

Balancing Humility and Confidence: Is It Possible?

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“If you are humble nothing will touch you, neither praise nor disgrace, because you know what you are.”

— Mother Theresa¹

What Is Humility?

Most people probably do not think of the word “humility” when listing desirable traits for lawyers to develop. Indeed, humility—which can sometimes evoke thoughts of timidity, low self-esteem, and shyness—does not seem to fit with the loud, confident persona often portrayed by lawyers on television and in the media. Some might even go so far as to say that humility and confidence cannot coexist in one’s legal practice.

In this essay, we argue that humility and confidence *can* be balanced in one’s legal career, and that achieving this balance can actually help lawyers achieve a more ethical, successful legal practice. However, we cannot succeed in our argument without first defining a key term—humility. In the spirit of Mother Theresa’s quote, we will define humility as an accurate understanding and appreciation of one’s standing, including one’s

1. *Mother Teresa: No Greater Love*, p. 55, New World Library, 2002.

strengths and weaknesses. This definition of humility has been adopted not only by Mother Theresa but also by others in the fields of education and psychology.² This type of humility is not antithetical to confidence but can instead coexist with confidence; an accurate, full appreciation of one's own strengths and weaknesses, as well as the strengths and weaknesses of a case, client, and opposing counsel, can give a lawyer greater confidence in their practice.

Balancing Confidence and Humility

An examination of the Model Rules of Professional Conduct with this definition of humility in mind reveals that the drafters of the Model Rules actually incorporated this balance of confidence and humility into many of the Model Rules. This is particularly evident in those rules involving an attorney's relationship with clients, the court, opposing counsel, and potential clients.

Rule 2.1—Advisor

Model Rule 2.1 sets forth a lawyer's role as an advisor and specifically states that, when representing a client, a lawyer "shall exercise independent professional judgment and render candid advice."³ Comment 1 to Model Rule 2.1 further elaborates that clients are entitled to "straightforward advice expressing the

2. See, e.g., Vicki Zakrzewski, *How Humility Will Make You the Greatest Person Ever*, GREATER GOOD SCIENCE CENTER (Jan. 12, 2016), https://greatergood.berkeley.edu/article/item/humility_will_make_you_greatest_person_ever; Anna Katharina Schaffner, *What Is Humility & Why Is It Important? (Incl. Examples)*, POSITIVE PSYCHOLOGY (Aug. 27, 2020), <https://positivepsychology.com/humility>.

3. https://www.americanbar.org/groups/professional_responsibility/publications/model_rules_of_professional_conduct/rule_2_1_advisor/.

lawyer's honest assessment" of a case, and that, while a lawyer should endeavor "to sustain the client's morale and may put advice in as acceptable a form as honesty permits," a lawyer "should not be deterred from giving candid advice by the prospect that the advice will be unpalatable to the client."⁴

This guidance makes clear that, when advising a client, a lawyer needs to present advice in a confident manner that will sustain a client's morale. However, this confidence needs to be tempered with a strong dose of humility—namely, an accurate understanding of the client's standing and odds in the case. This rule also requires a lawyer to exercise humility by offering candid advice, even if such advice may not be what the client wants to hear. Ultimately, this balance of confidence and humility will lead clients to have more faith and trust in a lawyer's abilities because the clients know that the lawyer will be a zealous advocate for them, and also be truthful and realistic in their advice.

Rule 3.3—Candor Toward the Tribunal

Model Rule 3.3 also sets forth a need for both confidence and humility in a lawyer's interaction with judges.⁵ Model Rule 3.3 states that a lawyer must not knowingly (1) make a false statement of fact or law to the tribunal, or fail to correct such a statement, (2) fail to disclose to the tribunal a legal authority in the controlling jurisdiction that is directly adverse to the position of the client and not disclosed by opposing counsel, and (3) offer evidence that the lawyer knows to be false. Comment

4. https://www.americanbar.org/groups/professional_responsibility/publications/model_rules_of_professional_conduct/rule_2_1_advisor/comment_on_rule_2_1_advisor/.

5. https://www.americanbar.org/groups/professional_responsibility/publications/model_rules_of_professional_conduct/rule_3_3_candor_toward_the_tribunal/.

2 to Model Rule 3.3 further sets forth that “A lawyer acting as an advocate in an adjudicative proceeding has an obligation to present the client’s case with persuasive force”—that is, with confidence. However, “[p]erformance of that duty while maintaining confidences of the client . . . is qualified by the advocate’s duty of candor to the tribunal”—that is, the humility to give an accurate accounting of the law and facts to the court, even if that law or fact may not be favorable to the client.⁶

Here, again, this need for balance and confidence seems to be written into the Model Rules and comments themselves. A lawyer must be confident and prepared to effectively present a client’s case with persuasive force and to give a true, accurate account of the facts and law. However, a lawyer must also have the humility to disclose potentially unfavorable binding legal authority if not disclosed by the other side. Achieving this balance of confidence and humility will allow a lawyer to gain credibility with the court and create a reputation of integrity and reliability before the tribunal.

Rule 3.4—Fairness to Opposing Party and Counsel

Model Rule 3.4 states that a lawyer shall not, among other things, “unlawfully obstruct another party’s access to evidence or unlawfully alter, destroy or conceal a document or other material having potential evidentiary value,” or “falsify evidence, counsel or assist a witness to testify falsely, or offer an inducement to a witness that is prohibited by law.”⁷ It forbids a lawyer from engaging in tactics that obstruct or undermine the

6. https://www.americanbar.org/groups/professional_responsibility/publications/model_rules_of_professional_conduct/rule_3_3_candor_toward_the_tribunal/comment_on_rule_3_3/.

7. https://www.americanbar.org/groups/professional_responsibility/publications/model_rules_of_professional_conduct/rule_3_4_fairness_to_opposing_party_counsel/.

opposing party's access to evidence or ability to present their case effectively; this includes prohibitions against altering evidence, influencing witnesses improperly, or failing to comply with proper discovery requests.

In the context of this rule, exercising humility can give a lawyer greater confidence. Humility under these circumstances means adhering strictly to the rule, even if it means setting aside personal ambition or a client's demands for victory at all costs. This kind of humility provides the confidence that one's actions will withstand scrutiny, eliminating the risk of sanctions. More importantly, it fosters a reputation among other lawyers that one's word can be trusted, even in the heat of adversarial proceedings.

Rules 7.1 and 7.2—Advertising

Model Rule 7.1⁸ states that a lawyer must not make “a false or misleading communication about the lawyer or the lawyers services,” which includes omitting necessary facts that might make the communication misleading and creating unjustified expectations of certain results.⁹ Additionally, Model Rule 7.2 states that a lawyer must not state or imply that the lawyer is certified as a specialist in a particular field except under very specific circumstances involving certification by the relevant authorities in the jurisdiction where the lawyer is admitted to practice law.¹⁰

As these rules indicate, confidence and humility can play out uniquely in the context of a lawyer's advertising. In the

8. https://www.americanbar.org/groups/professional_responsibility/publications/model_rules_of_professional_conduct/rule_7_1_communication_concerning_a_lawyer_s_services/.

9. See MODEL RULES OF PRO. CONDUCT r. 7.1 cmts. 2 and 3.

10. https://www.americanbar.org/groups/professional_responsibility/publications/model_rules_of_professional_conduct/rule_7_2_advertising/.

context of advertising to the public, the Model Rules allow us to market our skills to the public and share our credentials, skills, and achievements with confidence. However, the Model Rules also build in humility checks to temper any overconfidence that lawyers may tend toward when trying to gain new clients. Humility—having an accurate understanding of one’s abilities and experience—helps a lawyer produce advertisements and communications that are truthful and contain all the necessary facts and information to prevent the communication from being misleading. This will allow lawyers to be confident in their public-facing persona and express their achievements and levels of expertise in compliance with the rules.

Rule 1.4—Communication

Model Rule 1.4 requires lawyers to keep clients reasonably informed about the status of their legal matters.¹¹ Under Rule 1.4, the “status” of the client’s case includes a requirement to disclose any material mistake made by the lawyer that is discovered during the representation.

ABA Formal Opinion 481 explains what is required under Model Rule 1.4 when a mistake is discovered.¹² In the Opinion, a mistake is defined as “material” if a disinterested lawyer would conclude that the mistake is reasonably likely to harm or prejudice the client or the mistake would reasonably cause the client to consider terminating the representation even if it does not lead to immediate harm.

This embodies the true test of a lawyer’s humility and confidence: A lawyer must have the humility to recognize when a

11. https://www.americanbar.org/groups/professional_responsibility/publications/model_rules_of_professional_conduct/rule_1_4_communications/.

12. [https://www.abajournal.com/files/Formal_Opinion_481_FINAL_formatted_04_16_2018\(2\).pdf](https://www.abajournal.com/files/Formal_Opinion_481_FINAL_formatted_04_16_2018(2).pdf).

mistake has been made, and the confidence and strength to disclose such a mistake to the client openly and honestly.

As Alexander Pope famously said: *To err is human; to forgive, divine*. All lawyers are human, and clients will typically forgive a lawyer's mistakes, provided the admission comes swiftly and fully, and with a plan for rectifying the mistake, where possible. It is those instances in which a lawyer refuses to exercise humility, and their mistakes are hidden and allowed to fester, that can ruin a case and client relationship. On the other hand, humbly admitting a mistake but confidently pressing forward to remedy the mistake can often salvage, and eventually even strengthen, a client relationship.

Conclusion

The practice of law demands a delicate balance of confidence and humility to cultivate integrity and achieve success. Confidence empowers lawyers to advocate zealously for their clients, make decisive judgments, and navigate the complexities of the legal system with assurance. It is humility, however, that keeps them grounded, fostering a commitment to ethical standards, continuous learning, and the acknowledgment of their own limitations. By harmonizing these traits, lawyers not only uphold the principles of justice and fairness but also build a reputation for reliability and trustworthiness, paving the way for a distinguished and honorable career.