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Are you motivated solely by profit?

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When attorneys raise their right hand and take an oath, they become an integral part of the judicial system.

As such, we actually become part of the third branch of our government, a branch which is necessary to allow our government to function within the checks and balance system envisioned by the framers of our Constitution.

As a part of the judicial system, everything attorneys do is perceived by the public as having an effect on the integrity of that branch of government. Additionally, we live in a capitalist society, one which rewards good work, new ideas, willingness to take risks and success in business.

This is surely what it should be, but the mainstream function of business in our society cannot override the inherent need to preserve the honor and integrity of the profession of law.

In a later column I will address the inherent difficulties in allowing the practice of medicine to be a profit-driven, purely business oriented paradigm, but since that conclusion is based on different reasoning, I think it's best to stick with the practice of law as it relates to the purely business profit-driven motivation.

When successfully practiced, honor and integrity will allow an attorney to make a very good living, if that's what he or she deems to be important in his or her own life.

However, in recent years, a brilliant business paradigm has

been used by some members of our profession, who allow motivation for profit to override our role in society. Our function as officers of the court, coupled with our duty to uphold the best interests of our clients, should never be influenced by sheer greed, or the function of the profit motive. Doing so essentially pits an attorney's own interests against those of his or her clients. This is particularly rampant in a "mill style" personal injury practice, which is predicated on the position that the ability to obtain voluminous numbers of files — which can be settled by the gross — yields a very profitable business profit.

This might be acceptable but for the fact that, ultimately, there is a tension between settling many cases for pure profit, rather than actually expending the effort necessary to maximize results for each client.

An attorney must never succumb to being influenced by the overall concept that the practice of law, and the inherent ethical and personal obligations, can be allowed to become subservient to the almighty dollar.

We must do our best to keep this from continuing.

Robert L. Brenna Jr. is a partner in the Rochester law firm of Brenna, Brenna & Boyce PLLC, which his father founded. He is president-elect of the New York State Academy of Trial Lawyers and concentrates his practice in the areas of estates and trusts and catastrophic personal injury. Brenna also hosts a popular Sunday morning radio program entitled 'The Brenna & Brenna Law Forum,' on WHAM 1180 AM and online at 8 a.m. at www.wham1180.com.

