

Those Texans

by David P. Bobzien, 2004–2005 VSB President



One of the many nice things about being the state bar president is that you get a chance to become acquainted with bar officers from throughout Virginia and throughout the country. Because the Virginia State Bar belongs to the Southern Conference of Bar Presidents, our closest friendships tend to develop with “southern” presidents—present, past, and future—from states of the “Old South” and the west-of-the-Mississippi states of Kansas, Missouri, Arkansas, Oklahoma, and Texas. Those Texans are an interesting group. The ones I’ve observed certainly fit my preconception of what a Texas lawyer should be: exuberant, gregarious, confident, and imposing. They all seem to love life, love people, and love being lawyers. Perhaps then it’s not surprising that Texas would be at the forefront in the movement to instill professionalism. The State Bar of Texas is unabashed in telling the public what’s good about lawyers and in reminding its lawyers about their obligations to the profession.

Professionalism is central to the practice of law in Virginia, and our emphasis on its centrality is highlighted by the Mandatory Professionalism Course we require every new lawyer to complete within the first year of practice. That being said, it is sometimes tricky to get our arms around the concept and to describe precisely what it is that professionalism calls upon us to do in our practices. Texas seems to provide some of that specificity. As far back as November 7, 1989, the Supreme Court of Texas and the Court of Criminal Appeals promulgated and adopted “The Texas Lawyer’s Creed—A Mandate for Professionalism.” The creed is an uncustomarily detailed series of first-person affirmations of what a lawyer shall do in various aspects of his or her relations with clients (eleven in number), opposing counsel (nineteen), and the courts (nine).

As an example of that detail, affirmation number ten regarding opposing counsel states: “I will not, without good cause, attribute bad motives or unethical conduct to opposing counsel nor bring the profession into disrepute by unfounded accusations of impropriety. I will avoid disparaging personal remarks or acrimony towards opposing counsel, parties, and witnesses. I will not be

influenced by any ill feeling between clients. I will abstain from any allusion to personal peculiarities or idiosyncrasies of opposing counsel.”

But for me, while having a long list of dos and don’ts in a variety of situations is comforting, the most valuable aspect of the Texas Lawyer’s Creed is its five-point summation of the duty a lawyer has to the legal system itself. The first point touches on what former Arizona Supreme Court Chief Justice Thomas Zlaket calls the basic foundations upon which our profession rests: truth, integrity, and honesty. The Texas Lawyers Creed, in addressing the duty to the legal system, states: “I am passionately proud of my profession. Therefore, [m]y word is my bond.” Not only must a lawyer speak the truth, the lawyer must make truthfulness an enduring personal trait upon which all can rely without exception.

The remaining four points in the creed’s recitation of the duty owed to the legal system mirror two of the three core missions of the Virginia State Bar, and from that standpoint alone those points confirm for me that our missions are firmly grounded. In addition to being charged with regulating the profession, the Virginia State Bar is dedicated to advancing the availability and quality of legal services provided to the people of Virginia and to assisting in improving the legal profession and the judicial system. The second and third points of the creed find the Texas lawyer acknowledging that he or she is responsible to assure that all persons have access to competent representation regardless of wealth or position in life and that the lawyer will be committed to an adequate and effective pro bono program. The fourth and fifth points acknowledge the lawyer’s obligation to educate clients, the public, and other lawyers regarding the spirit and letter of the creed and the lawyer’s obligation to always be conscious of the lawyer’s duty to the judicial system.

There are only five commitments, but these five commitments, if kept, can keep all lawyers, wherever they practice, passionately proud of their profession. [↗](#)