

A LAWYER'S DUTIES IN THE PRACTICE OF LAW



When initiated into **Phi Delta Phi**, Calhoun Inn, members were presented with a philosophy that reflects the high calling of the practice of law. *The following is an adaptation of that initiation and an understanding and approach to which all lawyers should aspire.*

DUTIES AS A LAWYER TOWARD THE PUBLIC:

Wherever there is liberty, there must be law, for freedom unrestrained descends to license.

The lawyer is the medium through which the law reaches the people, and the highest honor and integrity must mark the calling which deals with the rights, privileges, and liberties of the people. By reason of a lawyer's training and position, a lawyer is looked to for guidance and advice and wields a mighty influence for good or evil.

The lawyer's education is never done. Legal knowledge must touch upon all things, for all things are involved in subjects of judicial investigation. Attorneys frame our laws and help to interpret them. If we think clearly, our whole people prosper; if the lawyer is slovenly, confusion follows in that lawyer's train.

The lawyer's place in history is most important. Supplanting might with right, the lawyer laid the foundation of civil society in place of military rule; formulated civil regulations; and has ever since been their expounder and administrator. The precepts of the civil law are these: to live honorably, to injure nobody, to render to all their due. Upon us as ministers of the law falls the duty of keeping its foundation pure and undefiled.

No other calling among humanity has been such a factor in the vindication of personal rights and the advancement of universal justice between state and subject, and between individuals. Just so long as the profession recalls and holds in sentimental devotion its ancient traditions – and no longer – will it maintain its primacy in honorable achievement and popular respect.

Demanding the noblest attributes of the mind and heart, and the richest endowments of education, the practice of the law should be inseparable from the idea that it is the Servitor of Justice. Its pursuit should never cross the bounds of morality or deflect from the pathway hedged about with honor.

Consider the importance of our profession. It calls upon you to be the preservers of freedom, the defenders of weakness, the unravellers of cunning, the investigators of artifice, the humblers of pride, and the scourgers of oppression. In all difficulties people depend upon your alert faculties and spotless integrity, and require of you an elevation above all that is mean, and a spirit that will not yield when it ought not to yield. So long as our profession retains its character for learning and for virtuous boldness, the rights between people will be adjusted and well defended.

DUTIES AS A LAWYER TOWARD THE COURT:

Lawyers must throughout their lives at all times consider themselves Officers of the Courts, directly responsible to them, and in duty bound to see that the courts are not deceived or misinformed; that the rules of evidence and the proper forms of procedure are applied in every case. By their own examples they should maintain that respect for law and our courts which is the only sure foundation of government. We insist that no amount of loyalty to client should prompt the slightest deviation from the truth, nor can it justify misstatement of fact or deceit of court. A lawyer's full duty is performed when the lawyer requires that those rules of practice, procedure and

evidence be applied to the client's interests as from the facts in each case they honestly appear.

The importance of being prepared we accentuate. Knowledge and integrity, combined with sound judgment and hard, persistent work are the secrets of success. The position of our courts depends upon the ability and force of our profession. The learned lawyer who presents the facts and law clearly and forcibly is a bulwark of strength to the courts of our land.

The judge is too often but the mirror that reflects the bar around the court. If the court give back distorted images of justice and righteousness, it is because the lawyers about the court are crooked and warped. If the bar be inspired by high ideals, standing *rectus in curia* (upright in court), exhibiting true nobility of character, intellectual greatness, and real culture, the effect is to make the court itself what Cicero lauded as *perfectus magister* (perfect master).

DUTIES AS A LAWYER TO THE CLIENT:

Lawyers need fidelity, integrity, and diligence in all relations of a personal and private nature. In no sphere of human activity are higher qualities called for than in the duties of the lawyer to the client. That supreme fiduciary relation bred of the highest intelligence, the widest liberty of thought and action, embraces those important matters of home, family, property, citizenship, and often very life itself, which are entrusted by the client to the protecting care of the lawyer. It is the attorney's duty to be found not wanting, to be not recreant to this trust, but to maintain inviolate the client's confidence, and, at every peril to the lawyer, to preserve the secrets, and protect and serve the interests of the client.

Upon their lawyer's advice clients risk their characters and their fortunes. The lawyer can rely on no one else. In the exigencies of trial, we win or lose by our knowledge of our cause. The ability to state a case clearly and concisely, to have at instant command the principles to meet unexpected issues; readiness to seize and turn to immediate advantage testimony which is helpful or to avert the force of that which can harm by quick discernment and analysis; all of these qualities are vital to success in a cause.

Not alone by brilliant triumphs as an advocate, but more often as the advisor and friend, does the lawyer find the sphere of largest usefulness. By discouraging suits and encouraging settlements, by aiding the prompt administration of the law, by making it profitable not to litigate, the able counsellor promotes the interests of the client and inculcates justice.

In the direst circumstance, a lawyer may be called upon for advice, counsel, and professional service. Such service may involve the interests of the bereaved or the parentless.

Superior education and experience will often make apparent to a lawyer possibilities for great personal gain either at the expense of, or without loss to, those whose trust, reliance, and confidence have caused their lives or their property to be placed in the lawyer's hands or influence. To resist self-interest and to advance the estate and well being of the innocent is to exercise the noblest duty of an honored profession. Whenever temptation rises in the life of a lawyer let such person recall the lawyer's oath:

Before God, and these witnesses, I make this declaration: I find these tenets echoed in my heart, and I subscribe to them with gladness and make these precepts my own. Into my hands the Law is placed, a Trust I so accept. To be just and to be wise in its administration shall be my constant aim.