



It's a Small World

I think the Arizona Supreme Court should require all lawyers to go to Disneyland. "Why?" you ask. Because it will enhance our professionalism.

"How will that happen?" you wonder.

Well, have you been to Disneyland with your kids, or did you go as a child? Did you take the boat ride through the attraction called "It's a Small World"? If you did, you left the ride with the repetitive lyrics of its theme song, which plays over and over and over throughout the ride, stuck in your head:

*It's a small world after all,
it's a small world after all,
it's a small world after all,
it's a small, small world.*

(If you can't relate, click on <http://disneyland.disney.go.com/dlr/detail/attraction?id=itsasmallworldAttractionPage> and play the song over and over for about five minutes.)

I used to think that the ride and the song were only about global unity and peace and harmony, but then I realized its message for lawyers.

"So just how will enduring a kiddie ride at Disneyland improve professionalism?" you challenge.

Here's how.

First, once anyone hears the monotonous song, they will never forget the simple words (or the annoying tune either, but it's the words that are more important).

Second, by taking the words "it's a small world" as an admonition. In short, if lawyers are exposed to the song and heed its admonition, they will act more professionally.

"That's silly!" you scoff.

Not so, because the corollary of "it's a small world" is the familiar proverb "what goes around, comes around." Consequently, if lawyers conduct themselves as though they live in a small world, they will act more professionally.

"But we don't live in a small world," you assert.

I disagree, although there are now more than 12,000 lawyers actively practicing in Arizona and hundreds of judges. Some therefore seem to think that they can disregard professionalism—and sometimes even ethics—apparently on the theory that the chance of encountering

the same lawyer or judge again is slight. Those who think so are shortsighted.

How quickly "what goes around, comes around" will vary. Which reminds me of the Ninth Circuit judge who was visiting San Francisco to hear oral arguments. One morning before going to the courthouse the judge went to the exercise room in his small hotel to work out on the treadmill. There was only one, and it was being used when the judge arrived, but the sign in front of the treadmill said that use was limited to 20 minutes. So the judge waited. More than 30 minutes later, the other guest finally ended his workout and surrendered the treadmill to the judge. Later that day as the judge took the bench he looked out at the table of appellant's counsel and his eyes met those of the same person he had seen on the treadmill that morning. Thus proving that it can indeed be a small world. (As an aside, this anecdote also illustrates that we must be mindful of our conduct even outside the professional context.)

Of course, not every social or professional offense will so quickly come around. But there is no protection or anonymity among the thousands of practicing lawyers. Consider the age in which we live and practice, the age of computers and of rapid and widespread dissemination of information. It's a lot easier today to learn a lawyer's reputation by asking around using e-mail or searching the Internet. In mere minutes one can develop a list of cases in which a lawyer has been involved and identify that lawyer's opponents, who can then be contacted for a report. There may be more lawyers in the world, but thanks to technology it's a smaller world.

So practice law like it's a small world. I'll see you at Disneyland.

How will enduring a kiddie ride at Disneyland improve professionalism?



Charles Wirken