

Presentation to the Dallas Bar Association Appellate Law
Section
The Essence of Professionalism
December 18, 2008
By Justice Douglas S. Lang

I. Introduction

II. The Essence of Professionalism

(a) Values of honesty, integrity, and civility. *See, e.g.*, TEX. DISCIPLINARY R. PROF'L CONDUCT 2.01 (render candid advice to client), 3.03 (candor toward the tribunal), 4.01 (truthfulness in statements to others) *reprinted in* TEX. GOV'T CODE ANN., tit. 2, subtit. G app. A (Vernon 2005); TEX. STANDARDS FOR APPELLATE CONDUCT, Lawyers' Duties to the Court, no. 3 (counsel should not misrepresent, mischaracterize, misquote, or miscite the factual record or legal authorities), Lawyers' Duties to Lawyers, no. 1 (counsel will treat each other and all parties with respect).

(b) The Texas Lawyer's Creed. TEX. LAWYERS CREED—A Mandate for Professionalism, II, III, IV (Order of Adoption Nov. 7, 1989) (lawyers are to treat adverse parties and witnesses with fairness and due consideration, be courteous and civil in oral and written communications with other lawyers, and lawyers and judges owe each other respect and candor).

III. Why Do We Forget Those Values?

IV. At law, is the "Devil" entitled to be treated in accordance with the Creed?

V. Examples of "Notable" Lawyers and their Disciplinary Problems: They forgot their "oath of attorney!" *See, e.g.*, TEX. GOV'T CODE ANN. § 82.037 (Vernon 2005) (oath of attorney); *The North Carolina State Bar v. Michael B. Nifong*, No. 06 DHC 35 (Disciplinary Hearing Commission of the North Carolina State Bar, June 16, 2007); *State of Texas v. Steven Alexander Bearman*.

VI. Deeds, Not Words

- (a) the concept
- (b) the motivation
- (c) the writing
- (d) the stories (two examples)
 - (1) Judge A.C. Gandy
 - (2) Terry Albright