

The Uniform You're Wearing

P hilmont is the mountainous Boy Scouts wilderness facility in New Mexico, ideal for vigorous backpackers and skilled outdoorsmen.

I've been there, too.

On the eve of our 50-mile trek under the lash of a stripling-tyrant, my son the "crew chief," Scoutmasters and Scouts sat restively in our kerchiefs and khakis as the staff of older Scouts readied a skit.

Before beginning, the emcee said simply, "One of our cast members has different abilities from the rest of us. So . . . remember the uniform you're wearing."

Soon his point was clear. One staffer had profound difficulty speaking and gesturing. But we sat attentively and respectfully, and that thespian drew the warmest applause.

Over the next several days—lumbering under my hulking pack—I'd pause from contemplating *causa mortis* gifts to reflect on what that young man said when he told us to remember the uniform we wore.

He could have admonished us to be courteous, but he didn't have to. The Scout Law says that a Scout is "courteous." He could have urged us to be kind, but that's in there, too. Ditto for "friendly" or "helpful." The emcee didn't have to say *any* of those things because he said *all* of those things.

With just a reminder about our uniform.

And he said one thing more.

That we weren't autonomous, disassociated free agents, but instead representatives of an organization that placed high demands on us. Unworthy behavior diminished not only us, but others; not only there, but elsewhere; not only then, but thereafter.

And all he said was, "Remember the uniform you're wearing."

Respectfully, if you think we lawyers don't wear a uniform, you may be living in some parallel universe. With Elvis. People *know* we are lawyers, and they are taking the measure of us—*all* of us.

Consider clothing. With today's casual dress code, I'd be less conspicuous toggled out as a Vegas showgirl than going about in my dark suit.

And when style alone doesn't settle it, setting does. It doesn't take a Nostradamus to know that a smartly dressed woman, carrying an attaché case into the Harris County Criminal Justice Center, is a lawyer. Which was how defense attorneys Vivian R. King and Deborah Keyser were attired when each first met Rick Johnson.

When Johnson died last December, King, Keyser, and many others in the Houston legal community mourned. But Johnson wasn't a lawyer. For 15 years, Rick Johnson sold sundries, happily greeted passersby, boisterously promoted attorney friends, and sang uplifting songs outside the courthouse.

And he did one thing more. As attorney Chris Tritico observed, Johnson distributed "30 seconds of happiness outside a place that dispenses headache every day."

Johnson initially sold only umbrellas, so sunny weather wilted revenues. Keyser and her husband, attorney James Stafford, retooled Johnson's business plan by diversifying him into M&M's; then they and other lawyers urged colleagues to buy from Johnson. The business uptick earned the then-homeless Johnson an apartment, a truck, and a sobriquet—"Candy Man."

But last summer, he disappeared. Eventually, King found Johnson—

bedridden with stage 4 colon cancer.

There was a steady procession of lawyers and others from the courthouse

family to his side. Lawyers raised money and procured a Christmas tree. Attorney Kent Schaffer paid for nursing care to cover shifts when hospice was unavailable. Johnson's story—and how those lawyers helped him—spread by newspaper, television, radio, and social media. But alas, in the early morning hours of December 8, Candy Man passed away.

One question.

When non-lawyers learned what these lawyers were doing, how did they react? Did they think better of *only* those lawyers? *Only* Harris County criminal defense lawyers? *Only* Houston lawyers?

Not a chance.

They thought better of *lawyers*—*all* of us. That handful of lawyers burnished the reputations of all 100,000 members of our bar.

Just like the Dallas big-firm lawyer did when he took his second pro bono death row appeal. Or the Tyler plaintiffs' attorney did when he comped taxi rides for holiday revelers. Or the El Paso judge did when he and lawyers from the public defender's and district attorney's offices staged mock trials for deaf elementary school students. Or the San Antonio solo did when he sponsored high school debaters to attend bar events, hoping to inspire them to don our uniform one day.

When Lord Robert Baden-Powell founded the Boy Scouts he insisted on uniforms because a uniform "covers up all differences" and thus builds community. And that sense of belonging conferred by a uniform can be profoundly uplifting. The six-decade L.A. Dodger, Tommy Lasorda, loved doubleheaders: "That way I get to keep my uniform on longer."

Our profession falls frequently under assault—*all* of us. The distinctions we so assiduously draw between ourselves based on firm size, practice area, location, and the rest are beyond irrelevant to the public—they're invisible.

Because we all wear the same uniform.

And one thing more.

We are representatives of an organization that places high demands on us—often via words of Scout-like simplicity. "Trustworthiness," "loyalty," "courtesy," "honesty," "help," "respect"—they all appear in our Disciplinary Rules of Professional Conduct. They all come with the uniform.

February 8 is the 107th anniversary of the founding of the Boy Scouts of America. February 22 is the 77th anniversary of the first disciplinary rules approved by the Supreme Court of Texas. That concurrence makes it an apt time to remember the uniform you're wearing.

Thus, to those who still think our reputational challenges are solely the responsibility of "that *other* kind" of Texas lawyer and not "*my* kind"—please reconsider; remember the uniform you're wearing—in fact, that we *all* are.

Failing that, say "hi" to Elvis for me.



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