AMERICAN BAR ASSOCIATION

CODE OF PROFESSIONAL RESPONSIBILITY AND CANONS OF JUDICIAL ETHICS

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Pretace

On August 14, 1964, at the request of President Lewis F. Powell, Jr., the House of Delegates of the American Bar Association created the Special Committee on Evaluation of Ethical Standards to examine the current Canons of Professional Ethics and to make recommendations for changes. Your Committee has been at work since that time with the extremely competent assistance of its Reporter, Professor John F. Sutton, Jr., of the University of Texas School of Law. Since August of 1967 we have been aided by Mrs. Sarah Ragle Weddington, a member of the Texas Bar, who has served as Assistant to Mr. Sutton. The supporting research work was conducted under the supervision of Mr. Sutton. in his capacity as Director of a research project for the American Bar Foundation. We also acknowledge with thanks the effective help of Frederick R. Franklin of the American Bar Association Division of Professional Service Activities, who served as Staff Assistant

Bar Association Division of Professional Service Activities, who served as Stall Association in the crowded latter months of our work.

After substantial study and a number of meetings, we concluded that the present Canons needed revision in four principal particulars: (1) There are important areas involving the conduct of lawyers that are either only partially covered in or totally omitted from the Canons; (2) Many Canons that are sound in substance are in need of editorial revision; (3) Most of the Canons do not lend themselves to practical sanctions for violations; and (4) Changed and changing conditions in our legal system and urbanized society require new

Changed and changing conductions in our legal system and tribalized society require new statements of professional principles.

The original 32 Canons of Professional Ethics were adopted by the American Bar Association in 1908. They were based principally on the Code of Ethics adopted by the Alabama State Bar Association in 1887, which in turn had been borrowed largely from the lectures of Judge George Sharswood, published in 1854 under the title of *Professional Ethics*. Since then a limited number of amendments have been adopted on a piecemeal

The thought of studying the Canons of Professional Ethics with a view of possible revision is not a new one. In 1928, 1933 and 1937 special committees of the American Bar Association, appointed for the purpose of investigating the subject, made reports recommending overall revisions, but nothing came of these efforts. In 1954 a distinguished committee of the American Bar Foundation made extensive studies of the Canons and recommended further work in the field, but the subject lay fallow for ten more years until the

creation of our Committee.

As far back as 1934 Mr. Justice (later Chief Justice) Harlan Fiske Stone, in his memorable address entitled *The Public Influence of the Bar*, made this observation:

memorable address entitled The Public Influence of the Bar, made this observation:

Before the Bar can function at all as a guardian of the public interests committed to its care, there must be appraisal and comprehension of the new conditions, and the changed relationship of the lawyer to his clients, to his professional brethren and to the public. That appraisal must pass beyond the petty details of form and manners which have been so largely the subject of our Codes of Ethics, to more fundamental consideration of the way in which our professional activities affect the welfare of society as a whole. Our canons of ethics for the most part are generalizations designed for an earlier era.

Our studies led us unanimously to the conclusion that the need for change in the statements of professional responsibility of lawyers could not be met by merely amending the present Canons. A new Code of Professional Responsibility could be the only answer.

While the opinions of the Committee on Professional Ethics of the American Bar Association have been published and given fairly wide distribution with resulting value to the bench and bar, they certainly are not conclusive as to the adequacy of the present Canons. Because the opinions are necessarily interpretations of the existing Canons, they tend to support the Canons and are critical of them only in the most unusual case. Since a large number of requests for opinions from the Committee on Professional Ethics deal with the etiquette of law practice, advertising, partnership names, announcements and the like, etiquette of law practice, advertising, partnership names, announcements and the like, there has been a tendency for many lawyers to assume that this is the exclusive field of interest of the Committee and that it is not concerned with the more serious questions of professional standards and obligations.

The present Canons are not an effective teaching instrument and they fail to give guid-

ance to young lawyers beyond the language of the Canons themselves. There is no organized interrelationship of the Canons and they often overlap. They are not cast in language designed for disciplinary enforcement and many abound with quaint expressions of the past. The present Canons, nevertheless, contain many provisions that are sound in

language designed for disciplinary enforcement and many abound with quaint expressions of the past. The present Canons, nevertheless, contain many provisions that are sound in substande, and all of these have been brought forward in the proposed Code.

In our studies and meetings we have relied heavily upon the monumental Legal Ethics (1953) of Henry S. Drinker, who served with great distinction for nine years as Chairman of the Committee on Professional Ethics (known in his day as the Committee on Professional Ethics and Grievances) of the American Bar Association.

We have had constant recourse to the opinions of the Committee on Professional Ethics.

These opinions were collected and published in a single volume in 1967; since that time we have been favored with all opinions of the Committee in loose-leaf form.

Recent decisions of the Supreme Court of the United States have necessitated intensive

Recent decisions of the Supreme Court of the United States have necessitated intensive studies of certain Canons. Among the landmark cases in this regard are NAACP v. Button, 371 U.S. 415, 83 S. Ct. 328, 9 L.Ed.2d 405 (1963), Brotherhood of R. R. Trainmen v. Virginia, 377 U.S. 1, 84 S. Ct. 1113, 12 L.Ed.2d 89 (1964), and United Mine Workers v. Ill. State Bar Ass'n, 389 U.S. 217, 88 S. Ct. 353, 19 L.Ed.2d 426 (1967). It is not here necessary to comment in detail on these far-reaching rulings since they are familiar to all lawyers.

Also, in recent years the Supreme Court of the United States has made important prononcomments in the areas of admission to the but and discipline of lawyers. Without
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"The Code of Professional Responsibility was adopted by the House of Delugates of the American Bar Association on August 12, 1969 to become effective for American Bar Association members on January 1, 1970."

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CANON 4

A Lawyer Should Preserve the Confidences and Secrets of a

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(1953). ABA Carons 6 and 71 and ABA Opinions 210 (1954), 274 (1946) and 226 armine reason underlying the rule with tensent to confine attain the tensent to the competition of the tensent to tensent to the tensent to the tensent to the tensent to the tensent tensent to the tensent tensen

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DR 4-101 Preservation of Confidences and Secrets of Client or Chieffer. Terre to Information protected by "Confidence" refers to Information protected by Chieffer Information protected by Chieffer Information and Chieffer Information I

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deavor to act in a manner which preserves the evi-dentiary privilege; for example, he should avoid profes-stonal descussions in the presence of persons to whom the privilege does not extend. A havyer owes an ob-ligation to advise the client of the altomey-client privi-lege and timely to assert the privilege unless it is waired by the client.

it BC 4-5 A havyer should not use information acquired in the cause of the representation of a client to the distribution of the client and a lawyer should not use, an except with or the client and a lawyer should not not such that the client after full disclosure, years information consent of this client after full disclosure, a such information by his charit to prevent the missue of such information by his charit to prevent the client. One should be accreted supplyone and issorted in the client to another; and no employment served of the confidence as any except of

BC 4-6 The obligation of a lawyer to preserve the confidences and secrets of his client continues after the confidences and secrets of his client continues after the confidences and secrets of his employment. Thus a lawyer should not be considered to the practice as a going business a because money that a law practice as a going business as the confidence of confidences and the confidence of the protection of the confidence of the practice of the lawyer, whether termination is due to death, disability, or retirement. For example, the confidence of the present papers of the bed client to be externed to him and for the papers of the confidence of the protection of the confidence of the confidence of the protection of the confidence of the con

(D) A lawyer shall exercise reasonable care to prevent his employees, associates, and others whose services are utilized by him from detoding or using confidences or servets of a cilent, except that a lawyer may reveal he information ablowed by DR 4-101 (C) through an employee. client or elenta affected, but only after a full discioure to them.

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CANON 5

A Lawyer Should Exercise Independent Professional Judgment on Behalf of a Client

ETHICAL CONSIDERATIONS

RC 5.1 The prefessional judgment of a lawyer should right or assumit the exercised, within the bounds of the law soldy for his discussion to the benefit of his client and free of compromising in the control of his client and free of compromising in the C 5.3 The sel flances and loyaltests. Neither his personal interests, constraint of put his interests of other clients, nor the desires of third permises or which to the control of the clients of the clients.

Interests of a Lawyer That May Affect 8th Judgment EC 5.2. A lawyer should not accept proficred employ-ment if his personal interest or cleakers will, or there is a reasonable probability that they will, affect adversely the advice to be front-eart the prospective client. After accepting employment, a law-yer carefully should refrain from acquiring a property

Marking the control of the interest of his dimate fact his pidgmentaries of eather the received his dimate state.

EC 54. The self-interest of a haver resulting from his test, control of the pidgment and his test, control of the interest of which may affect property of his client may his interfere with the exercise of free judgment on behalf of his client. If such interference would occur with rapped to a prospective client, a lawyer should decline the property inches the property

failing to districts that information to the proper authori-ties. " ABA Gention 155 (1985) "
We held in Opinion 155 (1985) a communication by a client to his altomery in respect to the future commission of an unhavida act or to a continuing wrong is not privileged from districture. Public policy forbids have the clinion of attoring and client should be used to concent wrong-doing on the part of the client.

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EC 5-4 If, in a thick the new per is interested as the subject matter of the employment, he may be a control permit of the college of the complete of the permit of th

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and biomakin arties at different stages; they relate either to the whether a lawer abstract stages; they relate either to whether a lawer abstract stages; and considerations. It is not objectionable for a lawyer abstract stage and an account of the series of the same basic considerations. It is not objectionable for a lawyer who is a potential witness to be an advocate if it retained whether will be called as a witness and the same basic considerations. It is not objectionable for a lawyer that the same basic consideration where it will be manifestly in fact a exceptional situation where it will be manifestly in fact to the client for the lawyer to refuse employment or to the client for the lawyer to refuse employment or to the client form his refusal of employment, he should determ the the present of the lawyer materiality of his testimon, and of the effectiveness of his representation in view of his factors, it is a marraction he hardshight or withdraw all illinoons and the pastion arties, doubts should be reported in factors in the question arties, doubts should be respected in factors of the lawyer accepts or continue the employment of the lawyer accepts or continue the employment of the lawyer accepts or continue the employment in factor of the lawyer accepts or continue the employment in factor of the lawyer accepts or continue the employment in factor of the lawyer accepts or continue the employment in factor of the lawyer accepts or continue the employment in factor of the lawyer accepts or continue the employment in factor of the lawyer accepts or continue the employment in factor of the lawyer accepts or continue the employment in factor of the lawyer accepts or continue the employment in factor of the lawyer accepts or continue to the employment in factor of the lawyer accepts or continue to the employment in factor of the scaled disclose them, in his independent, the client and the actinition of the client of the employment in the term of the factor of the client of the employment in the lawyer that

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RC 3-17 Typically recurring steations involving pone in sked to tepresent co-defendants in a criminal case
in sked to tepresent co-defendants in a criminal case
in sked to tepresent co-defendants in a criminal case
in co-plaintiff in a personal inputy case, an insured and
his insurer, and beneficiaries of the estate of a decedent. Whether a lawyer can fairly and desquated
protect the interests of multiple clients in these and
taminar situation depends upon the analysis and
taminar statution depends upon the analysis
affected by the slight possibility that the interests will
become actually differing; in other circumstances, the
chance of adverse effect upon this judgment is not unlikely.

EC 5-18 A lawyer employed or retained by a corporation or similar entity overs his alteglance to the entity
and not to a sockholder, discorou, end with the ontity. In advising the entity, a lawyer should keep part
mount its interests and the professional judgment should
not be influenced by the personal desires of any person
or organization. Occasionally, a lawyer for an entity is
requested by a stockholder, discorou, offering whether
the convinced that differing interests are not present.

EC 5-19 A lawyer may represent second clients whose
interests are not actually or potentially differing.
Regardens of the besider of a lawyer that he may
be approved perspectant multiple clients, he may defended to the property represent multiple clients, he may
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EC 5-19 A lawyer may represent second clouds of the
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representation of that client.

EC 5-20 A laweye is often asked to serve as an impartial arbitrator or mediator in matters which involve present or former clients. He may serve in either capacity if he first discloses such present or former relationships. After a laweyer has undertaken out at he an impartial arbitrator or mediator, he should not discontinuous and the processed in the dispute say of the putties involved.

Desires of Third Persons
EC 5-21. The obligation of a lawyer to exercise proEC 5-21. The obligation of a lawyer to exercise professional judgment solely on behalf of his client requires
fessional judgment see. The desires of others that might impair
his free judgment. The desires of a third person will
seldom adversely affect a lawyer unless that person is in

a pusition to creat strong economic, political, or social pressures upon the lawyer among the lawyer and pressures should make full additionance of the strong pressures should make full disclosure of them to his client, and it here is the client decisionare of them to his client, and if he or his client decisionare of them to his client, and if he or his client decisionare of them to his client, and if he or his client and he professional to the present pressure should the present pressure should also pressure that the professional work is acclusively with his client. On the other hand, if we have a some present pressure is professional work is acclusively with his client. On the other hand, if we have a some present of them a source other hand, if we have a some present of them a source other hand, if we have a some or represent others possesses a potential work is acclusively with his client. On the other hand, if we have a some of the present others possesses a potential work is acclusively with his client. On the other hand, if we have a some of the present of the pays of further his presentant, decision and the pays of the more concerned with stabilishment or extension of the lawyer is the stabilishment or extension of the lawyer is the individual client. On some of the presentant, decision and priority of work may be made that prosecution of priority of work may be made that prosecution of work large by metals the control of work may be made that prosecution of work large by metals the professional presentant that the professional control interests through the actions of the lawyer who is employed by it. Since a lawyer must lawy be made that prosecution of work lawyer in preserving his professional freadom; and the client of the lawyer is the professional client of the lawyer. Allowed the composition with non-lawyers serving as of the lawyer. It was a supple of the lawyer and barries to composition with non-lawyers serving as different to make decisions, of business of professional legal corresions, in th

DISCIPLINARY RULES

- DR 5-101. Refusing Employment When the Interest Lawrence was a lawyer and punals fill Independent Professional Judgment.

 (A) Except with the consent of the citest after full discounts, a lawyer shall not accept employment if the exercise of the professional judgment on behalf the content of the citest with the or reasonably may be affected by the own, function, property, or personal to contemporate of the content of the c

 - (i) If the testimony will relate solely to an uncontested matter.

 (2) The testimony will relate solely to a matter of Cornality and there is no reason to believe that the solely the solely to the solely and the solely to the
- Withdrawal as Counsel When the Lawyer Becomes a Witness.**

(A) If, after undertaking cupicyment in contemplated one that he migritory a larger therm or it is objected to the contemplate of the first he will be used to the contemplate of the first he will be used to the first he will be used to the first he will be used to the first he will be contemplated in the titul and his firm, if may be contemplated in the titul and his firm, if may be capit hat he may condinue the representation and contemplated the bear in the titul and his first he capit hat he may condinue the representation and contemplated may be used to the first he will be contemplated in the first he will be a contemplated to the first he way contens other than on behalf of his client, he may contens other than on behalf of his client, he percent hat his testimony is or may be prejudicial to his client.

DR 5-103 Avoiding Avoiding of interest in Liligation, the course of actions or subject matter of highlest had been as the contemplated of the client or subject matter of highlest or or expenses.

(a) A haver shall not acquire a propository latter had not death? accept that he may:

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(c) Counters with a client for a reasonable continguished or pending diguidon, a lawyer shall not death? accept that he may in the course of activity accept that he may in the course of activity accept that he way may be active to the counter with a client if they have difficulty interest mandate the expenses of literation, and costs of obstituting and premitty literate has consented after fail of the client activity the have after a proposed on the protection of the culture, unless the client by which he acquire and the proposed on the protection of the culture of the myborenet or proposed on the proposed on the proposed of the client of the theory of the matter than the consent of the publication of the culture o

DR 5-165 Reliading to Accept or Continue Employment if the interests of Another Chent May Impair the Independent Professional Judgment of the Lawyer.

(A) A lawyer shall decline professional judgment of the theory of the Another Professional Judgment (A) A lawyer shall decline professional judgment

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at 25 de ABA Caroos 6,

at 26 de ABA Caroos 6,

at 27 Objection to the intervention of a lay intermediary, who
in my control linguistion or otherwise interfers with the rendering of tegal services in a condensital relationship, . .

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and adopted by the American Bar Association on September 20, 17, 1918, provides in part that "It is supportational to reper end and conficient in part that "It is supportational to reper end and conficient in part that "It is supportational to reper end and conficient in part that "It is supportational to reper end conficient in end to reper end conficient in end to reper end of the conficient in the supportation of the fact to the conficient in the supportation in the conficient in the fact of one clean, it is this duty to in the conficient in the duty to conference the conficient in the duty to the duty

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old 33. See ABA CANNO 42. Of ABA Opinion 288 (1933).

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A Lawyer Should Represent a Client Competently CANON 6

ETHICAL CONSIDERATIONS a lawyer should act with representing tients. He should ark not proper are in would not result a representing tients. He should ark not proper are in would not result a representing tients. He should ark not proper are in would not result a proper in the proper in the proper in the proper in the proper in a statisting and mantania in the second of the consent of the law probly maliconcurring in particular the second of the profession, and he may do so by a them to promise the second of the profession, and he may do so by a the second of the profession, and he may do so by a the second of the profession, and the may for the consent of the profession of the profession, and the may for the consent of the profession of th

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elient properly has no need to attempt to limit his liain or is associated with a professional legal corporation bility for his professional activities and one who does may, however, limit his liability for malpractice of his not handle the affairs of his client properly should not associates in the corporation, but only to the extent perburble to do so. A lawyer who is a stockholder mitted by law.

DR 6-101 Ealling to Act Competently.

(A) I havyer shall not:

(A) I havyer shall not:

(B) Handle 2 legal unities without preparation adequates the pain antier which he known or in the pain antier extracted to him.*

(B) Nepfert a healthy to Client.

(C) A lawyer shall not attempt to economic hunself who is competent to handle, without associating with him a lawyer who is competent to handle it.

(A) A lawyer shall not attempt to economic hunself from or limit his liability to the client for he per who is competent to handle it.

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CANON 7

A Lawyer Should Represent a Client Zealously Within the Bounds of the Law

assists his client in determining the course of future con-duct and relationships. While serving a subvocate, a lawyer should resolved in favor of his difficult doubts as a the bounds of the law of la serving a client as solviner, a lawyer in appropriate of committees aboud give his pro-fessional opinion as to what the almost aboud solve his pro-courts would likely be as to the applicable law.

BC 7-1 The dary of a lawyer, both to his client and to the heal and of the lawyer, both to his client and the lawyer in the bounds of the law which includes Discopil within the bounds of the law he law lawyer in appoint a profession which has the duty of assisting membership in a profession which has the duty of assisting members of the political assisting members of the political accordance with the lawy-i to seek my lawful objective through legally permissible means; and to present for adjunctation any lawful claim, Issue, or defense.

EC 7-2 The bounds of the law in a given case at subject to the law with the bounds of the law in a given case at subject to the law in a given case at the construction and present law may be indicated as in the condition of the present of the law of the law in a given case at the construction, indequately expressed situates or life discipling the believes would in the law of the law and a sould be seen in the law of the law and a sould be seen in the law of the law and a sould be seen and a sould be seen and a sould be seen and a sould as well as a subject to the law and a sould be seen as the law of the ii Dury of the Lawyer to a Client

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BEC 74 Whether the proposed action of a lawyer is within 6 how his client is contempleitus a peripsatus conduct having legal consequences that vary according to the tricking within the conduct having legal consequences that vary according to the client's inform, motive, or desires at the time of the action. Often a lawyer is asked to assist his client in a particular primar and praw properly assist his client in a particular primar and praw properly assist his client in a particular primar and praw properly assist his client in a particular primar and praw properly assist his client in a particular primar and praw properly assist his client in a particular primar and praw properly assist his client in a particular primar and praw properly assist his client in a particular primar and praw properly assist his client in a particular primar and praw properly assist his client in a particular primar and praw properly assist his client in the state of mind of his client, and in the foreign and the continuity of the particular primar primary pri

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CODE OF PROFESSIONAL RESPONSIBILITY

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in EC 724 The area of Communication of the Communication of Communication

has done so; but, having made such disclosure, he may seed the soundness in whole or in part.*

IEC 7.24 in order to bring about just and informed all decisions, entering to bring about just and informed all established by tribunds to protectival rules have been in the part of the considerations. The expression by a lawyer of his protection of the protection of the protection of the considerations. The expression by a lawyer of the interior of the protection of the protection of the considerations. The expression by a lawyer of a civil to be all other natures because when the protection of the prote

include by a lawyer with a jutor is permitted by law it the headed by made considerately and with deference to the EC 7-30 Versalisation of the jutor.

EC 7-30 Versalisation or harmsting investigations of veniremen or jutors seriously impair the effectiveness of our publy system. For this reason, a lawyer or normon on his public way of the property of the property

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DISCIPLINARY RULES

DR 7-101 Representing a Citent Zaslously.

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(b) A baryer shall not intentionally:

(c) A baryer shall not intentionally a cited to the citent of t

DR 7-162. Representing a Cilent Within the Bounds of I he Law.

(A) In his representation of a cilent, a lawyer shall not:

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is tribumly a witing unless a copy thereof is promptly be delivered to spousing course.

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univarranted under eathing law, except that he supported by good faith argument for an extend of the control of

DR 7-104 Communicating With One of Adverse In.

(A) During the course of the representation of a client a layer shall not?

(B) During the course of the representation with a layer shall not?

(I) Communicate or cause another to communicate on the state of the representation with a layer shall not of the representation with a layer than the advice to secure outself the state of the representation with a safetie to a person who is not representing outself the secure of the state of the control and the state of the control and the state of the control and the state of a state of a state of a state of the state of the state of a state of a state of the state of a state of a state of the state of a state of the sta

DR 7.10 The way to procedure or of evidence.

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(3) The general scope of the investigation including a description of the effense and, if permitted by a few procedure of the fill of the procedure of the fill of the procedure of the fill as of minds matter dail not, from the time of the fills a of minds matter dail not, from the time of the fills a of minds matter dail not.

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"We would not confine the Opinion to 'controlling authorities"—i.e., those decisive of the pending case—but, in accordance with the tests hereafter suggested, would apply it to a decision directly adverse to any proposition of law on to a decision directly adverse to any proposition of law on

where no lear personality, and to all waters to lear personality, and to all waters no lear personality and to all party or witness, unless required by the justice of the cause with which let a futurged." Cat. Business a now Purers.

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which the lawyer expressly relies, which would reasonably be considered important by the judge sitting on the case.

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CANON 8

Improving the Legal System A Lawyer Should Assist in

EC \$4. Changes in human affairs and imperfections

EC \$4. Repeat the use of legal temperature in properties, lawyers are specially qualified to achieve the bould be provided methods and outlight services, and pressure in feets and foresters the use of legal temperature in provided methods are interested and the instance of the properties, lawyers are specially qualified to recognize deficiencies in the legal system and to initiate corrective interested and supporting hepshalton and programs to my provided methods and properties of the provided previously and the properties of the provided methods by under geographical restrictive provides and supporting hepshalton and programs to my experience, lawyer bedieves that the existence of a should be provided methods by under geographical restrictive in the commerce.

EC \$4. Rudes of law are deficient if they are not provided methods by under geographical restrictive forms to frome clience. Beautiful first lawyers bedieves that the existence of a should be provided procedures consistent with the needs of the first of them commerces.

EC \$4. Whenever a lawyer seeks legislative or administration of laws and the results of the first properties, in the law, the should encourage the simplification of laws and the results and the results of the provided properties, or otherwise lifety to the should be provided and the results of the provided properties, and the results of the provided properties of the provided properties and before the provided properties and before the provided properties and the results of the provided properties of the provided properties.

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CODE OF PROFESSIONAL RESPONSIBILITY

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R 8-101 Action as a Public Official.

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perpaid identified. 383 U.S. 449, 171 L. Ed. 2d 510, 87 S. Ct.

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CANON 9

A Lawyer Should Avoid Even the Appearance of Professional Impropriety

ETHICAL CONSIDERATIONS

EC 9-1 Continuation of the American concept that the propose to the governed by rules of law requires that the propose that the governed by rules of law requires that the propose of the governed by rules confidence system when are in the law for conditions of the governed by rules confidence in row and analyses any ways. On occasion, ethical conduct of a lawyer may be the governed by rules confidence, as the governed by rules confidence, as the governed by rules of t

the popularization would give the appearance of inches the popularization of the topal system pile. So provide procedure to which matters can be presented in a magnification of the topal system and tendent of the can be released as the provide and the cancer of the topal system and tends to undertained public conflicts as well as the provide as the procedure of the first procedure in the system and tends to undertained public conflicters in the system and tends to undertained public conflicters, and the system and tends to undertained public conflicters, and the system and tends to undertained public conflicters, and the system and tends to undertained public, and the system and tends to undertained public, and the system and tendent for the system and tendent for the system and the system to protect the client but and the system and

DR 9-101 Avoiding Even the Appearance of Lappro(A) A laryer shall not accept private employment in a
matter upon the metts of which he has acted in a
judicial capacity.

(B) A laryer shall not accept private employment in a
matter in which he had substantial responsibility
(c) while he was a proble employer, that he is about
inthesive lauproperty or symply referent grounds
any tribunal, registative body or public official.

DR 9-102 Preserving identity of Yumis and Property
(A) All funds of clients paid to a lavyer or law from
other than advances for costs and expectes, shall
be deposited in one or more identifiable hand acoffice is situated and no funds belonging to the lawyer or law firm shall be deposited therein except
an follows:

(B) Funds reasonably afficient to pay bank charges
(D) may be deposited met in a client and in part
presently on plut enter in a client and in part

DISCIPLINARY RULES

form usued be deposited therein, but the potion belonging to the lawer or he firm pay
be withdrawn when due unless the right of the
lawyer or he firm to restrict it is disputed by
the client, in which event the disputed portion
and not be withdrawn until the dispute in
half not be withdrawn until the dispute in
lawyer shall be withdrawn until the dispute in
the standy resolved.

(a) Harring with the control of the receipt of latthere is not had secretical and properties of
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(a) Maintain complete records of all funds, securities, and other properties of a client couldn't
hat the properties of the client as requested by a client the funds, securifies, or
the properties in the procession of the
yer which the client is entitled to receive.

1. "Inegrity is the very beath of justice. Confidence of the process of approved intent. Not in the administration of justice will approve approve a former to place or alternative location in administration of justice will visit in relationary for the defendant upon each will within threst towards in administration of justice will be provided the property of the process of the p

As used in the Disciplinary Rules of the Code of Profeasional Responsibility:
I be a series of the Code of Profeasional Responsibility:
I be a series of the code of Proincrease of the code of Proincrease of the code of the cod

(d) "Professional legal corporation" means a corporation, or an association trated as a corporation,
authorized by law to practice law for profit.
(5) "State" includes the District of Columbia, Paerio
Pétos, and other federal territories and posses(s) "Iribanal" includes all courts and all other adjudicatory bookes.

"Confidence" and "secret" are defined in DR 4-101 (A)

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THE CANONS

JUDICIAL ETHICS

OF THE

AMERICAN BAR ASSOCIATION

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can do more in the profession than the subtlest and willest devices. The power of elsewhere, in human life, the judgment of success is but the verdict of little minds. Professional duty, faithfully and well performed, is the lawyer's glory. This is lawyers astray; but the general law of the profession is duty, not success. In it, as integrity is the rule; the power of fraud is the exception. Emulation and zeal lead tion. Falsehood is professional apostasy. The strength of a lawyer is in thorough knowledge of legal truth, in thorough devotion to legal right. Truth and integrity equally true of the Bench and of the Bar. "Craft is the vice, not the spirit, of the profession. Trick is professional prostitu-

-EDWARD G. RYAN

CANONS OF JUDICIAL ETHICS*

whad I charged you judges at that ince, saying Hear the causes between your by rebrea, and judge inhthousiby between every man and his brother; and the stranger that is with him.

"Te shall not respect persons in judgment; but yo hald hear the small as well as the great; yo shall not and the draws that he can be small as well as the great; yo shall not and the draws that he of the small hear the small as well as the great; yo shall not and the draws that he of the small hear the small not wrest judgment; thou shall not respect persons, neither take a gift; for a gift doth bind the respect persons, neither take a gift; for a gift doth bind the work, and purent the words of the relation of the resident with the small hear of the resident with the fourth of the resident with the might have heard in due time from the But, or a brow quickness of concell in cutting of evidence of to show quickness of concell in cutting of evidence of the should be the fourth of the strength of purities the fourth of the strength have beard in due time from the But, or a show quickness of concell in cutting of evidence of the should be shown that the fourth of the strength of purities the fourth of the strength of the strength of purities the fourth of the strength of the stre

In addition to the Canons for Professional Conduct of Amyrers which it has formulated and adopted the American Bar Association, multid that the Chanacter and conduct of a judge should move be objects of in difference, and that declared chriscal standards tend to become habits of life, deems it desirable to set forth its trews respecting those principles which should govern the presonal practice of members of the judditury in the administration of heist office. The Association accordingly adopts the following Chanas, the spirit of which it suggests at a proper guide and reminder for judges, and as nedicating what the people have a right to expect from them.

Relations of the Judichary.
 The assumption of the office of judge casts upon the incumbent dities in respect to his personal conduct which concern his relation to the state and its juda-which concern his relation to the state and its juda-tion.
 The property of the property of law, the practitioners of law in his court, and the witnesses, the practitioners of law in his court, and the witnesses,

where Comma to and including Comma by were adopted any by the American life reasonable on May 1994. The Mentional life American life of the Committee of the Committee of the Comme and the Comme American of Units, originally a member of the Comme State of the C

jurors and attendants who aid him in the administration of its functions.

2. The Public interest.

Courts exist to promote justice, and thus to serve the public interest. Their administration should be speedy and careful. Every judge abould at all times be alert and the public interest be alert courts to first she can be considered to which to littless to the community. He should avoid unclustrously failing into the counts instead of the courts for the littless and the courts for the courts for the littless and littless and

3. Constitutional Obligations.

It is the duty of all judges in the United States to support the federal Constitution and that of the sate whose laws they administer; in so doing, they should fearlessly observe and apply fundamental limitations and guarantees.

 Avoidance of Impropriety.
 A judge's official conduct should be free from impropriety and the appearance of impropriety, he should sould infractions of law, and his personal behavior, not only upon the Bench and in the performance of judicial duties, but also in his everyday life, should be beyond the performance of the performa 5. Executial Conduct.
A judge should be temperate, attentative, patient, importial, and, since he is to administer the law and apply it to the facts, he should be sandious of the principles of the law and diligent in endeavoring to ascortant the facts.

A judge should exhibit an industry and application commensurate with the duties imposed upon him.

7. Prompiness. A judg should be prompt in the performance of his judical dutes, recognizing that the time of litigants, purors and attorneys is of value and that habitual lack of punctuality on his part justified distastifaction with the administration of the business of the court.

a. Court Organization.
b. A judge should organize the court with a view to the prompt and convention; dispatch of its business and the prompt and convention; dispatch of its business. And a should not inclure abases and neglect by business and other assistants who are sometimes prome to presume the comment produced acquirences by reason of friendly association with him.
It is desirable too, where the judicial system permits, that he should cooperate with other judges of the same transition of the promote the more satisfactory administration of judicia.

Consideration for Jurors and Others.
 A judge should be considerate of jurors, witnesses and others in attendance upon the court.

I.6. Countery and Critity.

A judge should be controls to counsel, especially to those who me you coverned in the obtained also to all others appearing our and inexperienced, mind also to figure the country of the country of the country of the should also require, and, so far as his power extends, enforce on the part of cierks, court officers and countest of the country of the c

11. Umprofessional Conduct of Attorneys and Connucl. A hudge abound utilize his opportunities to criticise and correct umprofessional conduct of storneys and counsellois, brought to his attention; and, if advense comment is not a sufficient corrective, should send the

Trasteck, receivers, masters, referees, guardians and other content of the produced by a longe to add in the additional produced by a longe to add in the additional produced by a longe to add in the additional produced by a longe to add in the additional produced by a longe to add in the additional produced by a longe to additional and impartially and should be scheened this power of the additional produced by the consent of control produced by others than the should not be resistant advantage. He should not himself its appointments to be controlled by others than the should be most scrupthous in grunting or approving the should be most scrupthous in grunting or approving the should be most scrupthous in grunting or approving the should be most scrupthous in grunting of approving the should be most scrupthous in grunting of approving the should be most scrupthous in grunting of approving the should not after the conduct to the scrupthous the consent of counsel.

13. Klandap or Influence.

A judge should not said in a confluency where a near retay budge should not said the constant to give the should the should be retained by the knashp, rath, position or influence of any party or other person.

A judge should not be swayed by partian demands to the should should not be knashp, rather of Thia.

A judge should not be swayed by partian demands of the should and the should are promote expedition, and prevent unrecessary waste to promote expedition, and prevent unrecessary waste to promote expedition, and prevent the proper presentation of the cause, or the secretainment of the secretain partial should not be received by tructined to those should be received by tructined by threese, or a secretain party of the counsel in court is often exactors be tructined by threese, in praid the counsel in the should are the counsel in the proper presentation of the cause, or the secretainment of the struct between it its parts and begin to its unitial the should are the trunting of a praid to the first truction, and he should ar

A let parte Applications.

A louge should discourage ex point heritage of applications for injunctions and freatverships where the order tors for injunctions and freatverships where the order tors for injunctions and freatverships when and the property of the free order property of the free order property of the free demonstrated, then he should endeavor to countered the effect of the absence of opposing counced by a scruptions cross-estamination and investigation as to the free order of the effect of the absence of opposing counced by a scruption of the effect of the absence of the effect of the application is the freedom of action of defendants and should not be granted lightly or individually. One applying for such a full must sartiful the burden of showing clearly into the purity when the crosses of the effect of the state of the party when the crosses of the state of the party when the crosses of the effect of the party when the crosses of the party when the party when the crosses of the party when the par

17. Ex parte Communications.

A judge should not permit private interviews, arguinants or communications designed to influence his judicial action, where interests to be affected thereby are just reported before him, except in cases where the properties and the properties where which brief of incommunications under which brief of insument are to be receivable on the properties and the presented, he should not highly makers of local rule or practice, he should not highly makers of local rule or practice, he should not highly makers of local rule or practice, he should not highly makers of local rule or practice, he should not highly makers of local rule or the presented. The limit of the properties have been also also also the presented of the limit of the properties of the limit of the properties.

the judge intended or calculated to influence action should be made known to opposing counsel.

us 19. Indicial Opinions.

In the imposing of controverted cases, a judge should be infinit affected to the controverted cases, a judge should be infinite affected to the controverted to the control of the case, south of the case in the case of the ca

Deby in the administration of justice is a common cause of complaint; counsel at one process of complaint; counsel at of the country of the c

28. Influence of Decisions Upon the Development of A judge should be the Law.

I was a system if he seeks to do what he may personally sire passide a bustantial judge in a particular see and six in a system if he seeks to do what he may personally it is not seen to the childing on accepted principles and may be be conserved. It is should a system of the seeks to do what he may personally it is not a depository of a whitely framembering that he had a seek to be conserved. It is should be the man personal particular to the statement conserved that is not a depository of a whitely remembering that he had mader the sameton of law.

I had opposite and in considerable.

Lastice about not be arbitishly the individual kilonate the sametand of conserved method of doing justice, and not seek to be extreme or peculiar in this judge the particular of these who arbitishly the conduct of the services brought before him to about to appear him the judge to the state of discipline of his own dersing, without authorising and or discipline of his own dersing, without authorising and or discipline of his own dersing, without authorising and or a reasonable standard of punishment and should are in the internal possible than the particular and decided, by a present and and decided in the last of the tight of traview accorded to him by law, a trial judge and almost services by the first of the sight of review accorded to him by law, a trial judge and affined him in decay were presented, and decided, by the first and thir into decay were presented, and decided, by the first of the last o

A judge should abstain from making personal investification in engineers which are apt to be involved in livers in engineers which are apt to be involved in livers in engineers which are apt to be involved in livers in engineers with an apt to be involved in livers in each of the control of

* Amended August 31, 1933 and September 20, 1950.

worthy of condemnation because the wrong done may be irreneable.

2. Legislation

A judge has exceptional opportunity to observe the A judge has exceptional opportunity to observe the operation of statutes, especially those relating to practice the processor of the observation and experience.

A judge should not accept inconsistent duries; nor insure obligations, persunatory or otherwise, which will in any way interfere or appear to interfere with his devotion to the expeditions and proper administration of his official functions.

2.5. Business Promotions and Solidizations for Charley.

A judge should avoid giving ground for my reasonable suspicion that he is utilizing the power or prestige of his office to persunde or contribute, either to the success of private business or contribute, either to the success of private business for the processor of the process

A hide should abbail from performing at taking are involved. If he has personal litigation in the court he of which he is judge, he need not resign this judgeship on this post of the court of the cour

J. Private Law Practice.

J. Private Law Practice.

J. Private Law Practice.

J. Law Dractice of law by one holding juiling many states the practice of law by one holding juiling many states the practice of the private pri 33. Social Relations.

It is not necessary to the proper performance of indicated duty that a pudge though the precisions of sections or, it is desirable that, so far as reasonable at the continue to simple in social intercourse, and that he should not discontinue his interest in or appearance at meetings of members of the far. He should, however, the properties of interesting of members of the far. He should, however, the properties of interesting to the properties of interesting to the properties of interesting the properties of the properties of interesting the properties of the prop

34. A Sunnary of Judicial Obligation.

In every particular his conduct should be above proposals. He should be conscientions, studious, thorough, courieous, patient, punctual, just impuriful, carriers of public clamor, regardless of public prinse, and industrient to private political or partisan influences, and health of the public controlling to law, and deal with his appointment justice according to law, and deal with his appointment public intest; he should not allow other affairs or his proble circus; he should not allow other affairs or his proble circus; he should not interface

29. Self-Interest

^{*} As amended August 31, 1933.

with the prompt and proper performance of his judicial duties, nor should he administer the office for the purpose of advancing his personal ambitions or increasing his popularity.

35. Interoper Publiciaing of Court Proceedings.*

Proceedings in court should be conducted with fitting digital court can decoure. The table of photographs in its court can decourt out decourt or recesses between restricts, and the most different proceedings defrued from those said stepsing of the proceedings defrued from the public and whose of the proceedings, distract participants and whose of the proceedings, distract participants and whose of the proceedings, distract participants and whose of the proceedings of the proceedings of the proceedings of the public and should not be permitted.

Provided that this restriction shall not apply to the broadcasting or televising, under the supervision of the *Adopted September 30, 1937; amended September 15, 1952 and February 5, 1963.

court, of such portions of naturalization proceedings (other than the interregation of applicants) and designed and carried out exclusively as a ceremony for the purpose of publicity demonstrating in an impressive manunci the essential dignity and the scrious nature of naturalization.

is 36. Conduct of Court Proceedings.*

is Proceedings in court should be so conducted as to of reflect the importance and seriousness of the inquiry to of ascertain the truth.

The outh should be administered to witnesses in a many caticulated to impress them with the importance and the graduated to impress them with the importance to the truth of the promise to adhere to the truth the sively at the bar soil to sworm separately and impressive the properties of the product of the product of the safety at the sively at the bar soil a record of the administration of the outh, including the name of the witness.

*Adopted September 30, 1937.

"Discourage litigation. Persuade your neighbors to compromise whenever you can. Point out to them how the nominal winner is often a real loser—in fees, expenses and waste of time. As a peacemaker, the lawyer has a superior opportunity of being a good man. Never stir up litigation. A worse man can scarcely be found than one who does this. Who can be more nearly a fiend than he who habitually and put money in his pocket? A moral tone ought to be enforced in the profession overhauls the register of deeds in search of defects in titles, whereupon to stir up strife which would drive such men out of it."

—ABRAHAM LINCOLN

STANDING COMMITTEE ON ETHICS AND PROFESSIONAL RESPONSIBILITY

COMPOSITION AND JURISDICTION *

"Either and Professional Responsibility
This Cumulities, which shall consist of eight memtex in alternatives, which shall consist of eight memtex in alternatives of the state of the s

As defined by the By-Laws of the American Bar Association, Article X, Section 7(1), adopted August, 1969. Formerly called the Standing Committee on Professional Ethics.

I. The name of the Committee is the Sanding Committee on Ehrica and Professional Responsibility of the American Bar Association Committee of the American Bar and the Darright purpose of their contemprated proprised committees of the season of the contemprated proprised proprised professional conduct of members of the three proprised proprised professional proprised conduct, to advise a first of the desire of the three proprised professional proprised professional proprised conduct, to advise of their contemprated professional proprised conduct, and association as to the chiral proprised of their contemprated professional Responsibility and the Committee of the Sandia Conduct of members of the American Bar Association and Dipinions will be summarized in the American Bar Association to a season of the Committee of the American Bar Association to a season of the Committee of the American Bar Association to a season of the Committee of the American Bar Association to a season of the Committee of th

** Effective January 1, 1970.
*** This sentence of Rule 6 shall be in effect only January 1, 1972.

testion by periodic publication in automaty or complete from and by providing copies of opinions upon request, on any member of the bar.

(3) Upon request, advise or assist state and local by many periodic providing copies of the bar associations in their activities with respect to the interpretation of the Copies of the Copies of Professional Responsibility of the Canona of Judicial Ethics when they appear to be activation of the Copies of Professional Responsibility of the Canona of Judicial Ethics when they appear to be advisable, and amend much market in the providence of the Copies of Professional Section of Professional to clirally described in the inquiry. The Committee will be not issue an opinion for the bestell of an communitie will be American But Association except on request of his association.

6. The Code of Professional Responsibility, as an emended from time to time, will provide the standard to be applied by the Committee in formulating opinions as perminding to professional conduct. Where the standard that of conduct under that Code differs from that the conduct under the Code differs from the conduct under the conduct under the standard by the precision Zenous of Professional billies of the American Bur Association, this will be a will be a supplied to the conduct under t

will be sased under casting Canons of Judicial Bilitis

of the American Bar Association as anesded from time

7. Opinious of the Committee issued prior to the

effective date of the Code of Professional Responsibility

and continue in effect to the extent that they are not

inconsistent with a specific provision of that Code and

may be used as an appropriate guide in interpreting the

see of Professional Responsibility as called meeting

by majority mona? this be adopted the Conditional

polymorphisms of a vote of the members and informal

professional opinions by a vote of the members and informal

professional requests that the opinion he held for action

at earlied meeting of the Committee, unless a member

professional requests that the opinion he held for action

at a called meeting of the Committee,

the Committee will not issue opinions on questions

of law the Committee will not issue opinions involving

the past conduct, or the conduct of someone other than the

nature, unless the request is from an other, grivance

or smaller committee, or clied offerer, of a be, associa
or smaller committee, or clied offerer, of the grace of the conduct of the

PROFESSIONAL GRIEVANCES STANDING COMMITTEE ON

COMPOSITION AND JURISDICTION •

Professional Gelevances

The Committee shall consist of seven members of the Association.

The Committee shall consist of seven members of the Association.

The Committee shall members of the Association of the feet of the consist of the seven members of the feet of the consist of the feet of the feet

An defined by the By-Laws of the American Bar Association, Article X, Section 7(w). Amended August 1961 and August 1969.

provided however, that this Committee may refer any appropriate ribunal or committee within a state, or to the appropriate state or local but association.

10 Be authorized to consider all information as to of any professional conduct and the pledical conduct of professional conduct and professional conduct of the profession of pledical discrete control that the conduct of the profession of pledical discrete control to the profession of the member; and the benefit of the Board of Committee only shall recommend to the Board of Control to the present and the benefit of the profession of the member; and the censure, proval of these recommendations by the Board of Control to the present of the control to the control to the control of the member and the conductive of the provided the training the methods and procedures to be used in making investigations, in the hearing of complaints and the taking of testimony; such rules not become effective until inproval by the Board of Control of the profession of the provided the control of the profession of the places of Debugstes.

The Rules of Procedure for the Standing Committee
on Professional Grievances are in the process of being adopted by the Band of Governors of the American Bar
revised in accordance with the By-Law Amendments Association in February, 1970.

STANDING COMMITTEE ON LAW LISTS COMPOSITION AND JURISDICTION *

"Tay List

(1) This Committee shall consist of five members, each of whom shall seve until the allowers members, the shall consist the state of the shall consist the shall co

of bredeave to protect the public and members of the profession from dishows! (Faudulent on unworthy conduct of persons who represent, or thim to represent, have list; of the profession of the publisher of any such law list of the Association, and the regulations of the publisher the publisher the publisher that the publisher thereof, after receiving such certificate, has violated any of such rules, standards, or regulations.

An defined by the By-Laws of the American Bar As-sea and defined Wiley and September 30, 1937, Adding Article Miscoline (1904), September 30, 1937, with americaneum ander October, 1941, August, 1942, Feb-ruary, 1944 and August 1969.

RULES AND STANDARDS AS TO LAW LISTS #

That the following Roles and Standards, and each of the second of the second se

revoked,) if in connection with the preparation the profession, distribution or presentation thereof, the issuer does, causes, permits to be done, encourages or participates in the doing of, any act or thing which, directly or indirectly, violates the Canano of Tiblic of the law constitutes the uniforcity, working the profession of the law constitutes the uniformation of the law constitutes the uniformation of the law constitutes the profession of the law constitutes the public interest, or which employs a practice not in accord with a high standard of business conducts:

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OATH OF ADMISSION

The general principles which should ever control the lawyer in the practice of his profession are clearly set forth in the following Oath of Admission to the Bar, formulated upon that in use in the State of Washington, and which conforms in its main outlines to the "duties" of Lawyers as defined by statutory enactments in that and many other States of the Union—duties which they are sworn on admission to obey and for the wilful violation of which disbarment is provided:

I DO SOLEMNLY SWEAR:

- I will support the Constitution of the United States and the Constitution of the State of
- 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, you 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 his business except from him or with his knowledge and approval;
- 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 man's cause for tucre or malice. SO HELP ME GOD.

The American Bar Association commends this form of oath for adoption by the proper authorities in all the States and Territories.