

PROFESSIONAL CONDUCT

# Lawyer's creed curbed 'sharp practices'

■ Twenty years ago, courts issued landmark code

By JUSTICE DON WILLET and KELLY FRELS

If everything you know — or think you know — about the legal profession comes from sensational news stories, TV dramas, YouTube

videos or lawyer jokes, you might think that attorneys are 24/7 connivers who fixate on one thing: using any devious means necessary to win.

Here in Texas, however, the reality is very different. The vast majority of Texas lawyers are committed professionals who pursue their vocation with candor, civility, courtesy and compassion. In fact, most attorneys and judges have even less pa-

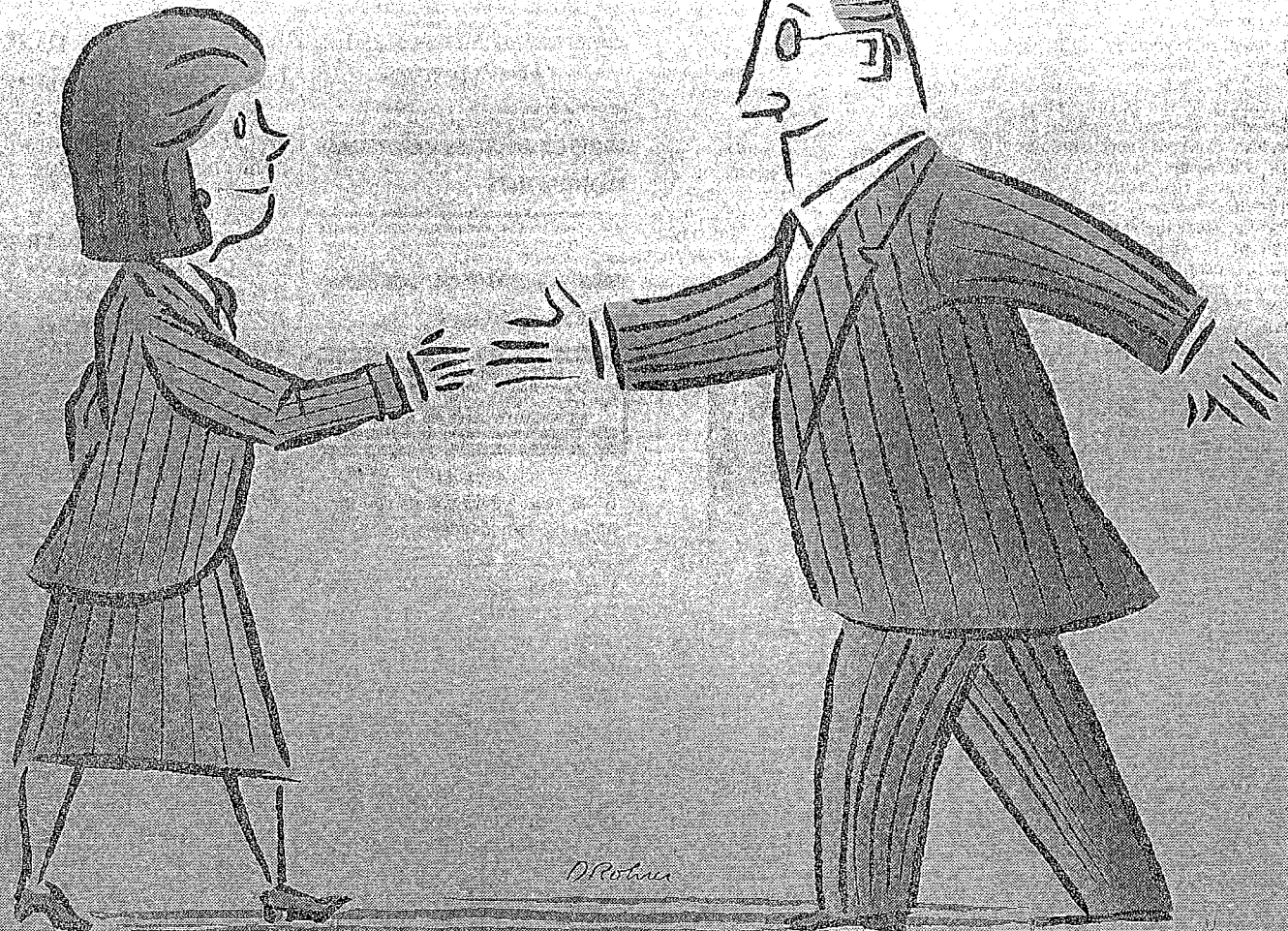
tience for deception or obstinacy in their own ranks than does the general public.

But you don't have to take our word for it. Twenty years ago this month, the highest courts in Texas issued a landmark document known as the Texas Lawyer's Creed. The creed, covering every lawyer in the state, is an aspirational code of conduct that aims to curb the sort of

unsavory behavior regularly offered as examples of what ails the legal profession:

Never heard of the Texas Lawyer's Creed? That's not surprising; a definitive statement of how lawyers honor their professional obligations does not make for a riveting news story. Nonetheless, the creed's mandate for professionalism is far more representative of how

*Please see CREED, Page B11*



DEAN ROHRER

## CREED:

# Courts issued code of conduct

**CONTINUED FROM PAGE B10**  
real Texas lawyers act than anything you may have seen elsewhere.

The creed has its origins in the 1980s with the Dallas and Houston bar associations, when many attorneys and judges became concerned about the overly aggressive actions of a few Rambo-like members of the profession. One Texas court warned that "unnecessary contention and sharp practices between lawyers" were "so pernicious" that they threatened the administration of justice. Strong words — followed soon by strong action.

In November 1989, the Supreme Court of Texas and the Texas Court of Criminal Appeals stepped in before the problem became widespread, issuing the Texas Lawyer's Creed by court order, an order still in effect today. (You can find it online at [www.texasbar.com](http://www.texasbar.com).) The creed was born two days before the Berlin Wall fell, and while you can't credit the Texas Lawyer's Creed with winning the Cold War, issuing the creed advanced courtesy here in Texas just as opening the wall advanced democracy abroad.

What does the creed do? It exhorts every Texas lawyer to adhere to a series of professional mandates when dealing with clients, judges and one another. Predicated upon the maxim that attorneys and their clients can "disagree without being disagreeable," the creed ensures that the legal system focuses on dispensing justice and meeting each client's needs, not waging verbal warfare. Among other things, it urges attorneys to:

- Achieve the client's objectives as quickly and economically as possible;
- treat opposing parties and witnesses with fairness and due consideration;
- avoid pursuing tactics that are intended primarily for delay;
- be courteous, civil and prompt in oral and written communications;
- avoid disparaging personal remarks or acrimony toward parties, witnesses and other lawyers;
- conduct themselves in a professional manner in court;
- treat counsel, opposing parties, judges and court staff with courtesy and civility;
- avoid conduct that offends the dignity and decorum of the proceedings;
- avoid misrepresenting, mischaracterizing, or misquoting facts or authorities to gain an advantage.

In the last 20 years, Texas judges have cited the creed on several occasions in addressing the issue of attorney incivility. Moreover, all lawyers are urged to advise their clients of the creed's contents, particularly the provisions that prohibit a client from instructing a lawyer to engage in abusive or offensive conduct.

Bottom line: Texas lawyers are more professional — and legal proceedings are more civil and dignified — than you might have been led to believe. Far from being fodder for jokes, most Texas lawyers and judges view their profession as a sacred trust and take seriously their duty to help facilitate the peaceful resolution of disputes in a manner consistent with our democratic ideals.

So the next time you see a fictional lawyer on television playing fast and loose with the rules or thumbing their nose at common decency, remember: It's just a TV show. In Texas, at least, the reality is much different, and the Texas Lawyer's Creed is one key reason why.

---

*Willett is a justice on the Supreme Court of Texas and court liaison to the Texas Center for Legal Ethics; Frels, a former president of the State Bar of Texas, is a Houston attorney and chair of the board of trustees of the Texas Center for Legal Ethics.*