

## **Thoughts from the Board**



Thankful for . . .

November is a time for Thanksgiving – giving thanks for the blessings in our lives. These can be people, community, good fortune, family, friends and our local bar associations. As I reflect on what I am grateful for, it also gives me pause to consider ways to help others so they can too be grateful and thankful.

I have been blessed to be an attorney for 32 years now. Through this profession, I have made many wonderful friends, and acquaintances, in several states, and have had many pleasant interactions with other professionals. Professional courtesy is the one thing that comes to mind with our occupations. I have had many interactions with counsel, and even some judges, that in court are adversarial, and quite frankly, raise my stress-high blood pressure levels to new highs. However, after court, we are able to shake hands, go out for a beverage, and leave the fight in the courtroom. It is my opinion that is how life in our profession should operate.

What are you thankful for? I have a list that I will share with you. However, before going through this list, a review of the Preamble of the Professional Rules of Conduct helps put many aspects of our life into context. I am not going to go over all of them and summarize certain ones below. I believe the takeaway is that we are to lead by example, in all aspects of our professional and personal life, and we need to be honest and respectful in doing so.

The Preamble states in part, that:

(1) we, as members of the legal profession, represent clients, are an officer of the legal system and are public citizens having special responsibility for the quality of justice.

(2) As representatives of clients, we are to provide clients with an informed understanding of their rights and obligations and explain their practical implications. As advocates, we are to zealously assert our client's position, and as a negotiator, seek an advantageous result to the client while remaining consistent with honest dealings with others. As an evaluator, we act by examining a client's legal affairs and reporting about them to the client or others.

(3) In addition, a lawyer may serve as a neutral third-party, nonrepresentational role assisting with dispute resolution. Additionally, there are some rules that apply to lawyers who are not actively practicing law, or to practicing lawyers even while operating in a nonprofessional capacity.

(4) In all professional functions a lawyer should be competent, prompt and diligent. A lawyer should maintain communication with a client concerning the representation. Keep confidential information relating to the client representation, unless required to disclose.

(5) A lawyer's conduct should conform to the requirements of the law, both in professional service to clients and in the lawyer's business and personal affairs. Legal procedures should only be used

for legitimate purposes, and not to harass or intimidate others. A lawyer should demonstrate respect for the legal system and for those who serve it, including judges, other lawyers, and public officials. While it is a lawyer's duty, when necessary, to challenge the rectitude of official action, it is also a lawyer's duty to uphold the legal process.

(6) As a public citizen, we should seek improvement of the law, access to the legal system, the administration of justice, and the quality of service rendered by our profession. We are to cultivate knowledge of the law beyond its use for clients and use that knowledge to reform the law and strengthen legal education. It is our duty to further the public's understanding of and confidence in the rule of law and the justice system. We are to be mindful of deficiencies in the administration of justice, and that some people cannot afford adequate legal representation. We are to utilize our time and resources, using civic influence, to ensure equal access to our justice system.

(7) Despite all these rules and substantive and procedural laws, we are to also be guided by our own personal conscience and the "approbation of professional peers". We should strive to attain the highest level of skill, to improve the law, and the legal profession, and to exemplify the legal profession's ideals of public service.

(8) A lawyer's responsibilities are usually harmonious.

(9) Conflicting responsibilities give rise to ethical issues. "Such issues must be resolved through the exercise of sensitive professional and moral judgment guided by the basic principles underlying the Rules. These principles include the lawyer's obligation zealously to protect and pursue a client's legitimate interests, within the bounds of the law. Zealousness does not, under any circumstances, justify conduct that is unprofessional, discourteous or uncivil toward any person involved in the legal system."

(10) The legal profession is largely self-governing.

(11) Assuming lawyers are meeting their obligations, there is no need for government regulation. Self-regulation also helps maintain our profession's independence from government domination.

(12) Our profession's autonomy carries with it the special responsibilities inherent in self-government. The regulations are to be conceived in the public interest, and not for self-serving or parochial interests of the bar. Each lawyer is responsible for observing the Rules of Professional Conduct, and assisting others in observing them as well. To neglect these duties compromises the independence of the profession and the public interest it serves.

(13) Lawyers play a vital role in the preservation of society when operating under the Rules of Professional Conduct.

As a member of the bar, and this local bar association I am thankful for the following:

- Excellent court system
- Colleagues and friends
- Opportunities for professional and personal growth by being an active member of this bar and community

- My clients
- My health
- My family
- My friends

In closing, have a Happy Thanksgiving, and remember why we are here, what we do, and strive to do it with the utmost professionalism possible.

-- Kim Emil