



MY OPINION

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Carrying the Torch Forward

More than 20 years ago, at a time when many of today's young lawyers were in elementary or middle school, *The Texas Lawyer's Creed — A Mandate for Professionalism* was promulgated and adopted by the Supreme Court of Texas and the Court of Criminal Appeals. The creed was created to eliminate abusive tactics used by a minority of Texas lawyers that undermined the public perception of the profession and the interest of justice.

The creed sets forth standards respecting the legal system, clients, colleagues, and the judiciary to which every Texas lawyer should be committed. It implores Texas lawyers to hold themselves and their peers to a standard above and beyond what is required by the Texas Disciplinary Rules of Professional Conduct. Every Texas lawyer is responsible for understanding and complying with the creed.

Out of the creed's 44 enumerated standards, perhaps it is no surprise that nearly half (43.1 percent) of the standards relate to the duties that lawyers owe to opposing counsel. This percentage far exceeds a lawyer's duties to our legal system (11.4 percent), the judiciary (20.5 percent), and even clients (25 percent). The opening paragraph in the creed relating to a lawyer's duty to opposing counsel reads:

A lawyer owes to opposing counsel ... courtesy, candor, cooperation, and scrupulous observance of all agreements and mutual understandings. Ill feelings between clients shall not include a lawyer's conduct, attitude, or demeanor toward opposing

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counsel. A lawyer shall not engage in unprofessional conduct in retaliation against other unprofessional conduct.

We all have heard stories about, or had unfortunate experiences with, opposing counsel who have failed to act in accordance with the creed. Examples such as personal attacks in correspondence and pleadings, noticing depositions arbitrarily without any attempts to coordinate schedules with counsel, and purposefully waiting until the end of the business day to serve motions should not be the norm. In today's environment, where there is ever-increasing pressure to meet client demand and exceed expectations, lawyers may feel the need to take an unreasonable or overly aggressive position with opposing counsel in order to impress the client. Such tactics, however, have the opposite effect of impressing clients and actually diminish the public's perception of lawyers. Zealous advocacy should not result in unprofessional conduct.

Furthermore, when emotions run high between a client and an adversary, remember that we are paid to objectively view the facts and provide sage advice and counsel. If we allow our clients' emotions to affect how we interact with opposing counsel, then our clients ultimately suffer, as needless bickering between counsel results in petty motions and unnecessary fees. When faced with unprofessional conduct, take the high road in both deeds and words. Courts and juries tend to reward counsel who do so.

At a time when public perception of lawyers is perhaps at an all-time low, it is imperative that we carry forward the torch for professionalism. We must hold one another accountable to ensure compliance by our peers. We can only improve public perception if we work together to adhere to the highest level of ethical and professional conduct, as mandated by the courts.

For the many future young lawyers who just took the Texas Bar Exam or who may not have attended a Texas law school, I encourage you to read the *Texas Lawyer's Creed*. For those who may have not read the creed in some time, I encourage you to do so again.

We do not automatically become professionals after we graduate from law school or read the creed. More effort is required. In our daily practice, we must behave in a manner that is consistent with the established standards set forth in the creed. I am certain that Texas young lawyers will continue to adhere to the creed and encourage those who are seeking to enter our profession to do the same. A copy of the *Texas Lawyer's Creed* may be found at texasbar.com/ethics. ★