



TEXAS DAY OF CIVILITY—APRIL 4, 2024

Celebrating professionalism in our practice.

WRITTEN BY WILLIAM G. HAGANS

What's the difference between ethics, civility, and professionalism? It's a question that every lawyer has asked themselves. James H. "Blackie" Holmes III, co-chair of the Supreme Court Advisory Committee on Professionalism that wrote the Texas Lawyer's Creed, noted, "Ethical conduct can be codified, but professionalism must come from within the lawyer."¹ My father, Fred Hagans, the other co-chair of the committee that wrote the Texas Lawyer's Creed, observed the attitude that many seem to have: "Professionalism is the way I conduct myself and treat others. Unprofessional conduct is the way others practice and treat me."²

Maybe civility is a subset of professionalism. One of the three C's of professionalism—caring, civility, and competence. If you don't care for your clients, why will anyone else? But don't forget to care about our profession—our impact on the profession; impact on judge, jury, and opposing counsel; and impact on our individual selves. Rule 1.01(a) of the Texas Disciplinary Rules of Professional Conduct requires lawyers to "not accept or continue employment in a legal matter which the lawyer knows or should know is beyond the lawyer's competence." Being professional is more than just being nice.

This year we celebrate the 35th anniversary of the adoption of the Texas Lawyer's Creed. Since the first proclamation in 2018 by the Supreme Court of Texas and the Texas Court of Criminal Appeals, we have celebrated a Day of Civility. But what does any of that mean to our day-to-day practices? How do we respond when the person on the other end of the phone hangs up on us? Or sends us a curt email? Or files a pleading that contains an untrue statement about an appellate holding, about our client, or about us?

At least one time each year, I email a copy of the Texas Lawyer's Creed to another lawyer and, in an attempt to lower

tensions, first tell them that I plan to read it again and ask that they do the same. While I have never had someone tell me they did what I asked, I remain confident that the creed holds within it everything that our profession needs to remember and practice civility and professionalism. Never forget: We are a profession. We are all in this profession—this bar—together. We are colleagues, and only a small portion of our society is given this awesome and exclusive access to the judicial processes of our government.³ Ethics, civility, and professionalism to each other, to the courts, to our clients, and to the public is characterized by candor, fairness, and an unwillingness to resort to a lesser standard.

Said another way: There ain't no right way to do the wrong thing.⁴

NOTES

1. Alan Hunt, 'Professionalism Must Come from Within,' *Lawyers Told*, Baylor University Media and Publications (June 9, 2003), <https://news.web.baylor.edu/news/story/2003/professionalism-must-come-within-lawyers-told>.
2. Hagans, Holmes, Cook, and McCorkle, *Reflections on the Texas Lawyer's Creed*, Tex. Bar. J., Vol. 72, No. 10, at *834 (Nov. 2009).
3. Paraphrasing Joe Jamail, *Advocacy and Lawyers and Their Role*, 47 Baylor L. Rev. 1157 (Fall 1995).
4. Aphorism credited to (among others) Waylon Jennings.



WILLIAM G. HAGANS

became a lawyer in 2006. He began working with his father, Fred Hagans, in 2011. William is certified in personal injury trial law by the Texas Board of Legal Specialization. He is a past president of the Houston Community Board of JDRF (formerly Juvenile Diabetes Research Foundation), where he remains a board member. Hagans currently serves as secretary of the fellows of the Texas Bar Foundation and vice chair of the State Bar of Texas Professionalism Committee.

PROCLAMATION OF THE TEXAS DAY OF CIVILITY IN THE LAW AS APRIL 4, 2024 THE TEXAS SUPREME COURT AND THE TEXAS COURT OF CRIMINAL APPEALS

In conjunction with the State Bar of Texas, we, the Supreme Court of Texas and the Texas Court of Criminal Appeals, jointly proclaim April 4, 2024 as *The Texas Day of Civility in the Law* in the State of Texas.

On that day, we urge all lawyers to participate in programs, virtually or in person, at bar associations around the State of Texas to honor and recommit themselves to the aspirations written in the Texas Lawyer's Creed.

We urge all lawyers to conduct themselves and provide legal services with the utmost courtesy, professionalism, and civility toward their clients, judges, opposing counsel, peers, and colleagues alike.

The Texas Lawyer's Creed was adopted by the Supreme Court of Texas and the Texas Court of Criminal Appeals by order of November 7, 1989, and reaffirmed on March 26, 2013. In adopting the Creed, we reminded lawyers of the importance that they perform all their duties in an ethical, professional, and civil manner, when we said in part:

“The conduct of a lawyer should be characterized at all times by honesty, candor, and fairness. In fulfilling his or her primary duty to a client, a lawyer must be ever mindful of the profession's broader duty to the legal system.”

Civility is at the heart of the Texas Lawyer's Creed and is the hallmark of a professional. “Civility” was adroitly described by U.S. Supreme Court Justice Anthony Kennedy in these words:

“[Civility . . .] is not some bumper-sticker slogan, ‘Have you hugged your adversary today?’ Civility is the mark of an accomplished and superb professional, but it is even more than this. It is an end in itself. Civility has deep roots in the idea of respect for the individual.”

Justice Anthony Kennedy, 1997 speech, ABA Annual Meeting.

We urge all lawyers to act with civility to preserve our system of justice and to embrace the principles espoused by the Texas Lawyer's Creed as they vigorously represent their clients. Today, civility and collegiality within the profession and the justice system are as meaningful and essential as ever before.

Signed this 6th day of March, 2024.

Nathan L. Hecht, Chief Justice
Debra H. Lehrmann, Justice
Jeffrey S. Boyd, Justice
John P. Devine, Justice
James D. Blacklock, Justice
J. Brett Busby, Justice
Jane N. Bland, Justice
Rebeca A. Huddle, Justice
Evan A. Young, Justice

Sharon Keller, Presiding Judge
Barbara Hervey, Judge
Bert Richardson, Judge
Kevin Yeary, Judge
David Newell, Judge
Mary Lou Keel, Judge
Scott Walker, Judge
Michelle Slaughter, Judge
Jesse F. McClure, III, Judge