



A REPORT TO MEMBERS OF
THE SOUTH CAROLINA BAR
YOUNG LAWYERS DIVISION

An Iron Fist in a Velvet Glove

Balancing Zealous Advocacy with Civility in the Trenches of Litigation



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French Emperor Napoleon Bonaparte is often credited with having first used the expression of an “iron fist in a velvet glove” to signify that firmness can be couched with outward gentleness.

As lawyers, we must go beyond Napoleon’s timeless metaphor by communicating our clients’ position in balancing perhaps the two most important tenants of our profession’s oath: being zealous advocates for our clients while employing fairness, integrity, and civility to our adversaries.

As South Carolina lawyers, we all take the same oath. It hangs framed in my office and likely yours, too. We all pledge “fairness, integrity, and civility, not only in court but also in all written and oral communications.”

But let’s be honest—in the heat of contentious litigation, few things feel better than sending the fiery email or letter to opposing counsel when they have it coming.

Zealous Advocacy x Civility

As lawyers, we’re bound by our professional responsibility to advocate zealously for our clients. This mandate, enshrined in the Supreme Court’s Lawyer’s Oath, is at the heart of our state and nation’s adversarial legal system. However, it is equally imperative that we balance this zeal with civility and respect towards opposing counsel, the court, and all parties involved. This balance is not merely a matter of ethical compliance; it is crucial for the integrity of the legal profession and the administration of justice.

The Essence of Zealous Advocacy

Zealous advocacy is the passionate, aggressive, and competent representation of our clients’ interests. We do this through



preparation, strategic thinking, and unwavering commitment to achieving the best possible outcome within the facts of our case and the bounds of the law. This duty is fundamental to the lawyer-client relationship and our adversarial system, ensuring that every side of a dispute is robustly presented and adjudicated. Clients hire us to fight and win for them.

Civility: The Cornerstone of Professionalism

Civility, on the other hand, is how we conduct ourselves with dignity, respect, and courtesy. It involves recognizing the humanity of our opponents, the neutrality of our judiciary, and the importance of maintaining public confidence in our legal system. Our opponents are our neighbors, our classmates, our fellow church members, our friends, and our fellow officers of the Court.

But in practice, what really is civility? It’s granting the extension (the first time, at least!). It’s refusing the urge to tell the Court how lackluster and downright unresponsive opposing counsel has been while sticking to the factual and legal merits of your motion. It’s treating your opponent’s client with respect, dignity, and grace in their deposi-

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tion, even though they don't deserve it. It's acknowledging the merits (even if limited) of your opponent's position without degrading them, their client, or their case. Only losers punch down.

Civility promotes a more efficient and less contentious legal process, reduces stress and burnout among lawyers, and enhances our profession's reputation. Just do it.

The False Dichotomy

There's a common misconception that zeal and civility are mutually exclusive. Some lawyers believe that being civil signals weakness or a lack of preparation and mastery of their client's case and position. After all, the lawyers on TV and in the movies aren't civil, right? True professionalism involves integrating both these elements seamlessly. Effective advocacy does not require rudeness or hostility; in fact, these behaviors can be counterproductive, alienating judges and juries and undermining one's credibility. In sum, you catch more flies with honey than vinegar.

How Do You Balance Zeal and Civility?

1. Preparation and Communication:

Thoroughly prepare your case and communicate effectively with opposing counsel. Know the file and don't bluff. If opposing counsel calls to discuss a pending matter before the Court, get your ducks in a row before taking or returning the call.

2. Professional Courtesy: Extend courtesies such as agreeing to reasonable scheduling requests. Call opposing counsel when a new matter

arises, introduce yourself, and learn the lay of the land. Build a relationship with your opponent. And again: grant the extension.

3. Emotional Intelligence: Manage your emotions and maintain composure, especially under stress. This can help de-escalate conflicts and promote more productive interactions.

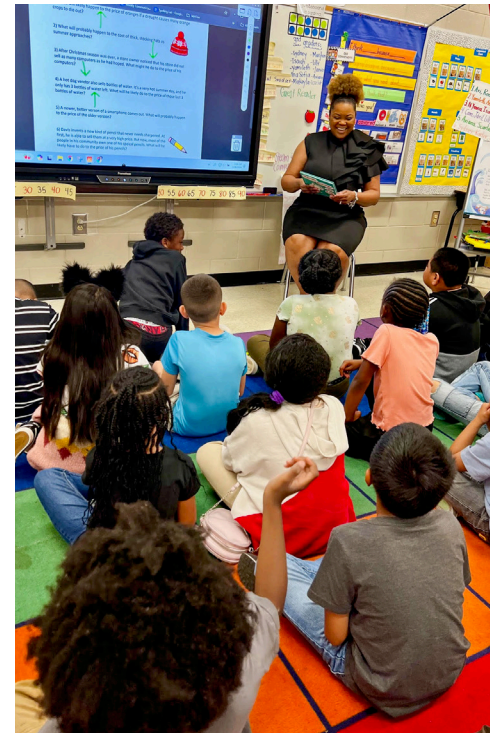
4. Modeling Behavior: Lead by example, demonstrating to other attorneys that civility is a strength, not a weakness. Encourage a firm culture that prioritizes respectful and ethical behavior.

5. Mindfulness of Language: Be mindful of your language in written and oral communications and remember that any email may end up before a Judge. Strive for clarity and precision without resorting to inflammatory or derogatory remarks while still reminding opposing counsel why you're right.

Conclusion

Napoleon's expression of "an iron fist in a velvet glove" aptly captures the essence of civility in the legal profession. One can be both firm and gentle, strong and courteous. In legal practice, this means that we, as young lawyers, can vigorously defend and pursue our clients' interests. Wield the "iron fist" of legal expertise and tenacity—while simultaneously demonstrating the "velvet glove" of respect, politeness, and professionalism. This duality ensures that while justice is pursued with unwavering determination, it is done so in a manner that honors the dignity of all involved.

What's Been Happening?



Above: As a part of Community Law Week, Young lawyers visited elementary schools across the state to read to children.

Below: The Diversity and Membership Committees joined forces for a "Saturday at the Museum," where members of the YLD were invited to visit the International African American Museum in Charleston. YLD members interacted with other young lawyers as they explore the rich and unique heritage of Charleston and the State of South Carolina.





The YLD continued its Cinderella and Prince Charming Project boutiques statewide, which allow high school students to shop for free prom attire and accessories. Students from Charleston and Orangeburg County enjoyed their shopping experience, and the Young Lawyer volunteers enjoyed serving as sales associates!

Letter from the President



How is it summer already? As we approach the halfway mark of 2024, the end of my tenure here looms. I am equal parts thankful and relieved; this

Bar year has been busy! We have held numerous collection drives, for teddy bears, books, school supplies, and more. The Cinderella Project was a smashing success, as always. The Legal Feeding Frenzy competition raised thousands of dollars for South Carolina food banks (and the South Carolina Commission on Indigent Defense once more beat all of the solicitors' offices). We planned various events during Community Law Week, including Palmetto Pages, iCivics Day, and a legal clinic in Hartsville. The Bar Convention was a rousing success (even if the oysters were in short supply). We educated our members at a Legal Aid University CLE in the fall. Young lawyers worked with law students to prepare free tax returns for South Carolina residents.

We somehow balanced all of that on top of our otherwise busy lives. Each of us works at a job for hundreds of hours a month. Many of us are raising families, caring for loved ones, and cleaning up after pets. We struggle with bosses, clients, and opposing counsel. Yet through it all, we are all young lawyers. As corny as it may sound, I can't imagine my first ten years of practice without this organization and its people. I've made lifelong friends, traveled to new states, spoken in favor of countless resolutions, and tried to help a few

people along the way.

The YLD has been a big part of my life since 2016 or so; it's hard to believe I'll be aging out soon. And as I reflect on my time as President (and try to ward off a minor existential crisis), I find myself fighting the passage of time. It's weird watching sports as a 35-year-old. For the longest time, professional athletes were older than me. Now I have three kids, gray hairs, and limited free time. Through my over-commitment, I've learned the value in prioritizing how I use those "extra" precious hours in the evenings and on the weekends.

So although you may expect the outgoing YLD President to encourage you to get involved with the YLD (and you should), my advice is a little different. Grant that extension to opposing counsel. Be the most prepared person in the room. Take the time to appreciate your support staff. Stick around after a CLE to clean up or talk with the speakers. Leave work early once in a while. Text your classmates and invite them to lunch. Check on those around you. And, if you have the time and feel so inclined, maybe join a YLD committee :)

Before long, we'll be judges, legislators, partners, executive directors, and more. So as you get older, remember you were once a baby lawyer. Extend some grace to others but don't forget about yourself. As Dr. Seuss wrote: "Be who you are and say what you feel, because in the end those who matter don't mind and those who mind don't matter." I look forward to welcoming

Stars of the Quarter

- Ally Burch**
- Jacob Godwin**
- Chris Fedalei**
- Meghan Gasser**
- Anna Pruitt**
- Zandra Scott**
- Kristy Abd-El-Malak**
- Jordan Cox**
- Creighton Segars**
- Jordyn D'Andrea**
- Lucius Lafitte**
- Taylor Currin**
- Jessica Saxon**
- Sarah Shipe**
- Megan Feltham**

President's Awards

- Ally Burch**
- Phylcia Coleman**

Mike Burch into this role, supporting him, and getting to know you better in 2024-2025. Thanks once again for an incredible year!

Warmest regards,

Taylor D. Gilliam
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