end, and their lack of credibility ends up following them to their next job and then their next job because people remember this and talk about it. It doesn't matter if you screw up in a law firm in Chicago and move to New York or Florida. Wherever you go, the chances are very good that your past lack of credibility will follow you.

"Can you be trusted?" Once any doubt is injected into this calculus, you have lost a great deal. Fortunes can be lost and rebuilt. Firings for things you did wrong where your credibility was not at issue almost always go away in the future. If you lose your credibility, however, that may never be regained.

First, this article examines what credibility is. An often loosely defined concept, credibility in the legal profession encompasses far more than you might be aware. Second, this article examines the reasons it is important to maintain credibility at all times. It also examines some of the more common causes of a loss of credibility.

While many of the messages in this article may seem self-evident, I do not believe they are. Paradoxically, it is almost always the most accomplished, aggressive, and talented people who often lose their credibility. Their motivation becomes such that years of achievement become ruined in one poor lapse of judgment.

Credibility in the Legal Profession Defined

Credibility can be defined in many ways. For the purposes of this article, credibility means several things: (1) It means never being dishonest; (2) it means never failing to make someone aware of the truth in circumstance where you should; and (3) it means not cutting corners and doing what you say you are going to do when you say you are going to do it.

1. Credibility Means Never Being Dishonest

If you lie in the course of your job, then you are toast. Most liars are exposed. People stop trusting them. Partners do not give them work. Clients stop doing business with them.

This sort of dishonest behavior is all too common. When it occurs, careers end quite often. You simply cannot be a good attorney and lie to others. This does not work.

2. Credibility Means Never Failing to Make Someone Aware of the Truth of Circumstances When You Should

This is one of the most common causes of a loss of credibility. This is also one

of the things that many attorneys actually do not think is dishonest, which I do not understand. Attorneys are supposed to be advisors. As an advisor, your task is to make others aware of information that can either help or hurt them. When dealing with clients, this sort of behavior is paramount if you want to succeed. Holding back information can really hurt your credibility and do long-term damage to your career.

One of the most common examples of this is the prosecutor who does not turn over exculpatory evidence simply because he/she is not asked for it. These sorts of prosecutors can become pariahs in the legal community. More important, when you are an attorney working for others, you are expected to make your superiors aware of information that they should know. If you have failed to do something, or have done something that others should be made aware of, you need to make them aware of this.

As an attorney, others will trust you if you make them aware of information they should know. Keeping silent can often be construed as lying. There are numerous examples I could get into here. Nevertheless, if you do this, then you are hurting yourself and getting yourself into a situation where you may not be trusted.

3. Credibility Means Doing What You Say You Are Going to Do and Not Cutting Corners

I believe that this is the most common way to lose credibility among attorneys. In fact, I would estimate that this is also the single-largest credibility failure that I have ever seen an attorney get in trouble for.

First, if you say you are going to do something, then you should ensure that you do it. No questions asked. If you cannot be trusted to get something done, then you are sending all sorts of negative messages to your employer. There are always excuses for not completing work or not doing this or that. However, you need to be trusted as someone who will get things done if you say you are going to do it.

Second, you should never cut corners when you do work. This is also a credibility issue. If you are going to do something, you should do it in a professional and serious manner. This sort of performance will win you a great deal of credibility. In addition, attorneys who carry out assignments this way are the ones that are most likely to get future work from clients and superiors. There are far too many people who do a half-assed job and do not complete work the way it should be done.

When I was about 20 years old, I met a man with a giant steel factory. He was an uneducated German immigrant who was competing in my hometown of Detroit with some of the world's major steel factories. One day, I met the president of a major automotive company to which he supplied a lot of steel. I told the president that I could not understand how this man was so successful because he appeared to lack business sense, certainly could not hobnob with other important executives, and more. The president told me one thing I will never forget: "He does what he says he is going to do and does it well. That's all he does. It's very rare."

Far too many people out there are out for a fast buck or a quick transaction. Become someone of integrity, and you will be trusted and thrive.

The Reasons It Is Important to Remain Credible at All Times

It is important to be credible because (1) it makes you human and therefore more likable and appreciated; (2) if you are not credible, people will fear dealings with you will lead to negative repercussions for them; and (3) if you are dishonest, you will constantly be reminded of your lack of credibility no matter where you turn.

1. Being Credible Makes You More Human and Therefore More Likeable

Everyone has probably seen a comedian perform at some point in his/her life. Typically, comedians will talk with true honesty about topics that most of us would never speak of publicly. Comedians may speak about sex, bathroom habits, or strange things they do. Regardless of the topic, most comedian topics are about things we can all relate to, but are afraid to talk about. One reason I believe people enjoy comedians is because they let us see who they are. We like people when we really see who they are.

The legal environment is extremely competitive. Most lawyers in most law firms spend a great deal of time trying to cover up weaknesses. They do this by not talking about what they cannot do; by not telling clients they have never worked on a certain type of project; by not speaking about negative performance reviews to peers; and, if they are associates, by not letting partners know an assignment did not get done in a timely manner because they were out having fun over the weekend.

This sort of posturing is part of what it means to be an attorney in many respects. I am not suggesting that this posturing is wrong. What I am

suggesting, though, is that a lot of attorneys take this posturing to an extreme. There are rarely reasons that are considered acceptable for not doing your job as well as it can be done. Nevertheless, if you are someone who works hard and is honest about your limitations and weaknesses, you will go far.

One of the hallmarks of the most successful attorneys and individuals I have ever dealt with is how little they engage in posturing. The most substantively successful people do not approach you with a tremendous degree of arrogance or confidence. Instead, in your dealings with them, they are always careful to point out to you what they know, what they can do, where their limitations are, and what they need to do in order to do what is being asked of them. This is an explicitly honest approach. It is also an approach that makes the people dealing with them like them more because they identify with where they are coming from vis-à-vis their limitations. Everyone has limitations. If you think about it, the reasons you like people like this are not too different from why comedians are likeable as well.

When you like someone more, you are not only more forgiving, you trust that he/she will ask the correct questions when carrying out assignments. You also identify with them because you too know that you have limitations. When you identify with someone and someone allows themselves to identify with you, you are creating a bond of sorts that makes your relationship stronger. In addition, when you let people know your limitations, they are more likely to reward a job well done than they would be were you not to do this at the outset.

I am not suggesting that you should not be self-confident. You need to be. The issue is how you let people know your limitations and how honest you are with those around you. When you are honest with those around you about your

imitations, they also feel that you will be honest in all your dealings with them. As a consequence, they will also be likely to open up to you more. You will learn more from the world around you and grow more than you would if you were to take a posturing stance. A posturing stance turns people off.

2. If You Are Not Credible, People Will Feel That Dealing with You Will Lead to Negative Results for Them

Two times in the past two years, I have come across attorneys who were terminated from their law firms for stupid reasons about one credibility result. In one case, an attorney was terminated only a couple of weeks before he was going to be formally installed as a partner in an Am Law 100 law firm. What happened in each of these cases was so remarkable in its simplicity and stupidity it is difficult to believe. An attorney was asked by a partner if he completed an assignment. The attorney said yes. The attorney had in fact not completed the assignment and was fired. In each case, I do not think the fired attorney found a new job for a great deal of time, if at all. Certainly, no good recruiter would represent someone who was dishonest like this.

The reason this simplistic-sounding piece of dishonesty-like most dishonesty-results in such drastic actions is because it has the capacity to hurt other people. If an associate tells a partner he/she did something and actually did not, the partner's dealings with a client will be governed by this. The result is that the partner could lose a client and, in losing a client, could hurt his/her own career.

Time after time, attorneys engage in one stupid episode of dishonesty after another. In the above example, the rationale may be to look competent for a moment or two in a partner's presence. Who knows? Regardless, these sorts of

episodes of dishonesty ultimately harm other people.

Everyone is certainly familiar with the trials of Martha Stewart, Dennis Kowalski, and others on various sorts of fraud and insider-trading charges. Each of these episodes looks harmless enough on the surface. Nevertheless, they ultimately harmed investors and others who relied upon the dishonest representations of the individuals at issue.

When you are dishonest with others, they are put in the position of not knowing if up is up or down is down when they are dealing with you. They simply have no way of knowing because your own motivations for being dishonest are completely unknown to them. This does you absolutely no good. People will actually fear doing business with you and will steer completely clear of you.

This is something I have noticed over and over again in the attorney-placement business. When a recruiting firm decides to cut corners and be dishonest in one respect or another, law firms and others in the legal community quickly learn of this dishonesty. As a consequence, they do not know if what the recruiter is saying is right or wrong. They do not trust the recruiter and cease doing business with him/her completely. Because it is a small industry, other law firms and employers quickly learn about the recruiter's dishonest ways. Very shortly, the recruiter may be out of business.

If you want others to deal with you, you need to have credibility.

3. If You Lack Credibility, You Will Be Constantly Reminded of This and Will Die by Your Own Sword

A lot of times, people who do something dishonest are under the impression that they can do one dishonest thing, get away with it, and will then be ahead. This is rarely the case. When you lack credibility, you will be constantly reminded of it. This is the case whether you do one thing wrong or numerous things wrong.

One of the most common forms of dishonesty is the lie. There are different categories of lies. There is something as benign as calling in sick when you are not really sick. On another level, there are things like lying about whether an assignment was completed or lying about what a law means so that you can do something you want to do. The issue with these sorts of lies is that if you tell one, you may often have to tell many lies to cover up for your past lies. The more lies you tell, the more you have to tell. Pretty soon, lying becomes a full-time occupation, and the lies just continue to build upon themselves. This is almost always disastrous.

In addition, a lot of people think that if they are dishonest with one person and keep their dishonesty confined to one person, they will be okay. This is rarely the result. When this sort of thing occurs, they do not ever contemplate that they may have turned the people they were dishonest with into their own personal "negative marketing vehicles." Moreover, if you upset one person through your dishonesty, the chances are you will see them again and again and again. How you deal with the guilt from upsetting them is up to you. You need to understand, however, that you will likely have guilt and will have to deal with someone who reminds you of your dishonesty for a long time.

Conclusions

One of the most important aspects of your legal career is your credibility with both your peers and superiors. For many attorneys, credibility comes naturally. For others, they are always looking for a way to cut corners-or are simply dishonest. Those who cut corners and lack credibility never come out on top. In fact, their failure (or mediocrity) is all but assured.

Job seekers often do not understand that they have reputations and that these reputations are fragile things. The most important thing you can do for your reputation is approach your work with honesty. Err on the side of credibility.