

Professionalism for DCSS Attorneys

Or How I learned to Stop Worrying and Think Before I Do

By

Ronald Edward Daniels, Esq.¹

Daniels Law LLC
P.O. Box 4939
Eastman, Georgia 31023
ron@dlawllc.com
rondanielslaw.com

¹ Of the Georgia Bar. Special Assistant Attorney General for the Oconee Judicial Circuit representing the Division of Child Support Services.

Introduction

After about your fourth year as a member of the Georgia Bar, assuming you keep up with CLE requirements, you likely have memorized the oft repeated phrase: “Ethics is what you must do. Professionalism is what you should do.”² This has become our testimony.³ We are frequently presented with the Lawyer’s Creed and aspirational challenges to achieve professionalism.⁴ Professionalism is much more important than simply learning to recite axioms, no matter how true they sound.

In an effort to break from the trend of simply providing a light overview of professionalism, this paper will seek to provide an in-depth review of what is professionalism, analyze the intersection of professionalism and the representation of a governmental entity, dissect the Lawyer’s Creed and aspirational statements and, finally, provide an opportunity to review hypotheticals situations a DCSS attorney might encounter a professionalism issue.

² This is paraphrased from *Green v. Green*, 263 Ga. 551, 553-54 (1993).

³ To this author, these words have become akin to the Apostle’s Creed or other affirmations of faith that are remembered and recited.

⁴ Copies of the same are herein as Appendix “A.” These are taken from: <https://www.gabar.org/aboutthebar/lawrelatedorganizations/cjcp/lawyers-creed.cfm> and will be discussed in greater detail in this paper.

I. Professionalism Revisited

a. What (or who) is a professional?

Profession is defined by Merriam Webster's as "a calling requiring specialized knowledge and often long and intensive academic preparation."⁵ Most people have a rudimentary understanding of this definition and, likely, would be able to identify certain types of "professions" and professionals" using the basics of this definition. And most people could identify certain qualities or acts they would deem "unprofessional" or otherwise unbecoming of a professional.

Dating back to medieval times, the term "professional" was used to describe three distinct (but similar) professions: law, medicine, and divinity.⁶ Each of these required some level of training and, thus, were considered to be the three "learned professions."⁷ But beyond that, each of those three professions commanded a certain degree of respect from the community. People trusted ministers. People trusted doctors. People even trusted lawyers.

b. Professionalism Today

Georgia's appellate courts have, as of writing, invoked the word "professionalism" a total of 76 times. Perhaps the most all encompassing of these invocations comes from Chief Justice Benham:

The practice of law is an honorable profession that requires a high standard of conduct of its members. It is a high calling where competence, civility, community service, and public service are integral parts of the professional standards. It is not a profession

⁵ <https://www.merriam-webster.com/dictionary/profession#learn-more>

⁶ Perks, R.W.(1993): *Accounting and Society*. Chapman & Hall (London); ISBN 0-412-47330-5. p.2.

⁷ *Id.*

where disrespectful, discourteous, and impolite conduct should be nurtured and encouraged. Such conduct should be alien to any honorable profession.

Those who hold themselves out as lawyers should realize that they help shape and mold public opinion as to the role of the law and their role as lawyers. The law sets standards for society and lawyers serve as problem solvers when conflicts arise. To fulfill their responsibility as problem solvers, lawyers must exhibit a high degree of respect for each other, for the court system, and for the public. By doing so, lawyers help to enhance respect for and trust in our legal system. These **notions of respect and trust are critical to the proper functioning of the legal process.**

While serving as advocates for their clients, lawyers are not required to abandon notions of civility. Quite the contrary, **civility, which incorporates respect, courtesy, politeness, graciousness, and basic good manners, is an essential part of effective advocacy. Professionalism's main building block is civility and it sets the truly accomplished lawyer apart from the ordinary lawyer.**

Civility is more than good manners. It is an essential ingredient in an effective adversarial legal system such as ours. The absence of civility would produce a system of justice that would be out of control and impossible to manage: normal disputes would be unnecessarily laced with anger and discord; citizens would become disrespectful of the rights of others; corporations would become irresponsible in conducting their business; governments would become unresponsive to the needs of those they serve; and alternative dispute resolution would be virtually impossible.

To avoid incivility's evil consequences of discord, disrespect, unresponsiveness, irresponsibility, and blind advocacy, we must encourage lawyers to embrace civility's positive aspects. Civility allows us to understand another's point of view. It keeps us from giving vent to our emotions. It allows us to understand the consequences of our actions. It permits us to seek alternatives in the resolution of our problems. All of these positive consequences of civility will help us usher in an era where problems are solved fairly, inexpensively, swiftly, and harmoniously. The public expects no less and we must rise to the occasion in meeting those expectations.

Butts v. State, 273 Ga. 760, 772-73 (2001)(emphasis added.)

Civility and respect are common themes in both the Lawyer's Creed and the Aspirational Statements on Professionalism. And it is a common focus of the Georgia Supreme Court

and Court of Appeals when discussing professionalism. In a concurring opinion in a legal malpractice case, Justice Benham urged against unbridled and blind advocacy:

I fear also that many professions, in prudent response to the majority opinion, will throttle back on their ethical requirements. Rather than advancing ethics and professionalism, the majority opinion may cause many professional codes to be allowed to stagnate; others will be repealed outright to avoid their use in malpractice actions. Ethical rules which require lawyers to act as officers of the court may be subordinated to rules requiring advocacy on behalf of clients in order to avoid potential tort liability to a client dissatisfied with an attorney's level of aggressiveness. Unbridled and blind advocacy could become the order of the day and the professionalism movement, for all practical purposes, would be dead in the water.

Allen v. Lefkoff, Duncan, Grimes & Dermer P.C., 265 Ga. 374, 382 (1995)

More recently, Judge McFadden noted “our standards of professionalism mandate courtesy and formality.” *State v. Arline*, 345 Ga. App. 178, 181 (2018). But these are not new concepts, as far back as 1852 the Georgia Supreme Court has noted the need for dignity and honor by those of us in this profession:

[T]he habit of counsel in addressing the Jury, of commenting upon matters not proven and not growing out of the pleadings . . . [is] illegal and highly prejudicial to a fair and just administration of the rights of parties. . . . [I]t is the duty of counsel to guard, by the most scrupulous propriety of demeanor, in the conduct of a cause, the dignity and honor of the profession.

Mitchum v. State, 11 Ga. 615(1852) (7).

c. The intersection of professionalism and government.

To some degree we must always be mindful that we represent the government. While there does not appear to be any specific aspirational statements for government attorneys, we are an extension of one of the most powerful entities in the world. The State

of Georgia is larger than some countries. Our client, and by extension us, has the ability to take away someone's license, passport, and property. Through the appropriate mechanisms, our advocacy may result in someone being jailed for their contempt. Because of this, we should treat the aspirational statements as what we are required to do rather than a suggestion.

d. Professionalism extends beyond you.

In a concurring opinion, Justice Benham noted professionalism extends beyond lawyers and includes law enforcement officers:

In 1985, this court established a Commission on Professionalism to improve the image of the bench and bar by emphasizing a sense of honesty, trustworthiness, truthfulness, integrity, fairness and civility. Recently, in commenting on the need for professionalism, Chief Justice Clarke said, "Ethics is that which is required and professionalism is that which is expected." In stressing the need for professionalism among judges and lawyers, we in no way meant to exempt law enforcement officers from acting professionally in their appearances before the various courts of this state.

King v. State, 262 Ga. 477, 478 (1992).

Our representation of DCSS regularly involves us preparing agents to testify in various courts. They, too, must be expected to adhere to a level of professionalism. Like law enforcement officers, they regularly appear with us in courts, testify in courts, and represent the State of Georgia.

But we must take note of who is ultimately responsible for the lack of professionalism of others:

The professional nature of the law practice and its obligations to the public interest require that each lawyer be civilly responsible for his professional acts. A lawyer's relationship to his client is a very special one. So also is the relationship between a lawyer and the other members of his or her firm a special one. When a client engages the services of a lawyer the client has

the right to expect the fidelity of other members of the firm. It is inappropriate for the lawyer to be able to play hide-and-seek in the shadows and folds of the corporate veil and thus escape the responsibilities of professionalism.

First Bank & Tr. Co. v. Zagoria, 250 Ga. 844, 846 (1983)

We are responsible for preparing our cases for court, which necessarily includes preparing our client's employees to testify and conduct themselves in a professional manner.

e. Things you should never do.

Often we focus on purely aspirational statements without considering those instances where our Justices and Judges have clearly identified unprofessional conduct. For instance, Chief Justice Hunstein described a prosecutor's theatrics by turning off the lights, lighting candles on a birthday cake, and singing "Happy Birthday" to a murder victim as unprofessional:

The prosecutor's birthday production was not meant to be argument or rebuttal: it was a theatrical stunt spun out of pure fantasy. Its sole purpose was to prejudice the rights of appellants before the jury in an impermissible attempt to invoke the jury's passions and divert the jury from the evidence. It offended the dignity and decorum of the court and violated every precept of professionalism and fair play.

Smith v. State, 288 Ga. 348, 359 (2010).

And it is clear attacking a witness for sport or to badger the witness is off limits:

Their present brief is only somewhat better. It includes, for example, repeated unsupported and irrelevant assertions that a particular witness has substance abuse problems. We again rebuke appellants. This lack of professionalism does less than nothing to advance their cause.

Murphy v. Murphy, 330 Ga. App. 169, 173 n.2 (2014)

Perhaps more obvious is to not engage in ex-parte communication:

A lawyer who obtains a judge's signature on a decree in the absence of the opposing lawyer where certain aspects of the decree are still in dispute, may have violated Rule 3.5: *Impartiality and Decorum of the Tribunal* regardless of the lawyer's good intentions or good faith.” Comment 3B to Rule 3.5 of the Georgia Rules of Professional Conduct. At the least, this conduct demonstrates a disappointing lack of professionalism of Husband's trial counsel

Buckner v. Buckner, 294 Ga. 705, 709 (2014).

It is also worth noting a lawyer acts unprofessionally, according to Judge Smith, when they describe themselves as incompetent or otherwise “fall on their sword” for a client:

Typically, trial counsel in such situations testify primarily to the factual details of their conduct and decisions, and admit errors only with reluctance and with due regard for their professionalism and pride in their work. The developing trend of emphatically and even eagerly testifying to one's own incompetence or misconduct is dangerous to the administration of justice, particularly if it is allowed to continue without any consequences for the testifying trial counsel.

Nejad v. State, 296 Ga. App. 163, 170 (2009)

II. The Lawyer's Creed and Aspirational Statements on Professionalism

Meriam-Webster defines “creed” as a brief authoritative formula for religious beliefs or a guiding principle.⁸ The Lawyer's Creed and aspirational statements were adopted by the Chief Justice's Commission on Professionalism in 1990 and by Supreme Court order made a part of the Rules and Regulations for the Organization and Government of the State Bar of Georgia.⁹ The Lawyer's Creed fulfills a role of providing

⁸ <https://www.merriam-webster.com/dictionary/creed>

⁹ <https://www.gabar.org/aboutthebar/lawrelatedorganizations/cjcp/lawyers-creed.cfm>

a basic “outline” whereas the aspirational statements go into a greater depth. Using The Lawyer’s Creed as a roadmap, the concepts in both will be addressed in tandem:

a. To the Client

To my clients, I offer faithfulness, competence, diligence, and good judgment. I will strive to represent you as I would want to be represented and to be worthy of your trust.

The Lawyer’s Creed directs us to be faithful, competent, diligent, and use good judgment. These should not seem like lofty goals. Indeed, they are required, to some degree, by the Georgia Bar Rules.

The aspirational statements call for more. Lawyers should aspire to expeditiously and economically achieve all of their client’s objectives. We must note our representation of DCSS involves a necessary tension—achieving our client’s objectives and ensuring compliance with the law doesn’t always mean objectives can be achieved economically or expeditiously. This is not a direction to cut corners. But one should be mindful of whether there is a more efficient—read economical and expeditious—manner to achieve our client’s goals that are compliant with the law and our client’s own internal policies.

Lawyers should also aspire to ensure our client is making fully informed decision-making. DCSS lawyers represent a division of one of the largest governmental bodies in Georgia. Obviously, we are not required to consult with entire division regarding whether to pursue contempt against an obligor. But we should aspire to ensure our local office is making informed decisions regarding legal matters. And, in particular, we should be mindful of maintain a sympathetic detachment allowing objective and independent advice. In the context of DCSS, this means dealing with agents who may become your

friend (or enemy) who may disagree with your assessment of a case because of external reasons—such as a bad experience with an obligee or obligor.

The good news, for all of us, is we have little control over our fee arrangement with DCSS. Thus, there is no need for an in-depth discussion of aspiring to have fair and equitable fee agreements.

Finally, we must aspire to ensure maintain confidentiality and conflicting loyalties. This is especially important given the type of information—regarding the public—we are privy to and is required by our client. We must not only keep our client's information confidential but also personal and financial information regarding third parties protected.

b. Opposing Parties/Counsel

To opposing parties and their counsel, I offer fairness, integrity, and civility. I will seek reconciliation and, if we fail, I will strive to make our dispute a dignified one.

As noted *supra*, it is possible to represent your client with tenacity and zeal and still be civil. This is what the Lawyer's Creed and the aspirational statements seek from lawyers in dealing with opposing counsel and opposing parties.

With respect to dealing with opposing counsel and parties, an old adage rings true: do unto others as you would have them do unto you. We should strive to treat our opposition with fairness and dignity in all things. This may manifest as ensuring another attorney is given proper notice of a hearing, not at the last minute, or not hanging up on a pro se party.

When representing DCSS, we are the face of the government and the face of the profession. There are so many negative lawyer jokes because there have been too many lawyers willing to let themselves portray a negative impression.

c. The Courts

To the courts, and other tribunals, and those who assist them, I offer respect, candor, and courtesy. I will strive to do honor to the search for justice.

Most of the aspirational statements regarding the courts are required by various rules. As DCSS attorneys we have significantly higher civil case loads than many lawyers, by virtue of the volume of cases needing to be filed in our judicial circuits. We of course should be honest, seek to ensure cases are handled in a timely fashion, and seek to not waste the court's time.

But perhaps we should pay special attention to the aspirational statement to refrain from "undue familiarity" with the judiciary. Because of the number of cases we file, the numbers of orders we present, and the general volume of child support cases it is easy to develop a relationship with a particular judge. Judges can be your friend. There is no requirement that judges go into hiding once they put on a robe or be social outcasts. The key is for us to avoid undue familiarity, which would be using friendship to the disadvantage of opposing parties, calling a Judge by their first name in open court, or using the court's familiarity with you to obtain relief in an unfair fashion.

d. Colleagues

To my colleagues in the practice of law, I offer concern for your welfare.

I will strive to make our association a professional friendship.

This is an adversarial profession. This is still a profession. We should treat each other with due care, regardless of our practice areas or which side of a case we are on. It may seem unthinkable, but even Aaron Burr ran to the side of Alexander Hamilton in *Hamilton* after fatally wounding Hamilton.

e. The profession

To the profession, I offer assistance. I will strive to keep our business a profession and our profession a calling in the spirit of public service.

It is easy to look over this tenet because we represent a government agency. Not so fast. The aspirational statement suggests:

As to our profession, I will aspire:

- (a) To improve the practice of law. As a professional, I should:
 - (1) Assist in continuing legal education efforts;
 - (2) Assist in organized bar activities; and
 - (3) Assist law schools in the education of our future lawyers.
- (b) To protect the public from incompetent or other wrongful lawyering. As a professional, I should:
 - (1) Assist in bar admissions activities;
 - (2) Report violations of ethical regulations by fellow lawyers; and,
 - (3) Assist in the enforcement of the legal and ethical standards imposed upon all lawyers.

These are fairly straightforward and simple to understand. A former president of the State Bar of Georgia would often quote “a rising tide raises all boats.” The same is true of a harbor full of mines—all ships will sink. If nothing else, it is incumbent on you to try and

make our profession better by assisting in the betterment of the profession through mentoring or bar activities, or ensuring rogue lawyers do not harm the profession with unethical conduct.

f. The public and system of justice

To the public and our systems of justice, I offer service. I will strive to improve the law and our legal system, to make the law and our legal system available to all, and to seek the common good through the representation of my clients.

Most of the aspirational statements are not relative to our representation of DCSS. To some degree, our representation of DCSS is a public service. We inherently ensure our system of justice is available to those who cannot afford a lawyer to seek child support and to ensure children are supported as required by law.

We should still strive to assist the public and our system of justice by ensuring the public is informed about the law, relevant to our practice area, and working to abate any notion that “child support court” is rigged against fathers, as I often am told by members of the public.

III. Professionalism in practice.

Consider these hypotheticals:

1. John Cheatem is representing an obligor in a contempt hearing. It is 3:45 P.M. on a Friday and your computer alerts you to an email from Mr. Cheatem directed to Judge Mortimer’s assistant:

Dear Ms. Golly,

As we discussed on the phone, here are my clients receipts showing the arrears claimed by child support are flat out wrong and a total fabrication. As you know, this isn't the first time this obligee has tried to pull this sort of stunt and the folks down at child support keep going for it.

/s/ John Cheatem

How do you react this email? What harm is there in the actions of Mr. Cheatem?

2. You are in court to register a Virginia Order against Arnold Harley, who is represented by John Cheatem. After your initial proffer, Mr. Cheatem pulls from a yellow mailing envelope an order which supersedes the Order you are trying to register, which was filed last week in Virginia. The new order crushes your case and Mr. Cheatem didn't disclose this to you prior to the hearing.

How do you react? What was (or was not) professional about Mr. Cheatem's advocacy?

3. You are at your favorite restaurant for lunch with an insurance salesman. John Cheatem comes in, slaps you on the back, and makes a loud remark about beating you on a case.

How do you react? Would your reaction be any different if Judge Mortimer was eating lunch with you? Should it be any different? Should you discuss anything given your client's policy on confidentiality?

4. You and your family are going to the Waffle House for a "breakfast-for-supper" meal. The short-order cook is a frequent flyer for your office and has a pending contempt scheduled for next month. As you go to pay he yells "Make sure you tip me so I can give it back to you in court!"

What's the right response? Are you uncomfortable? Should you respond?

5. Michelle Phifer is a Rev/Mod agent in your office. Recently an obligor caused a scene by distributing pictures of Ms. Phifer wearing a costume in the parking lot to other obligors. Ms. Phifer is very upset. The obligor arrives to court and Judge Mortimer instructs you to attempt to settle before a hearing. Your office manager texts you “Double the normal purge amount.” You know your office will be upset if you settle the case. The obligor, who is running for mayor, pulls out a wad of cold hard cash that represents six months of payments.

What do you do? Is there a professionalism issue?

6. William “Wild Bill” Kelso is a lawyer of forty-two years and is generally regarded as a “good person” but “terrible lawyer” by most in your circuit. He has obtained a divorce decree not setting any child support, missing a worksheet, and other issues. The putative obligee applies for services and the divorce order comes to your attention.

How do you react? Would it matter if you knew Kelso was told by your Chief Judge to prepare the documents and she refused to sign the order, but he got a different judge to sign the order?

7. An obligor claims he isn’t the father of the child. An order was obtained by default seven years ago and no monies was ever paid. He is begging you to know what he can do.

How do you respond? Do you feel empathy for the obligor? What sort of conflicts of professionalism arise in this scenario?

Appendix A

A LAWYER'S CREED

To my clients, I offer faithfulness, competence, diligence, and good judgment. I will strive to represent you as I would want to be represented and to be worthy of your trust.

To the opposing parties and their counsel, I offer fairness, integrity, and civility. I will seek reconciliation and, if we fail, I will strive to make our dispute a dignified one.

To the courts, and other tribunals, and to those who assist them, I offer respect, candor, and courtesy. I will strive to do honor to the search for justice.

To my colleagues in the practice of law, I offer concern for your welfare. I will strive to make our association a professional friendship.

To the profession, I offer assistance. I will strive to keep our business a profession and our profession a calling in the spirit of public service.

To the public and our systems of justice, I offer service. I will strive to improve the law and our legal system, to make the law and our legal system available to all, and to seek the common good through the representation of my clients.

ASPIRATIONAL STATEMENT ON PROFESSIONALISM

The Court believes there are unfortunate trends of commercialization and loss of professional community in the current practice of law. These trends are manifested in an undue emphasis on the financial rewards of practice, a lack of courtesy and civility among members of our profession, a lack of respect for the judiciary and for our systems of justice, and a lack of regard for others and for the common good. As a community of professionals, we should strive to make the internal rewards of service, craft, and character, and not the external reward of financial gain, the primary rewards of the practice of law. In our practices we should remember that the primary justification for who we are and what we do is the common good we can achieve through the faithful representation of people who desire to resolve their disputes in a peaceful manner and to prevent future disputes. We should remember, and we should help our clients remember, that the way in which our clients

resolve their disputes defines part of the character of our society and we should act accordingly.

As professionals, we need aspirational ideals to help bind us together in a professional community. Accordingly, the Court issues the following Aspirational Statement setting forth general and specific aspirational ideals of our profession. This statement is a beginning list of the ideals of our profession. It is primarily illustrative. Our purpose is not to regulate, and certainly not to provide a basis for discipline, but rather to assist the Bar's efforts to maintain a professionalism that can stand against the negative trends of commercialization and loss of community. It is the Court's hope that Georgia's lawyers, judges, and legal educators will use the following aspirational ideals to reexamine the justifications of the practice of law in our society and to consider the implications of those justifications for their conduct. The Court feels that enhancement of professionalism can be best brought about by the cooperative efforts of the organized bar, the courts, and the law schools with each group working independently, but also jointly in that effort.

General Aspirational Ideals

As a lawyer, I will aspire:

- (a) To put fidelity to clients and, through clients, to the common good, before selfish interests.
- (b) To model for others, and particularly for my clients, the respect due to those we call upon to resolve our disputes and the regard due to all participants in our dispute resolution processes.
- (c) To avoid all forms of wrongful discrimination in all of my activities including discrimination on the basis of race, religion, sex, age, handicap, veteran status, or national origin. The social goals of equality and fairness will be personal goals for me.
- (d) To preserve and improve the law, the legal system, and other dispute resolution processes as instruments for the common good.
- (e) To make the law, the legal system, and other dispute resolution processes available to all.
- (f) To practice with a personal commitment to the rules governing our profession and to encourage others to do the same.
- (g) To preserve the dignity and the integrity of our profession by my conduct. The dignity and the integrity of our profession is an inheritance that must be maintained by each successive generation of lawyers.
- (h) To achieve the excellence of our craft, especially those that permit me to be the moral voice of clients to the public in advocacy while being the moral voice of the public to clients in counseling. Good lawyering should be a moral achievement for both the lawyer and the client.
- (i) To practice law not as a business, but as a calling in the spirit of public service.

Specific Aspirational Ideals

As to clients, I will aspire:

(a) To expeditious and economical achievement of all client objectives.

(b) To fully informed client decision-making. As a professional, I should:

- (1) Counsel clients about all forms of dispute resolution;
- (2) Counsel clients about the value of cooperation as a means towards the productive resolution of disputes;
- (3) Maintain the sympathetic detachment that permits objective and independent advice to clients;
- (4) Communicate promptly and clearly with clients; and,
- (5) Reach clear agreements with clients concerning the nature of the representation.

(c) To fair and equitable fee agreements. As a professional, I should:

- (1) Discuss alternative methods of charging fees with all clients;
- (2) Offer fee arrangements that reflect the true value of the services rendered;
- (3) Reach agreements with clients as early in the relationship as possible;
- (4) Determine the amount of fees by consideration of many factors and not just time spent by the attorney;
- (5) Provide written agreements as to all fee arrangements; and
- (6) Resolve all fee disputes through the arbitration methods provided by the State Bar of Georgia.

(d) To comply with the obligations of confidentiality and the avoidance of conflicting loyalties in a manner designed to achieve the fidelity to clients that is the purpose of these obligations.

As to opposing parties and their counsel, I will aspire:

(a) To cooperate with opposing counsel in a manner consistent with the competent representation of all parties. As a professional, I should:

- (1) Notify opposing counsel in a timely fashion of any cancelled appearance;
- (2) Grant reasonable requests for extensions or scheduling changes; and,
- (3) Consult with opposing counsel in the scheduling of appearances, meetings, and depositions.

(b) To treat opposing counsel in a manner consistent with his or her professional obligations and consistent with the dignity of the search for justice. As a professional, I should:

- (1) Not serve motions or pleadings in such a manner or at such a time as to preclude opportunity for a competent response;
- (2) Be courteous and civil in all communications;
- (3) Respond promptly to all requests by opposing counsel;
- (4) Avoid rudeness and other acts of disrespect in all meetings including depositions and negotiations;
- (5) Prepare documents that accurately reflect the agreement of all parties; and
- (6) Clearly identify all changes made in documents submitted by opposing counsel for review.

As to the courts, other tribunals, and to those who assist them, I will aspire:

(a) To represent my clients in a manner consistent with the proper functioning of a fair, efficient, and humane system of justice. As a professional, I should:

- (1) Avoid non-essential litigation and non-essential pleading in litigation;
- (2) Explore the possibilities of settlement of all litigated matters;
- (3) Seek non-coerced agreement between the parties on procedural and discovery matters;
- (4) Avoid all delays not dictated by a competent presentation of a client's claims;
- (5) Prevent misuses of court time by verifying the availability of key participants for scheduled appearances before the court and by being punctual; and
- (6) Advise clients about the obligations of civility, courtesy, fairness, cooperation, and other proper behavior expected of those who use our systems of justice.

(b) To model for others the respect due to our courts. As a professional I should:

- (1) Act with complete honesty;
- (2) Know court rules and procedures;
- (3) Give appropriate deference to court rulings;
- (4) Avoid undue familiarity with members of the judiciary;
- (5) Avoid unfounded, unsubstantiated, or unjustified public criticism of members of the judiciary;
- (6) Show respect by attire and demeanor;
- (7) Assist the judiciary in determining the applicable law; and,
- (8) Seek to understand the judiciary's obligations of informed and impartial decision-making.

As to my colleagues in the practice of law, I will aspire:

- (a) To recognize and to develop our interdependence;
- (b) To respect the needs of others, especially the need to develop as a whole person; and,
- (c) To assist my colleagues become better people in the practice of law and to accept their assistance offered to me.

As to our profession, I will aspire:

- (a) To improve the practice of law. As a professional, I should:
 - (1) Assist in continuing legal education efforts;
 - (2) Assist in organized bar activities; and,
 - (3) Assist law schools in the education of our future lawyers.
- (b) To protect the public from incompetent or other wrongful lawyering. As a professional, I should:
 - (1) Assist in bar admissions activities;
 - (2) Report violations of ethical regulations by fellow lawyers; and,
 - (3) Assist in the enforcement of the legal and ethical standards imposed upon all lawyers.

As to the public and our systems of justice, I will aspire:

- (a) To counsel clients about the moral and social consequences of their conduct.
- (b) To consider the effect of my conduct on the image of our systems of justice including the social

effect of advertising methods. As a professional, I should ensure that any advertisement of my services:

- (1) is consistent with the dignity of the justice system and a learned profession;
- (2) provides a beneficial service to the public by providing accurate information about the availability of legal services;
- (3) educates the public about the law and legal system;
- (4) provides completely honest and straightforward information about my qualifications, fees, and costs; and
- (5) does not imply that clients' legal needs can be met only through aggressive tactics.

(c) To provide the pro bono representation that is necessary to make our system of justice available to all.

(d) To support organizations that provide pro bono representation to indigent clients.

(e) To improve our laws and legal system by, for example:

- (1) Serving as a public official;
- (2) Assisting in the education of the public concerning our laws and legal system;
- (3) Commenting publicly upon our laws; and,
- (4) Using other appropriate methods of effecting positive change in our laws and legal system.