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Local attorney discusses bullying in the legal world

Idaho State Bar president discusses troubling trend in power positions

By Samantha Malott
Daily News staff writer

Tim Gresback, president of the Idaho State Bar, says the majority of attorneys are doing great work, but he believes the growing trend of accepting bullying in the

legal profession has become disturbing.

"Attorneys are in a position of power and with that power comes great responsibility," he said.

During the past six months, Gresback has been addressing the challenges of bullying within the legal system, an idea

which he said led him into the world of psychopaths. Gresback said he, the Idaho State Bar Board of Commissioners and the bar counsel presented the information he gathered on a roadshow around the state throughout November.

According to Oxford University profes-

sor Kevin Dutton, the legal profession has the second largest percentage of psychopaths, trailing only CEOs.

Gresback said psychopathy, like autism, is viewed on a spectrum. Some can be low on the spectrum, with only a few tendencies, while others can be

See BULLYING, Page 10A

Bullying

from Page 1A

full-blown psychopaths who "really don't have any human emotion or empathy," he said.

Those individuals with little empathy may be better to handle the more gruesome crime scene photos or death penalty cases, he said. Such individuals are now being referred to as "functional psychopaths," he said.

"Professor Dutton contends that functional psychopaths possess many of the attributes that fuel success for the CEO or lawyer: coolness under pressure, fierce determination, supreme self-confidence and social charm. Dutton points out that some leaders, like Presidents John F. Kennedy and Bill Clinton, exhibited distinctive psychopathic traits. For Dutton, functional psychopaths are not a social negative but a social positive," Gresback wrote in a September article in *The Advocate*.

Problems can arise when there are two very different people colliding in the courtroom, such as one

higher on the spectrum and one lower, he said.

"I've seen its detrimental effects in the courtroom," he said.

Bullying itself is hard to define, he said, and can play out in a variety of ways in the legal system, such as vilifying all actions from the other side, harassing or interrupting witnesses or deposition questioning and yelling in the courtroom.

He said it makes sense to use a stern voice to get a point across, but yelling or using a harsh voice can have the opposite effect. Everyone will begin paying attention to the lawyer, not the witness, he said.

"I think the jurors resent it," Gresback said.

Gresback said the best lawyers are able to have a conversation with the courtroom, witnesses or other lawyers, while still getting their point across and having complete control of the situation.

"The ones I respected the most ... were, unlike me, not angry all the time. They went out of their way to treat people with respect, just like I wanted to be treated. I came to conclude that not only can 'nice' coexist with 'effective,' but they are

indispensably interconnected. It's called professionalism," Gresback wrote in an August article in *The Advocate*.

Everyone can be a bully to some extent, he said.

"We learn how easy it is to vilify the other side and interpret every move as underhanded," he said. "You have to believe your client, but it takes professional maturity not to consider the other side as the devil or that all they do is underhanded."

Lawyers bullying other lawyers or clients, and clients bullying their attorneys can push some to leave the profession. It can also cause clients and the community in general to resent attorneys or the legal process itself, he said.

"A lot of lawyers see it as a problem, a huge problem," he said.

He said it is a disturbing trend that it is seen as perfectly fine to taunt and call others names.

There isn't any easy solution, he added, but it is at least being talked about and acknowledged as an issue within the profession.

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