



RAMA UNIVERSITY

www.ramauniversity.ac.in

FACULTY OF JURIDICAL SCIENCES

SUBJECT: Professional Ethics and
Professional Accounting System

SUBJECT CODE: BAL 704/BBL704/ LL.B. 503

LECTURE: 3

NAME OF FACULTY: Ms. Anjali Dixit

Assistant Professor

Lecture-3



Professional Conduct & Law society

LECTURE 3: Professional Conduct & Law society

PROFESSIONAL CONDUCT AND THE LAW SOCIETY

lawyer, as a member of the legal profession, is a representative of clients, an officer of the legal system and a public citizen having special responsibility for the quality of justice. As a representative of clients, a lawyer performs various functions. As advisor, a lawyer provides a client with an informed understanding of the client's legal rights and obligations and explains their practical implications. As advocate, a lawyer zealously asserts the client's position under the rules of the adversary system. As negotiator, a lawyer seeks a result advantageous to the client but consistent with requirements of honest dealings with others. As an evaluator, a lawyer acts by examining a client's legal affairs and reporting about them to the client or to others.

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. A lawyer should use the law's procedures only 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 legal process.

Many of a lawyer's professional responsibilities are prescribed in the Rules of Professional Conduct, as well as substantive and procedural law. However, a lawyer is also guided by personal conscience and the approbation of professional peers. A lawyer 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.

A lawyer's responsibilities as a representative of clients, an officer of the legal system and a public citizen are usually harmonious. Thus, when an opposing party is well represented, a lawyer can be a zealous advocate on behalf of a client and at the same time assume that justice is being done. So also, a lawyer can be sure that preserving client confidences ordinarily serves the public interest because people are more likely to seek legal advice, and thereby heed their legal obligations, when they know their communications will be private.

In the nature of law practice, however, conflicting responsibilities are encountered. Virtually all difficult ethical problems arise from conflict between a lawyer's responsibilities to clients, to the legal system and to the lawyer's own interest in remaining an ethical person while earning a satisfactory living. The Rules of Professional Conduct often prescribe terms for resolving such conflicts. Within the framework of these Rules, however, many difficult issues of professional discretion can arise. 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, while maintaining a professional, courteous and civil attitude toward all persons involved in the legal system.

The attorneys were expelled from the principal Inns of Court in the 16th century and in 1739 they formed a professional group called “Society of Gentleman-Practicers in the Courts of Law and Equity”. Thus the Law Society was born, though it was not until 1986 that the Law Society formed a committee to collect and draft principles of professional conduct. Now there exists the Guide to Professional Conduct of Solicitors reflecting the ideals of modern solicitors as well. Both branches of the English legal profession had the same core duties over the centuries of litigation: fairness, competence, loyalty, confidentiality, reasonable fees and service to the poor.

Nicholas, in Introduction to Roman law, stated that the Roman jurists were not paid for their work, but were supposed to function due to a keen sense of public service. In Europe, lawyers were under an oath, which was an essence, a condensed code of legal ethics.

In France, lawyers had to take an oath which included a pledge of care, diligence and an agreement to support only just causes. In France, the oaths were taken by ecclesiastical lawyers and the French legal tradition had a lasting influence even outside France in Switzerland and other parts of Europe.

The concept of a lawyer as an officer of the Court arises from the Roman idea of a lawyer being an ‘advocatus’, who when called upon by the praetor to assist in the cause of a client, was solemnly reprimanded to “avoid artifice and circumlocution”.

SELF-TEST QUESTIONS

| S.NO | Question | Option (a) | Option (b) |
|------|--------------------------------------------------------------------------------------------------------------------------------------------------------------|------------|------------|
| 1. | Lawyer is a public citizen having special responsibility for the quality of justice | True | False |
| 2. | As advocate, a lawyer zealously asserts the client's position under the rules of the adversary system | True | False |
| 3. | 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. | True | False |
| 4. | A lawyer's responsibilities as a representative of clients, an officer of the legal system and a public citizen are usually harmonious. | True | False |
| 5. | In France, lawyers had to take an oath which included a pledge of care, diligence and an agreement to support only just causes | True | False |

Answers: 1-(b),2-(a), 3-(a),4-(a),5-(a)