INTRODUCTION TO LAWYER ETHICS AND PROFESSIONALISM

By Charles B. Doleac

I. GENERAL PURPOSES OF COURSE

1. Legal Ethics in US:

   Explore Ethics of being a lawyer in U.S. in an adversary, client centered, legal system governed by a political process based on separation of power of legislative, executive and judicial branch.

2. Role Differentiated Ethics:

   Compare personal ethics/values v. lawyer ethics/values.

3. International Comparison:

   In group discussion and class wide summary compare differing personal ethics and role differentiated legal ethics from the group’s different cultures. Learn how different cultures use personal and legal ethical values to resolve ethical dilemmas.

II. APPLIED ETHICS

Types of Ethical Issues – Philosophical, Professional, Personal
Applied Ethics – Universal Rules, Personal Virtue & Utility
Role-Differentiated Ethics – Lawyer Personal Ethics vs. Ethics of Lawyer Representing Client

III. PROBLEMS WITH LAWYERS

Roles of Lawyer – List Different Roles of Attorney
   – *The problem of providing advice v. acting as advocate*
Personal Role Differentiation within Professional Role Differentiation
– Explore Personal & Legal Role Difference
Hired Gun – The U.S. Paradigm for Lawyer Ethics
Factors Affecting Lawyers’ Ethical Commitment
Major Criticisms of Lawyers
Criticisms of the Adversary System and Lawyers’ Roles

IV. SOLUTIONS – RULES OF PROFESSIONAL CONDUCT

1. Local Rules – Texas Disciplinary Rule of Professional Conduct

V. SOLUTIONS – PROFESSIONALISM

Prevalent Professional Themes
American Bar Association Definition of a “Professional Lawyer”
What is Professionalism?
What are Impediments to Professionalism?
The Texas Lawyer’s Creed - - A Mandate for Professionalism
Inns of Court Professional Creed

VI. SOLUTION - NATURAL MORAL LAW

Hierarchy of Moral Values

VII. SOLUTION - LEADING AN ETHICAL LIFE

Right & Responsibility - Choose How to Lead a Good Life
Equal Concern – Impact of Political Decision on Each Citizen of Equal Importance

VIII. SOLUTION - LAWYER/STATESMAN

Ten Principles of Being Lawyer/Statesman
INTRODUCTION TO LAWYER ETHICS AND PROFESSIONALISM
By Charles B. Doleac

I. APPLIED ETHICS

Transparencies
Types of Ethical Issues ...................................................... 1
Quote from Justice Oliver Wendell Holmes .............................. 2
Quote from Justice Oliver Wendell Holmes .............................. 3
Applied Ethics (1) ................................................................. 4
Applied Ethics (2) ................................................................. 5
Role-Differentiated Ethics ...................................................... 6

Article

Lawyers as Professionals: Some Moral Issues
by Richard Wasserstrom ................................................... 7-19

II. PROBLEMS WITH LAWYERS

Transparencies
The Lawyer Makes the Case for the Client (Wasserstrom) .......... 20-21
Roles of Lawyer ................................................................. 22
Personal Role Differentiation within Professional
   Role Differentiation .......................................................... 23
Hired Gun ........................................................................... 24
Factors Affecting Lawyers’ Ethical Commitment ................. 25
Major Criticisms of Lawyers ................................................ 26
Criticisms of the Adversary System and Lawyers’ Roles ........ 27

Article

Professional Asphyxiation: Why the Legal Professional
Is Gasping for Breath by David A. Kessler ......................... 28-58

III. SOLUTIONS – RULES OF PROFESSIONAL CONDUCT

Transparencies
Texas Disciplinary Rules of Professional Conduct /
   Table of Contents ............................................................ 59-61
Preamble: A Lawyer’s Responsibilities ................................. 62-70
Preamble: Scope ................................................................. 71-75

IV. SOLUTIONS – PROFESSIONALISM

Transparencies
Prevalent Professional Themes ............................................. 76
American Bar Association Definition of a “Professional Lawyer”………………. 77
What is Professionalism? ........................................................................ 78
What are Impediments to Professionalism? ....................................... 79
The Texas Lawyer’s Creed - - A Mandate for Professionalism……… 80-87
Inns of Court Professional Creed ...................................................... 88

V.  NATURAL MORAL LAW – Transparency ................................. 89

VI.  LAWYER/STATESMAN

Transparencies
To be a Lawyer/Statesman............................................................... 90-91
Practical Wisdom ........................................................................... 92
Political Fraternity ......................................................................... 93

VII.  A NON-WESTERN VIEW

Article
Multiple Modernities by Tu Weiming ........................................... 94-107
TYPES OF ETHICAL ISSUES

1. PHILOSOPHICAL

► Public Policy - - what should be the law re: abortion, euthanasia, etc.?
► Law Reform - - are laws working re: tort system, corporate raiding, etc.?
► Process - - are systems aiding or impeding policy goals and public confidence?

2. PROFESSIONALISM

► Incompetence - - unprepared, lack of skill
► Personal Misconduct - - illegal or fraudulent acts, drug use, alcoholism, commingling, sleaziness
► Abuse of Process - - frivolous litigation, motions, arguments; delaying tactics; graymail
► Conflicts of Interest
► Breaches of Confidentiality
► Assistance of Unauthorized Practice
► Undignified/Overreaching Client Acquisition
► Unfairness in Fees or Client Business Transactions
► Assure Legal Services Available to All in Need
► Safeguard Integrity and Competency of Bar
► Protect Nonclients From Fraud or Illegality
► Counseling and Law Reform

3. PERSONAL ETHICS

► Fairness and Objectivity
► Sensitivity to Human Needs and Interests
► Helpfulness and Constructiveness
► Honesty, Candor and Directness
I would not give a fig for the simplicity this side of complexity, but I would give my life for the simplicity on the other side of complexity.

Justice Oliver Wendell Holmes
If you want to know the law and nothing else, you must look at it as a bad man, who cares only for the material consequences which such knowledge enables him to predict, not as a good one, who finds his reason for conduct, whether inside the law or outside of it, in the vague sanctions of his conscience.

Oliver Wendell Holmes
<table>
<thead>
<tr>
<th>UNIVERSAL PRINCIPLES</th>
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<tbody>
<tr>
<td><strong>PERSONAL</strong></td>
<td><strong>LAWYERS</strong></td>
</tr>
<tr>
<td>1. Trustworthy</td>
<td>1. Advocacy</td>
</tr>
<tr>
<td>2. Respect</td>
<td>2. Autonomy of Clients</td>
</tr>
<tr>
<td>3. Responsibility</td>
<td>3. Fidelity</td>
</tr>
<tr>
<td>4. Justice and Fairness</td>
<td>4. Honesty</td>
</tr>
<tr>
<td>5. Caring</td>
<td>5. Trustworthiness</td>
</tr>
<tr>
<td>6. Civic Virtue / Citizenship</td>
<td>6. Integrity</td>
</tr>
<tr>
<td>7. Respect for Others</td>
<td></td>
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<tr>
<td>8. Concern for Others</td>
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<tr>
<td>9. Fairness</td>
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<td>10. Proficiency</td>
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<td>11. Accountability</td>
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<td>12. Respect for the Legal Process</td>
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ETHICS

PERSONAL VIRTUE
Character/Habit/Conscience

UNIVERSAL RULES
Follow Universal Rules Agreed to by custom, religion or law

UTILITY
Make Ethical decision based on
> Good > Number > Time

Motive/Means/Ends
1. BEING

Know Thyself
   a) Ethics of Being
   b) Who Am I
   c) Unity of Character

2. DOING

Do the Right Thing
In the Right Way
For the Right Reasons
In the Right Spirit

Means/Ends
   a) Maximize Utility/Happiness for All Stakeholders
   b) Universalize the Rules
   c) Deliberate on Consequences of Rule Conflict

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ROLE-DIFFERENTIATED ETHICS

ETHICS OF PERSON
vs.
ETHICS OF PROFESSIONAL

CAN A GOOD PERSON BE A GOOD LAWYER?
The lawyer makes the case for the client. He or she tries to explain, persuade and convince others that the client’s cause should prevail. The lawyer lives with and within a dilemma that is not shred by other professionals. If the lawyer actually believes everything that he or she asserts on behalf of the client, then it appears to be proper to regard the lawyer as in fact embracing and endorsing the points of view that he or she articulates. If the lawyer does not in fact believe what is urged by way of argument, if the lawyer is only playing a role, then it appears to be proper to tax the lawyer with hypocrisy and insincerity.

LAWYERS AS PROFESSIONALS
Vol. 5
To be sure, actors in a play take on roles and say things that the characters, not the actors, believe. But we know it is a play that they are actors. The law courts are not, however, theaters, and the lawyers both talk about justice and they genuinely seek to persuade. The fact that the lawyer’s words, thoughts, and convictions are, apparently, for sale and at the service of the client helps us, I think, to understand the peculiar hostility which is more than occasionally uniquely directed by lay persons toward lawyers. The verbal, role-differentiated behavior of the lawyer *qua* advocate puts the lawyers’ integrity into question in a way that distinguishes the lawyer from the other professionals.

LAWYERS AS PROFESSIONALS
Vol. 5
ROLES OF LAWYER

Role Shifts:

- advisor
- advocate
- negotiator
- intermediary
- legal auditor
- administrator
- prosecutor
ATTORNEY ROLES

1. HIRED GUN

2. OFFICER OF COURT
   a. Prosecutor
   b. Administrator
   c. Class Action
   d. Special Counsel

3. LAWYER FOR THE PEOPLE/COMMUNITY

4. COUNSEL FOR SITUATION
   a. Intermediary
   b. Between Clients

5. MEDIATOR

6. LEGAL AUDITOR

7. FRIEND

8. COUNSELOR Feelings/Ethics

9. ADVOCATE v. ADVISOR

10. GOOD CITIZEN

11. LEGAL STATESMAN
# Personal Role Differentiation Within Professional Role Differentiation

<table>
<thead>
<tr>
<th>Professional</th>
<th>Personal</th>
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<tbody>
<tr>
<td>Duty to Client</td>
<td>Duty to Self</td>
</tr>
<tr>
<td>vs.</td>
<td>to Family</td>
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<tr>
<td>Duty to Legal System</td>
<td>to Religion</td>
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<td>to Court</td>
<td>to Partners</td>
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<td>to Other Lawyers</td>
<td>to Friends</td>
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<tr>
<td>to Procedural Rules</td>
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HIRED GUN

1) **Neutrality** – not judge clients’ character or aims

2) **Partisanship** – pursue clients’ aims with every effective tactic within the law/disregard third persons

3) **Accountability** – lawyers not accountable for clients ends or means as long as within law; just an instrument of client

4) **Client Autonomy** – client determines the morale value of his actions/lawyer to disregard own moral values as long as legal. It is the client’s choice to sue, not the lawyer’s.
FACTORS AFFECTING LAWYERS’ ETHICAL COMMITMENT

1. LEGALISTIC MINIMALISM
   ▶ Lawyers trained to walk line of propriety in name of advocacy and competitive pride
   ▶ If it’s legal, it’s ethical
   ▶ If it’s permissible, it’s proper

2. INHERENT PRESSURE TO WIN
   ▶ Economic benefits/negative consequences
   ▶ Ego gratification

3. BUSINESS/BOTTOM LINE MENTALITY
   ▶ Spiraling costs/salaries
   ▶ Technology
   ▶ Bigness = Service
   ▶ Nationalization and internationalization
   ▶ Business bottom line pressure vs. a professional calling or public service
MAJOR CRITICISMS OF LAWYERS

1. TECHNIQUES
   - No regard for truth or fairness
   - Do anything to win – distort, manipulate, conceal
   - Too clever; can’t trust them; they’re tricky, sneaky
   - Use mumbo jumbo, technical tricks to defeat Justice

2. ATTITUDES AND CHARACTER
   - Arrogant, patronizing, condescending, abusive
   - Pompous, self-centered, egotistical, obnoxious
   - Everything is a debate they must win

3. MONEY CONSCIOUSNESS AND HIGH COSTS
   - No real concern for client
   - Make law complicated to generate work
   - Bottom-line mentality
CRITICISMS OF THE ADVERSARY SYSTEM AND LAWYERS’ ROLE

1. **Justifies unaccountability and socially harmful behavior.**
   - No concern for propriety or social consequences of behavior

2. **Places too high a value on winning and too low a value on truth and fairness.**
   - Truth finding role of adversary system is a myth when not used in pursuit of truth
   - Rules, practices and traditions of lawyering not only permit but encourage concealment, confusion and distortion of truth

3. **Lawyers often foster confrontation, enhance disharmony and legitimize the ruthless pursuit of selfish private interests.**
   - Use tactics to intimidate, wear down
   - Promote pursuit of rights over doing what is right
   - Engage in loopholism and legalisms, elevating cleverness over truth

4. **Lawyer takes loyalty to client too far**
   - Does not consider other stakeholders
PREVALENT PROFESSIONALISM THEMES

1. Perceived excess in the adversarial process, including the loss of civility;

2. Changes in the economics of practice which have made it difficult for lawyers to devote significant time to public service and have resulted in a growing sense of dissatisfaction;

3. Undermining of the traditional independent counseling role of lawyers, where lawyers are relegated to the status of expert technicians and hired guns, rather than wise counselors or problem solvers;

4. Concern about lawyers’ competency and adherence to ethical codes;

5. Loss of a sense of the ultimate purpose of lawyers serving the public good and law as a “calling.”
The American Bar Association has adopted the following definition of a “professional lawyer”:

The professional lawyer is an expert in the law pursuing a learned art in service to clients and in the spirit of public service, and engaging in these pursuits as part of a common calling to promote justice and public good.
WHAT IS PROFESSIONALISM?

1. Justice-centered
2. Steward of the legal profession and System of justice
3. Personal integrity and accountability
4. Not money-driven
5. Respectfulness and civility
6. Competence
7. Good judgment
8. Passion and objectivity
9. Client-focused
10. Solution-oriented
11. Broad, compassionate world view
12. Community service
WHAT ARE IMPEDIMENTS TO PROFESSIONALISM?

1. Expectations of clients that compete with those of the legal professional and system of justice
2. Market pressures and business practices
3. Time constraints and personal expectations
4. Personal practices of individual lawyers
5. Practices within the legal profession
6. Judicial practices and court phenomena
7. Societal perceptions about law and the legal profession
THE TEXAS LAWYER'S CREED --
A MANDATE FOR PROFESSIONALISM

Promulgated by the Supreme Court of Texas and the Texas Court of Criminal Appeals (1989)

I am a lawyer; I am entrusted by the people of Texas to preserve and improve our legal system. I am licensed by the Supreme Court of Texas. I must therefore abide by the Texas Disciplinary Rules of Professional Conduct, but I know that professionalism requires more than merely avoiding the violation of laws and rules. I am committed to this Creed for no other reason than it is right.
I. OUR LEGAL SYSTEM

A lawyer owes to the administration of justice personal dignity, integrity, and independence. A lawyer should always adhere to the highest principles of professionalism.

1. I am passionately proud of my profession. Therefore, "My word is my bond."

2. I am responsible to assure that all persons have access to competent representation regardless of wealth or position in life.

3. I commit myself to an adequate and effective pro bono program.

4. I am obligated to educate my clients, the public, and other lawyers regarding the spirit and letter of this Creed.

5. I will always be conscious of my duty to the judicial system.
II. LAWYER TO CLIENT

A lawyer owes to a client allegiance, learning, skill, and industry. A lawyer shall employ all appropriate means to protect and advance the client's legitimate rights, claims, and objectives. A lawyer shall not be deterred by any real or imagined fear of judicial disfavor or public unpopularity, nor be influenced by mere self-interest.

1. I will advise my client of the contents of this Creed when undertaking representation.

2. I will endeavor to achieve my client's lawful objectives in legal transactions and in litigation as quickly and economically as possible.

3. I will be loyal and committed to my client's lawful objectives, but I will not permit that loyalty and commitment to interfere with my duty to provide objective and independent advice.

4. I will advise my client that civility and courtesy are expected and are not a sign of weakness.

5. I will advise my client of proper and expected behavior.
6. I will treat adverse parties and witnesses with fairness and due consideration. A client has no right to demand that I abuse anyone or indulge in any offensive conduct.

7. I will advise my client that we will not pursue conduct which is intended primarily to harass or drain the financial resources of the opposing party.

8. I will advise my client that we will not pursue tactics which are intended primarily for delay.

9. I will advise my client that we will not pursue any course of action which is without merit.

10. I will advise my client that I reserve the right to determine whether to grant accommodations to opposing counsel in all matters that do not adversely affect my client's lawful objectives. A client has no right to instruct me to refuse reasonable requests made by other counsel.

11. I will advise my client regarding the availability of mediation, arbitration, and other alternative methods of resolving and settling disputes.
From THE TEXAS LAWYER'S CREED --
A MANDATE FOR PROFESSIONALISM

III. LAWYER TO LAWYER

A lawyer owes to opposing counsel, in the conduct of legal transactions and the pursuit of litigation, courtesy, candor, cooperation, and scrupulous observance of all agreements and mutual understandings. Ill feelings between clients shall not influence a lawyer's conduct, attitude, or demeanor toward opposing counsel. A lawyer shall not engage in unprofessional conduct in retaliation against other unprofessional conduct.

1. I will be courteous, civil, and prompt in oral and written communications.
2. I will not quarrel over matters of form or style, but I will concentrate on matters of substance.
3. I will identify for other counsel or parties all changes I have made in documents submitted for review.
4. I will attempt to prepare documents which correctly reflect the agreement of the parties. I will not include provisions which have not been agreed upon or omit provisions which are necessary to reflect the agreement of the parties.
5. I will notify opposing counsel, and, if appropriate, the Court or other persons, as soon as practicable, when hearings, depositions, meetings, conferences or closings are canceled.
6. I will agree to reasonable requests for extensions of time and for waiver of procedural formalities, provided legitimate objectives of my client will not be adversely affected.

7. I will not serve motions or pleadings in any manner that unfairly limits another party's opportunity to respond.

8. I will attempt to resolve by agreement my objections to matters contained in pleadings and discovery requests and responses.

9. I can disagree without being disagreeable. I recognize that effective representation does not require antagonistic or obnoxious behavior. I will neither encourage nor knowingly permit my client or anyone under my control to do anything which would be unethical or improper if done by me.

10. I will not, without good cause, attribute bad motives or unethical conduct to opposing counsel nor bring the profession into disrepute by unfounded accusations of impropriety. I will avoid disparaging personal remarks or acrimony towards opposing counsel, parties and witnesses. I will not be influenced by any ill feeling between clients. I will abstain from any allusion to personal peculiarities or idiosyncrasies of opposing counsel.

11. I will not take advantage, by causing any default or dismissal to be rendered, when I know the identity of an opposing counsel, without first inquiring about that counsel's intention to proceed.

12. I will promptly submit orders to the Court. I will deliver copies to opposing counsel before or
contemporaneously with submission to the Court. I will promptly approve the form of orders which accurately reflect the substance of the rulings of the Court.

13. I will not attempt to gain an unfair advantage by sending the Court or its staff correspondence or copies, of correspondence.

14. I will not arbitrarily schedule a deposition, Court appearance, or hearing until a good faith effort has been made to schedule it by agreement.

15. I will readily stipulate to undisputed facts in order to avoid needless costs or inconvenience for any party.

16. I will refrain from excessive and abusive discovery.

17. I will comply with all reasonable discovery requests. I will not resist discovery requests which are not objectionable. I will not make objections nor give instructions to a witness for the purpose of delaying or obstructing the discovery process. I will encourage witnesses to respond to all deposition questions which are reasonably understandable. I will neither encourage nor permit my witness to quibble about words where their meaning is reasonably clear.

18. I will not seek Court intervention to obtain discovery which is clearly improper and not discoverable.

19. I will not seek sanctions or disqualification unless it is necessary for protection of my client's lawful objectives or is fully justified by the circumstances.
Lawyers and judges owe each other respect, diligence, candor, punctuality, and protection against unjust and improper criticism and attack. Lawyers and judges are equally responsible to protect the dignity and independence of the Court and the profession.

1. I will always recognize that the position of judge is the symbol of both the judicial system and administration of justice. I will refrain from conduct that degrades this symbol.

2. I will conduct myself in Court in a professional manner and demonstrate my respect for the Court and the law.

3. I will treat counsel, opposing parties, the Court, and members of the Court staff with courtesy and civility.

4. I will be punctual.

5. I will not engage in any conduct which offends the dignity and decorum of proceedings.

6. I will not knowingly misrepresent, mischaracterize, misquote or miscite facts or authorities to gain an advantage.

7. I will respect the rulings of the Court.

8. I will give the issues in controversy deliberate, impartial and studied analysis and consideration.

9. I will be considerate of the time constraints and pressures imposed upon the Court, Court staff and counsel in efforts to administer justice and resolve disputes.
PROFESSIONAL CREED
OF THE
AMERICAN INNS OF COURT

Whereas, the Rule of Law is essential to preserving and protecting the rights and liberties of a free people; and

Whereas, throughout history, lawyers and judges have preserved, protected and defended the Rule of Law in order to ensure justice for all; and

Whereas, preservation and promulgation of the highest standards of excellence in professionalism, ethics, civility, and legal skills are essential to achieving justice under the Rule of Law;

Now, therefore, as a member of an American Inn of Court, I hereby adopt this professional creed with a pledge to honor its principles and practices:

- I will treat the practice of law as a learned profession and will uphold the standards of the profession with dignity, civility and courtesy. I will value my integrity above all. My word is my bond.
- I will develop my practice with dignity and will be mindful in my communications with the public that what is constitutionally permissible may not be professionally appropriate.
- I will serve as an officer of the court, encouraging respect for the law in all that I do and avoiding abuse or misuse of the law, its procedures, its participants and its processes.
- I will represent the interests of my client with vigor and will seek the most expeditious and least costly solutions to problems, resolving disputes through negotiation whenever possible.
- I will work continuously to attain the highest level of knowledge and skill in the areas of the law in which I practice.
- I will contribute time and resources to public service, charitable activities and pro bono work.
- I will work to make the legal system more accessible, responsive and effective.
- I will honor the requirements, the spirit and the intent of the applicable rules or codes of professional conduct for my jurisdiction, and will encourage others to do the same.
NATURAL MORAL LAW FOR PERSON

1. Seek for Ourselves the Good
   And Avoid Evil for Ourselves

2. Do Good for Some  (Family/Friends/Tribe)

3. Do No Bad and Avoid Doing Evil to All
   A) Do Not Violate Others’ Rights
   B) Treat Others Fairly -   Equals
       - Unequals
       - What Deserve

4. To Act for the Common Good or Welfare
   A) Make the World a Better Place
   B) Right the Wrongs
   C) Discover and Pursue → the Truth
       → the Right
       → the Good
       → the Oneness of
       the Universe

   * (Not Justice)
   *
   *
   * (Justice for
   * Some/Perform
   * Obligations
   * to Family/
   * Friends/Tribe
   *
   *
   *
   *
   * (Negative
   * Justice – Do No
   * Harm)
   *
   *
   *
   *
   * (Contributory
   * Justice)
   *
   *
   * (Creates
   * Change)
   *
   *
   * (Complete
   * Empathy With
   * All Living
   * Beings)
   *
   *
   * (We Are All in
   * This Together
   *
   *
   * (A Harm to One
   is Harm to All)
TO BE A LAWYER / STATESMAN

TEN PRINCIPLES

1. UNDERSTAND LEGAL REASONING:
   a. Analytical ability-spot issues
   b. Distinctions
   c. Precedent
   d. Analogy
   e. Policy
   f. Logical fallacy

2. UNDERSTAND PRINCIPLE OF LAW
   a. Equality and Liberty
   b. Due process
   c. Universals vs. Commands
   d. Liberty-individual rights

3. ADVOCATE – Autonomy of client/fiduciary relation with client/stand against the world for client

4. PRACTICAL WISDOM – Uncommon common sense

5. DETACHED OBSERVATION plus loyalty to client

6. SYMPATHY AND EMPATHY – for all positions, all stakeholders, even if incommensurate
7. IMAGINATIVE DELIBERATION – Counsel and teach client; suspend presupposition/suspend mental model/look at other point of view.

8. ENLARGED THOUGHT comes from imaginative deliberation and leads to imaginative pragmatism to resolve, not to win, particular problems. Resolve under the particular facts and with all the stakeholders for that particular situation.

9. Maintain the POLITICAL FRATERNITY.

10. Search for JUSTICE IN THE SITUATION – justice for incommensurate values.
PRACTICAL WISDOM

1. No mechanical formula or rule

2. Habituation – obtain by practice

3. Inegalitarian – some have it, some do not

4. Reflects a moral character

5. Responds in particular way to particularized situation (each so unique and fluid no rule will cover)

6. Uncommon common sense
POLITICAL FRATERNITY
Good judgment in service of the political fraternity:

The condition in which the members of a community are joined by bonds of sympathy despite differences of opinion that set them apart on questions concerning the end, the good, and hence the identity of the community.
The International Bar Association is a federation of national Bar Associations and Law Societies and individual members. Most of the organizational members have established Codes of Legal Ethics as models for or governing the practice of law by their members. In some jurisdictions these Codes are imposed on all practitioners by their respective Bar Associations or Law Societies or by the courts or administrative agencies having jurisdiction over the admission of individuals to the practice of law.

Except where the context otherwise requires, this Code applies to any lawyer of one jurisdiction in relation to his contacts with a lawyer of another jurisdiction or to his activities in another jurisdiction.

Nothing in this Code absolves a lawyer from the obligation to comply with such requirements of the law or of rules of professional conduct as may apply to him in any relevant jurisdiction. It is a restatement of much that is in these requirements and a guide as to what the International Bar Association considers to be a desirable course of conduct by all lawyers engaged in the international practice of law.

The International Bar Association may bring incidents of alleged violations to the attention of relevant organizations.

**Rules**

1. A lawyer who undertakes professional work in a jurisdiction where he is not a full member of the local profession shall adhere to the standards of professional ethics in the jurisdiction in which he has been admitted. He shall also observe all ethical standards which apply to lawyers of the country where he is working.

2. Lawyers shall at all times maintain the honor and dignity of their profession. They shall, in practice as well as in private life, abstain from any behavior which may tend to discredit the profession of which they are members.

3. Lawyers shall preserve independence in the discharge of their professional duty. Lawyers practicing on their own account or in partnership where permissible, shall not engage in any other business or occupation if by doing so they may cease to be independent.
4 Lawyers shall treat their professional colleagues with the utmost courtesy and fairness. Lawyers who undertake to render assistance to a foreign colleague shall always keep in mind that the foreign colleague has to depend on them to a much larger extent than in the case of another lawyer of the same country. Therefore their responsibility is much greater, both when giving advice and when handling a case. For this reason it is improper for lawyers to accept a case unless they can handle it promptly and with due competence, without undue interference by the pressure of other work. To the fees in these cases Rule 19 applies.

5 Except where the law or custom of the country concerned otherwise requires, any oral or written communication between lawyers shall in principle be accorded a confidential character as far as the Court is concerned, unless certain promises or acknowledgements are made therein on behalf of a client.

6 Lawyers shall always maintain due respect towards the Court. Lawyers shall without fear defend the interests of their clients and without regard to any unpleasant consequences to themselves or to any other person. Lawyers shall never knowingly give to the Court incorrect information or advice which is to their knowledge contrary to the law.

7 It shall be considered improper for lawyers to communicate about a particular case directly with any person whom they know to be represented in that case by another lawyer without the latter's consent.

8 A lawyer should not advertise or solicit business except to the extent and in the manner permitted by the rules of the jurisdiction to which that lawyer is subject. A lawyer should not advertise or solicit business in any country in which such advertising or soliciting is prohibited.

9 A lawyer should never consent to handle a case unless: (a) the client gives direct instructions, or, (b) the case is assigned by a competent body or forwarded by another lawyer, or (c) instructions are given in any other manner permissible under the relevant local rules or regulations.

10 Lawyers shall at all times give clients a candid opinion on any case. They shall render assistance with scrupulous care and diligence. This applies also if they are assigned as counsel for an indigent person. Lawyers shall at any time be free to refine to handle a case, unless it is assigned by a competent body. Lawyers should only withdraw from a case during its course for good cause, and if possible in such a manner that the client's interests are not adversely affected. The loyal defense of a client's case may never cause advocates to be other than perfectly candid, subject to any right or privilege to the contrary which clients choose them to exercise, or knowingly to go against the law.

11 Lawyers shall, when in the client's interest, endeavor to reach a solution by settlement out of court rather than start legal proceedings. Lawyers should never stir up litigation.
12 Lawyers should not acquire a financial interest in the subject matter of a case which they are conducting. Neither should they, directly or indirectly, acquire property about which litigation is pending before the Court in which they practice.

13 Lawyers should never represent conflicting interests in litigation. In non-litigation matters, lawyers should do so only after having disclosed all conflicts or possible conflicts of interest to all parties concerned and only with their consent This Rule also applies to all lawyers in a firm.

14 Lawyers should never disclose, unless lawfully ordered to do so by the Court or as required by Statute, what has been communicated to them in their capacity as lawyers even after they have ceased to be the client's counsel. This duty extends to their partners, to junior lawyers assisting them and to their employees.

15 In pecuniary matters lawyers shall be most punctual and diligent. They should never mingle funds of others with their own and they should at all times be able to refund money they hold for others. They shall not retain money they receive for their clients for longer than is absolutely necessary.

16 Lawyers may require that a deposit is made to cover their expenses, but the deposit should be in accordance with the estimated amount of their charges and the probable expenses and labor required.

17 Lawyers shall never forget that they should put first not their right to compensation for their services, but the interests of their clients and the exigencies of the administration of justice. The Lawyer's right to ask for a deposit or to demand payment of out of pocket expenses and commitments, failing payment of which they may withdraw from the case or refuse to handle it, should never be exercised at a moment at which the client may be unable to find other assistance in time to prevent irreparable damage being done. Lawyers' fees should, in the absence or non-applicability of official scales, be fixed on a consideration of the amount involved in the controversy and the interest of it to the client, the time and labor involved and all other personal and factual circumstances of the case.

18 A contract for a contingent fee, where sanctioned by the law or by professional rules and practice, should be reasonable under all circumstances of the case, including the risk and uncertainty or the compensation and subject to supervision of a court as to its reasonableness.

19 Lawyers who engage a foreign colleague to advise on a case or to cooperate in handling it, are responsible for the payment of the latter's charges except where there has been express agreement to the contrary. When lawyers direct a client to a foreign colleague they are not responsible for the payment of the latter's charges, but neither are they entitled to a share of the fee of this foreign colleague.
20 Lawyers should not permit their professional services or their names to be used in any way which would make it possible for persons to practice law who are not legally authorized to do so. Lawyers shall not delegate to a legally unqualified person not in their employ and control any functions which are by the law or custom of the country in which they practice only to be performed by a qualified lawyer.

21 It is not unethical for lawyers to limit or exclude professional liability subject to the rules of their local Bar Association and to there being no statutory or constitutional prohibitions.