

What About the Other “R”?

by Keith A. Call

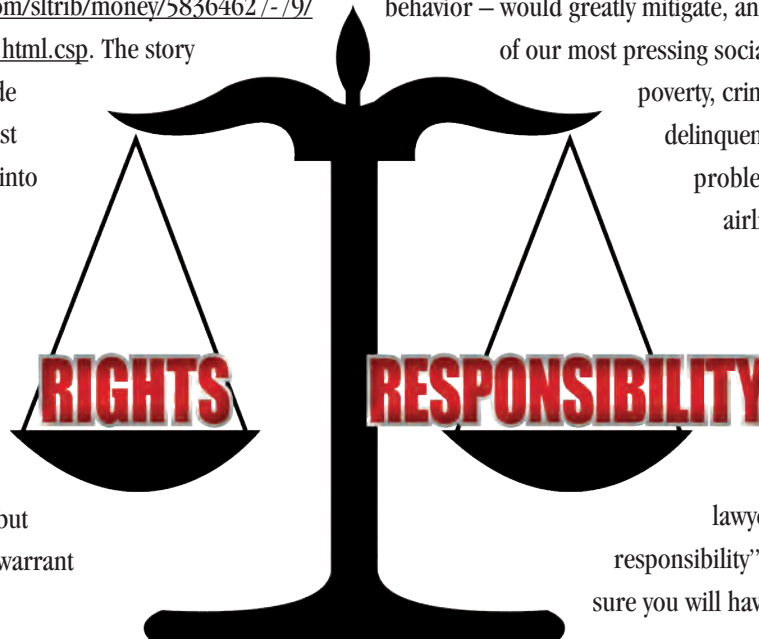
As I write this, a headline in the *Salt Lake Tribune* reads, “Three recent flights made unscheduled landings after fights over [reclining] seats.” Scott Mayerowitz, *It’s No Longer Safe to Recline Your Airplane Seat*, SALT LAKE TRIBUNE, Sep. 2, 2014, available at <http://www.sltrib.com/sltrib/money/58364627-79/passengers-seats-airlines-flight.html.csp>. The story reports: “Three U.S. flights made unscheduled landings in the past eight days after passengers got into fights over the ability to recline their seats. Disputes over a tiny bit of personal space might seem petty, but for passengers whose knees are already banging into tray tables, every inch counts.” *Id.* The news story itself is forgettable, but the underpinnings of the story warrant thought and discussion.

The story is about the exercise of “rights” – the right to recline an airline seat vs. the right to protect one’s personal space. As a society, we have become quite good at exercising our “rights” muscles. There are many outstanding examples of brave Americans who have stood up for rights, from John Adams to Jackie Robinson. Our country has historically relied on lawyers to protect and promote personal and collective rights.

Today, we still rely on lawyers to be at the forefront of the battle. It’s what we do. Most lawsuits are about protecting the rights of our clients. Enormous social change has been brought about by lawyers seeking to redefine and enforce individual rights. The world is a better place because of lawyer heroes like Thurgood Marshall, Clarence Darrow, and, of course, Abraham Lincoln.

But isn’t there another “R” that has equal importance with “rights”? Imagine the impact in the world if our society placed the same emphasis on “Responsibility” as it does on “Rights.” Responsible behavior – and its close cousin, restrained behavior – would greatly mitigate, and possibly eliminate, some of our most pressing social problems, including poverty, crime, juvenile (and adult) delinquency, and maybe even social problems involving reclining airline seats.

As leaders in society, lawyers can also be on the front lines of the battle for responsible behavior. How can lawyers be activists in “civil responsibility”? Here are a few ideas. I’m sure you will have many others.



Represent Clients Competently and Zealously.

Our judicial system is designed to seek truth through an adversarial process. The process works best when lawyers provide the best possible preparation and advocacy for their clients. Lawyers have a responsibility to work vigorously for their clients within the adversary system.

KEITH A. CALL is a shareholder at Snow, Christensen & Martineau, where his practice includes professional liability defense, IP and technology litigation, and general commercial litigation.



Be Civil.

Civility and zealousness can and should co-exist. Lawyers have a responsibility to follow the Utah Standards of Professionalism and Civility. These standards should set a minimum bar. I previously wrote about the need for lawyers to strive to exercise good character as lawyers and in life, above and beyond minimum written standards. *See* Keith A. Call, *Don't Use Your Head*, 25 UTAH B. J. 38 (Sept./Oct. 2012).

Do Pro Bono work.

Access to justice continues to be one of the biggest problems with our judicial system. As lawyers, we are stewards of the people's justice system. We have more ability to address the judicial access problem than any other segment of society. Lawyers have a responsibility to assist people who can't otherwise afford to pay for access to the legal system.

Do Good. Be Good.

Pro bono work is not the only way to alleviate access to justice problems. Lawyers can be advocates in a larger sense for breaking down barriers that limit judicial access. Lawyers can also be powerful agents for change in society at large. We have a responsibility to use our education, skills, and training to improve society. We should exercise our "responsibility" muscles every day by looking for opportunities to help and serve others.

Whether practicing law or walking down Main Street, lawyers should develop a constant mindset of making the world a better place for others. By exercising our "responsibility" and "restraint" muscles, we can take upon ourselves a little extra burden for the overall good of society. So consider taking public transportation or riding your bike instead of driving your car to work every day. Allow the car driving next to you to merge. Give a little extra to the Utah Food Bank or other charities. And if you can, don't recline your seat on airplanes even if the person in front of you does.



Matthew B. Purcell | Commercial Litigation, Medical Malpractice Defense & Professional Liability Defense



Robert W. Lin | Commercial Litigation, Intellectual Property Litigation & Professional Liability Defense

Meet Our New Attorneys

Snow, Christensen & Martineau is pleased to announce that **Matthew B. Purcell** and **Robert W. Lin** have joined our firm of skilled attorneys.

SNOW
CHRISTENSEN
& MARTINEAU

801.521.9000 · www.scmlaw.com