

1

# A LAWYER'S CREED



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

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

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

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

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

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

24

## **ASPIRATIONAL STATEMENT ON PROFESSIONALISM**

25

26

27

28

29

30

31

32

33

34

35

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.

36

37

38

39

40

41

42

43

44

45

46

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.

47

## GENERAL ASPIRATIONAL IDEALS

48 As a lawyer, I will aspire:

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

72

## SPECIFIC ASPIRATIONAL IDEALS

73 **As to clients**, I will aspire:

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

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

76 (1) Counsel clients about all forms of dispute resolution;

77 (2) Counsel clients about the value of cooperation as a means towards the  
78 productive resolution of disputes;

79 (3) Maintain the sympathetic detachment that permits objective and independent  
80 advice to clients;

81 (4) Communicate promptly and clearly with clients; and,

82 (5) Reach clear agreements with clients concerning the nature of the  
83 representation.

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

85 (1) Discuss alternative methods of charging fees with all clients;

86 (2) Offer fee arrangements that reflect the true value of the services rendered;

87 (3) Reach agreements with clients as early in the relationship as possible;

88 (4) Determine the amount of fees by consideration of many factors and not just  
89 time spent by the attorney;

90 (5) Provide written agreements as to all fee arrangements; and

91 (6) Resolve all fee disputes through the arbitration methods provided by the State  
92 Bar of Georgia.

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

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

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

99 (1) Notify opposing counsel in a timely fashion of any cancelled appearance;

100 (2) Grant reasonable requests for extensions or scheduling changes; and,

101 (3) Consult with opposing counsel in the scheduling of appearances, meetings,  
102 and depositions.

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

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

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

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

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

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

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

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

140 (a) To recognize and to develop our interdependence;

141 (b) To respect the needs of others, especially the need to develop as a whole person; and,

142 (c) To assist my colleagues become better people in the practice of law and to accept

143 their assistance offered to me.

144 **As to our profession**, I will aspire:

145 (a) To improve the practice of law. As a professional, I should:

- 146 (1) Assist in continuing legal education efforts;  
147 (2) Assist in organized bar activities; and,  
148 (3) Assist law schools in the education of our future lawyers.

149 (b) To protect the public from incompetent or other wrongful lawyering. As a  
150 professional, I should:

- 151 (1) Assist in bar admissions activities;  
152 (2) Report violations of ethical regulations by fellow lawyers; and,  
153 (3) Assist in the enforcement of the legal and ethical standards imposed upon all  
154 lawyers.

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

156 (a) To counsel clients about the moral and social consequences of their conduct.

157 (b) To consider the effect of my conduct on the image of our systems of justice including the  
158 social effect of advertising methods. As a professional, I should ensure that any  
159 advertisement of my services:

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

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

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

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

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