

The Attorney Oath

I SOLEMNLY SWEAR OR AFFIRM:

I will support the Constitution of the United States and the Constitution of the State of Louisiana.

I will maintain the respect due to courts of justice and judicial officers.

I will not counsel or maintain any suit or proceeding which shall appear to me to be unjust nor any defense except such as I believe to be honestly debatable under the law of the land.

I will employ for the purpose of maintaining the causes confided to me such means only as are consistent with truth and honor and will never seek to mislead the judge or jury by any artifice or false statement of fact or law.

I will maintain the confidence and preserve inviolate the secrets of my client and will accept no compensation in connection with a client's business except from the client or with the client's knowledge and approval.

To opposing parties and their counsel, I pledge fairness, integrity, and civility, not only in court, but also in all written and oral communications.

I will abstain from all offensive personality and advance no fact prejudicial to the honor or reputation of a party or witness unless required by the justice of the cause with which I am charged.

I will never reject from any consideration personal to myself the cause of the defenseless or oppressed or delay any person's cause for lucre or malice.

SO HELP ME GOD!



The Attorney Oath: The Foundation of the Practice of Law

By Charles R. Moore

Attorneys have taken an oath to protect our Constitution and the Rule of Law. This oath, which some may have forgotten, is the foundation of who we are as a profession and the bedrock of our discipline, accompanied by other professionalism rules and guidelines. I took my oath 46 years ago. Until I watched my daughter, Meredith, being sworn in as an attorney 16 years ago, I had forgotten much of what was in the oath, its importance, how sweeping, grand, inspirational and aspirational it was, and the importance of the role we as attorneys play in a properly functioning nation.

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The Bar

What a profession we have chosen! How grand it is, how sweeping our commitments, pledges and promises are. At our core, we are pledged to and bound by justice, integrity, truth, honor, fairness, civility and the cause of the defenseless or oppressed. This oath sets us apart from other professions. How proud we should be to be a member of a profession which binds itself to such high ideals and makes them a part of who we are. As attorneys, we are responsible for the fundamental principle of our democracy — the rule of law. We are officers of the court. This means we have an obligation to promote justice and the effective operation of the judicial system, just as judges and their court personnel are required to do. As officers of the court, we have an absolute ethi-

cal duty to tell the truth, which includes the responsibility of not being evasive.

As lawyers, we are an *ex facto* part of our government, foot soldiers in the implementation of the rule of law. If we fail, our system fails. If we are dishonest, our system is dishonest. Where we succeed, we all succeed. Without lawyers, our laws would be only ink on paper or electronic bytes in a database. We are an integral, indispensable, necessary and that-which-our-nation-cannot-do-without part of our national fabric based on the rule of law.

We ensure that commerce is possible, promises are kept and debts are paid. We are charged with preserving, protecting and applying the most fundamental principles of our nation, those that make us who we are and are part of our national identity, including equal justice for all; due process; free speech and freedom of the press; freedom of religion; freedom from unreasonable search and seizure; an independent judiciary; and a fair and impartial forum.

Our oath is required because of the power we exercise. We sometimes forget the great power with which we have been entrusted and its impact on others. It is these powers which we must exercise within the boundaries of our oath. They are powers which should only be entrusted to those who bind themselves to the principles stated in the oath. We do not have a choice. As attorneys, like it or not, we are role models. We have promised it; it is part of our job description. Being a professional trumps our role as a busi-

nessman. It is a way of life and a promise on how we will conduct ourselves in dealing with others. However, we must find our place, meeting the requirements of the “business side” while being faithful to our oath and the promises we have made on the “professional side.”

There can be no “equal justice under law” where all cannot enter the courthouse. There are those who work hard to close those doors. Our job is to keep them open. Attorneys represent not only the monied and powerful but also ordinary people, people who cannot afford to pay an hourly rate or the expenses of litigation and who, as a practical matter, cannot enter the courthouse unless an attorney chooses to represent them. A litigant who does not have an attorney has little chance of success, especially against those who have “lawyered-up.”

The Bench

Justice cannot be fair and impartial unless the judiciary is independent and insulated from outside influences. Do nothing to undermine it. There are those who, because of religious or political beliefs, have chosen intimidation of courts and judges as a means to influence their decisions.

One of the most egregious examples of judicial intimidation involved Judge George W. Greer, a Florida Republican probate judge and a former land use attorney whose claim to fame before being allotted the Terri Shiavo case was that he was the college roommate of Jim Morrison of The Doors. Terri Schiavo was a married woman who had a heart attack, sustained massive brain damage and was in a persistent vegetative state. Her husband filed a petition to remove her feeding tube and end life support. His petition was opposed by Terri’s parents. A trial was held, five neurologists testified, and the court found that Terri was brain dead and it was proper that she be removed from life support. The decision was affirmed on appeal.

The result was a political firestorm with the active intervention of the Governor of Florida and the President of the United States. The Speaker of the House of Representatives referred to Judge Greer’s decision as “judicial

terrorism.” Upon my invitation, Judge Greer came to Baton Rouge to speak at a joint seminar sponsored by the American Board of Trial Advocates (ABOTA) and the Baton Rouge Bar Association. It was during his speech that we learned of the fear and anxiety with which he and his family had to live. He required a police escort. He had to wear a bullet-proof vest. Dead flowers were delivered to his house to send him a message. He was a Southern Baptist and his church asked him to resign his membership. Judge Greer, however, had the support of his local bar association. He received multiple awards from state and national bar associations for his courage, dignity, honor and independence in the face of an orchestrated national campaign of intimidation directed against him.

Louisiana judges also have faced attempts at intimidation. The late Judge Frank J. Polozola of the U.S. District Court, Middle District of Louisiana, had a contract placed on him because of his involvement in the Barry Seal case. He lived in fear for himself and his family which was intensified when a judge he knew was murdered. He limited his public appearances and was always looking over his shoulder. He was never at peace.

Also, 19th Judicial District Court Judge William A. Morvant was called upon to decide the constitutionality of a bill calling for an amendment to the state Constitution prohibiting same-sex unions. He found the statute unconstitutional because it did not comply with the requirement that the subject matter of the bill be stated in the title of the bill. As a consequence, Judge Morvant received threats and intimidating mailings. He was the subject of a national conservative radio talk program which urged its listeners to send the judge a message on the error of his decision. Like the others, Judge Morvant was in fear for his safety and that of his family. He, like Judge Greer, required police protection.

These judges were simply doing their jobs in accordance with their oath of office, regardless of their personal beliefs. They reached decisions which they believed were required by the law and the facts and, because of their decisions, they became the target of those who opposed their rulings

because it did not fit their political or religious agenda. As lawyers, subject to this oath we all take, we must protect and defend our judiciary, stand up for them and with them and not let them stand alone when they are attacked for doing their jobs.

We also must understand that we can undermine judicial independence. Suggesting to a client or other attorney that the judge is a friend and will give you special consideration is patently wrong. Suggesting that because you have been a political supporter (financial or personal) you would expect the judge to be biased in your favor is wrong. Hiring a friend or political supporter of the judge for the hope of a more favorable ruling is wrong. These actions undermine and diminish the independence of the judiciary in the eyes of the public as well as with other attorneys. It is also a confession by the lawyer performing these acts that he believes the judge can be influenced and will decide the case on a basis other than the law and the evidence.

Conclusion

There is no profession with a greater responsibility to honor the sacrifice so many others have made than the legal profession. We must fulfill our oath. We must read and reread it, understand it, remember it and live by it and ensure that the law is rightfully applied, our courts and judges respected, that dealings are fair and just, and the defenseless and oppressed are not rejected. Such is the oath we have taken.

Charles R. Moore is a 1972 graduate of Louisiana State University Paul M. Hebert Law Center (Order of the Coif and member of the Louisiana Law Review). He was appointed co-chair of the Louisiana State Bar Association committee which drafted the Code



of Professionalism, for which he received the President’s Award in 1990. He is a board-certified civil trial attorney with Moore & Hunter, A.P.L.C., in Baton Rouge. Over his 46-year career, he has held many positions of leadership in the Bar and has been a frequent speaker on professionalism. (moore@moorelawbr.com; 6513 Perkins Rd., Baton Rouge, LA 70808)