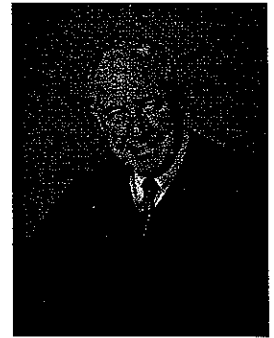


ethics

Hon. Stephen Limbaugh Sr.

The Ethical Duty of a Lawyer to the Profession and Society



The position the American lawyer has occupied in the public mind has always been singularly paradoxical. From the founding of the nation until the present hour, the lawyer on the one hand has been condemned for his selfishness, his dishonesty, and his pettifoggery. He has been charged with infidelity to his trust and of selling out his client and his cause, and of unjustly profiting from the misfortunes of his clients. On the other hand, during the same time the lawyer has been commended for his fealty, his incorruptibility, his fidelity and his trustworthiness in his private practice. He has been generously praised for his high sense of duty, his patriotic devotion and his dedication to the people's welfare in his public service. For this dual position the lawyer occupies in the public mind, he or she is and must be held accountable.

The paradox of the lawyer is aggravated by the unique adversary position of the lawyer. Frequently 50% of the lawyer's clients are satisfied because a lawyer has won a lawsuit for them. The other 50% who have lost the case are angry and claim that their lawyers were incompetent or dishonest. The 50% who are angry occasionally retaliate against the judge and the system as well as the lawyer.

Under the leadership of the voluntary and integrated bars and other law-related institutions, the American lawyer is reactivating the profession in the highest tradition. We can improve our public image and achieve meaningful reforms, and restore public confidence and trust by performing our ethical duty.

Our first duty is to our client. The relationship originates in deep human needs and

calls for assistance that can only be rendered in a spirit of neighborliness and coupled with the lawyer's special skill and experience. It involves disclosures frequently of secrets of life and conduct. It may involve rights a citizen has but of which he is deprived and of which he cannot enjoy without a lawyer's help. It is from this relationship that a lawyer derives sustenance for himself and family, and through this relationship the lawyer develops his skill and perfects himself in the learned art of his profession. As a result of this relationship, the lawyer does his paramount duty to his client. The first of these duties are that of warmth. More than anything else, your client will want your understanding and your warmth. You will recall the tragic scene of Goethe's death when his last exclamations were "More light, more light." Another great author added to that deathbed cry by saying "Not more light but more warmth. Men die of the frost, not of the darkness." Let your client too feel the full value of your personality and your concern for his problem.

There is further concern about the lawyer's duty to keep information that his client has given him confidential. All clients expect the information that they give to their lawyer to be held in the greatest of confidence. There is every indication to believe that the canons affecting this relationship require lawyers to maintain this confidence in the strictest sense unless there may be a clear and present personal danger to the life and welfare of someone, which may require that the lawyer reveal the information so as to circumvent the possible danger.

In this connection, lawyers have an obligation to adhere to the recognized standards of

professional conduct in all respects. Only when counsel carry out the highest sense of professional conduct will they also provide the best service for the client.

Our next duty will be to the community wherein we reside. Wherever we live, we will find that lawyers are the leaders in all fields of endeavor in community life. We find lawyers as members of the boards of directors of the United Way, hospitals, and a variety of other philanthropic organizations. In education and religion, we see lawyers serving on school boards, church boards, library boards, and in city planning boards. Where there is change being effected, we find lawyers working to accomplish the change as well as resisting the change. In all efforts to bring about social reform, we find lawyers spearheading the movements.

Lawyers have a solemn obligation to be active in these community affairs. First, the people who are connected with these institutions may be our friends and those with whom we associate. We cannot help but participate in their causes as well. Next, many of our clients may be directly or indirectly affected by these institutions and we should be familiar with them and their work in order to carry out our duty to our client as well. But most important is the fact that this community in which we live will furnish the clients who will pay us for our legal services. For the most part, we earn our livelihood from our community. It is incumbent that lawyers return this favor by using their time, talents and special training for work in community affairs.

Another responsibility that faces the American lawyer today more than at any

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other time is the challenge of government and legislative service. Not too long ago, one out of every three members of the legislature in our state bodies was a lawyer. This number today has dwindled from 5% to 15% on an average. There is an exceptional need today for bright people with special training as lawyers to go into legislative service. Many lawyers in the past successfully have blended an active legal practice with service in the legislature. Others have grown to devote substantial periods of time in legislative service. Lawyers historically have been the leaders in molding and shaping our law. The trend away from this is alarming and must be successfully addressed.

A final obligation that lawyers have is to their school and their profession. All of us have been challenged by the professors of law schools in developing our own mind. A substantial portion of what we now know has been instilled in us by this school and staff. The associations that we have had there will long be remembered, and we practice with those persons and meet them as adversaries. There always is a need for lawyers to become active in the work of the organized bar. Most Bar associations have numerous substantive committees, in every field imaginable. It is through the work of these committees that lawyers have a reservoir of material that aids us in the successful structuring of our practice.

Whether lawyers elect to practice law, go into corporate or government service or however

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