

Targets and Bystanders: Strategies for Responding to the Bullies Illinois Lawyers Face

Summary

In October 2024, the Illinois Supreme Court Commission on Professionalism published a report on the experiences and impact of workplace bullying based on a study of more than 6,000 Illinois lawyers.

Lawyers who participated in the study identified the individuals below as responsible for the most recent bullying incidents that they faced:

- A lawyer who worked in a different firm/company (e.g., opposing counsel) – 33%
- A lawyer in the same firm/company in a more senior or very high-level position – 31%
- A judge – 14%

During this session, Illinois Appellate Court Justice Sharon O. Johnson and John Kim, Associate General Counsel at Edward Jones, will provide attendees with practical strategies lawyers can use to respond to bullying in legal workplaces, whether they are being targeted by the bullying or are a bystander or witness to it.

In addition, Commission on Professionalism Executive Director Erika Harold will review key findings of the report and the steps the Commission is taking to address bullying in the legal profession.

Learning Objectives

- Describe the prevalence of bullying in the legal profession.
- Identify the types of individuals most likely to bully lawyers.
- Identify the most common types of bullying behaviors in which these individuals engage.
- Identify strategies lawyers can use to address bullying, whether they are being targeted by it or witness it as a bystander.

Outline

- I. **Key data regarding bullying in the legal profession from the [Bullying in the Legal Profession Report](#) published by the Commission on Professionalism.**
 - a. Prevalence of bullying in the legal profession.
 - i. 1 in 4 lawyers reported having been bullied in the last year.

- ii. Female lawyers (38%), younger lawyers (39%), lawyers of color (up to 36%), lawyers with a disability (38%), and LGBTQ+ lawyers (29%) reported having been bullied more frequently.
 - b. Types of individuals reported to have bullied Illinois lawyers.
 - i. A lawyer who worked in a different firm/company (e.g., opposing counsel) – (33%).
 - ii. A lawyer in the same firm/company in a more senior or very high-level position - (31%).
 - iii. A judge – (14%).
 - c. Most reported types of bullying behavior:
 - i. Verbal intimidation, such as insults, name-calling, or shouting.
 - ii. Harsh, belittling, or excessive criticism of work.
 - iii. Demeaning nonverbal behaviors.
 - iv. Imposing unrealistic work demands.
 - v. Behind-the-back malicious rumors.
 - vi. Improperly taking credit for work.
 - vii. Not receiving important work information.
- ❖ *Lawyers also reported being subjected to cyberbullying, physical intimidation (throwing objects, invading space, and stalking), and physical contact (inappropriate touching, pushing, or shoving).*

II. Strategies to respond to bullying.

1) HYPOTHETICAL #1 – Bullying by an opposing counsel

Attorneys Ann and Brad are representing their respective clients during a contract negotiation. Although the parties aren't far apart with respect to terms, Ann is increasingly troubled by Brad's bullying behavior.

When they have met in person, Brad has repeatedly interrupted Ann and made condescending comments. When she tried to stand up for herself in one meeting, he got in her face, pointed his finger at her, and yelled: "Don't you dare try to tell me what to do, you pathetic *****."

Ann wants to move the negotiations forward but isn't sure what to do if Brad begins bullying her again. What are Ann's options?

- i. Set boundaries for behavior and an agenda for the negotiations.
- ii. Maintain composure and do not retaliate, reinforcing the boundaries for behavior.
- iii. Communicate by email/Zoom when possible and/or necessary.
- iv. If possible and acceptable to the client and strategically advantageous, consider having a colleague participate in key

negotiations as co-counsel or having clients participate in the negotiations.

- v. If the bullying persists and/or escalates, consider [filing a complaint](#) with the ARDC, alleging a violation of [Rule 4.4\(a\)](#).
- vi. If the bullying includes harassment, consider [filing a complaint](#) with the ARDC, alleging a violation of [Rule 8.4\(j\)](#).

2) HYPOTHETICAL #2 – Bullying by a colleague with more power

Several associates at XYZ, LLP are meeting to discuss business development options. When Charles (a mid-level associate) suggested an idea, Dawn (a senior associate) interrupted him and smirkingly said: “Thanks, Captain Obvious. No one has ever thought of that genius idea before.”

When Charles tried to share another idea later in the meeting, Dawn again interrupted him, rolled her eyes, and said: “That’s the best you can come up with?! I can see you’re trying to take the pedestrian track to partner.”

Evelyn (a senior associate) is uncomfortable with Dawn’s behavior and has observed Dawn bullying Charles since he was hired six months ago, intentionally excluding him from associate lunches, incorrectly telling other attorneys that his work product was sloppy, and making condescending comments about him.

Evelyn looks around the room nervously but is unsure what, if anything, she should do. What are Evelyn’s options?

- i. Intervene in the moment.
 - Interrupt the bullying and redirect (e.g., “I think we should hear more about Charles’s idea.”).
 - Identify the behavior as wrong. (e.g., “Let’s not put down other people or their ideas.”).
 - Support the target (e.g., “Charles’s idea sounds promising. I’d like to discuss it a bit more.”).
- ii. Offer support after the incident.
 - Talk to Charles privately and offer support (e.g., “Charles, I thought Dawn’s behavior was wrong, and I just want you to know that I’d support you if you wanted to report her bullying to one of the partners or if you just wanted to talk.”).
- iii. Communicate with the bully after the incident
 - Depending on Evelyn’s relationship with Dawn, Evelyn may consider speaking with Dawn privately after the incident to

discuss how uncomfortable Dawn’s bullying made her feel and how it undermines both Charles and the firm.

- iv. Consider reporting the behavior.
 - Evelyn should follow any policy the firm may have regarding reporting bullying.
 - If no policy exists, Evelyn could consider reporting the behavior to a senior partner or the firm’s risk partner, taking into consideration both the severity of the bullying along with Charles’s wishes.

3) HYPOTHETICAL #3 - Bullying by a judge.

Judge X routinely bullies lawyers, mocking and interrupting them, often leaving them flustered and demoralized, and unable to fully present their cases.

To a young attorney, Judge X yelled: “Get it together, Counselor. This isn’t kindergarten.” When another attorney filed a motion for a brief extension, Judge X yelled: “I’m surprised your firm still lets you work there. You’re always a day late and a dollar short. Motion denied.”

As another attorney was arguing his motion, Judge X interrupted saying, “I’ve heard enough, counsel. You haven’t said anything meaningful thus far, and I doubt it’ll get better.” The lawyer then said, “Your honor, according to your standing order, I still have 10 minutes of time left for my argument.” “Counsel, I am the standing order. Sit down, or I’ll hold you in contempt.”

How should lawyers who appear before Judge X respond?

- i. Navigating the bullying in the moment and protecting the client’s interests.
 - Attempt to de-escalate (e.g., “Your honor, may we pass the case so that I can make the remainder of my argument after the other cases have been heard?” “Is there another way the Court would direct me to proceed/submit this evidence?”).
 - Ensure you attempt to fully make your record (e.g., “I would like permission to be heard and present evidence on the issue of damages.”).
 - If possible, have a Court reporter present to transcribe proceedings.
- ii. Address the bullying after the incident, assessing the next steps based on the severity/frequency of the bullying and in consultation with your firm, if applicable.
 - Raise the issue with the presiding/supervising/chief judge/ombudsman, if applicable.

- Consider [filing a request for investigation](#) with the Judicial Inquiry Board, alleging a violation of [Rule 2.8\(B\)](#) of the Illinois Code of Judicial Conduct.
- iii. Many lawyers surveyed expressed appreciation for the Illinois judges who proactively prevent bullying from occurring in their courtrooms. (See p. 49 of the Report.)

Supplementary Resources

- Stephanie A. Scharf & Roberta D. Liebenberg, [Bullying in the Legal Profession: A Study of Illinois Lawyers' Experiences and Recommendations for Change](#), Illinois Supreme Court Commission on Professionalism (2024).
- [Illinois Supreme Court Commission on Professionalism Releases Multifaceted Study on Bullying in the Illinois Legal Profession and Recommendations for Prevention](#) (October 1, 2024 [Press Release]).
- Erika Harold, [Opinion: Workplace bullying is eroding the careers of promising Illinois lawyers](#), Crains Chicago Business (October 2024).
- Amy Yee, [Study estimates 1 in 4 Illinois lawyers has been bullied, with some choosing to quit jobs](#), Chicago Sun Times (October 22, 2024).
- Karen Sloan, [Workplace bullying affects 1 in 4 lawyers, study finds](#), Reuters (October 1, 2024).
- Lauren Warnecke, [Illinois needs more lawyers. A new study shows bullying isn't helping](#), WGLT (NPR Network) (February 26, 2025).