

## **Rule 2a: Nashville Bar Association's Professionalism Committee Lawyer's Creed of Professionalism**

### **PREAMBLE**

A lawyer owes to the administration of justice personal dignity, integrity and independence and a duty to make the system of justice work fairly and efficiently. In order to carry out that responsibility, a lawyer must comply with the letter and spirit of the disciplinary standards applicable to all lawyers, as well as conducting himself or herself in accordance with the following Creed of Professionalism when dealing with a client, adverse parties, their counsel, the Courts and the general public.

### **WITH RESPECT TO MY CLIENT:**

1. I will be loyal and committed to my client's cause, but I will not permit that loyalty and commitment to interfere with my judgment or ability to provide my client with objective and independent advice;
2. I will endeavor to achieve my client's lawful objectives in all matters of representation as expeditiously and economically as possible;
3. In approaching cases, I will counsel my client with respect to mediation, arbitration, and other alternative methods of resolving disputes;
4. I will advise my client against pursuing litigation (or any other course of action) that is without merit and against insisting on tactics which are intended to delay improperly resolution of a matter or to harass or to drain the financial resources of an adverse party;
5. I will advise my client that civility and courtesy are expected and are consistent with zealous representation;
6. While I must abide by my client's decision concerning the objectives of the representation, I nevertheless will counsel my client that a willingness to initiate or engage in settlement discussions is consistent with zealous and effective representation.
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**WITH RESPECT TO ADVERSE PARTIES AND THEIR COUNSEL:**

1. I will conduct myself with candor, in a spirit of cooperation and scrupulously observe all agreements and mutual understandings;
2. I will be courteous and civil, both in oral and in written communications;
3. I will not knowingly make statements of fact or of law that are untrue;
4. I will agree to reasonable requests for extensions of time or for waiver of procedural formalities when the legitimate interests of my client will not be adversely affected;
5. I will endeavor to consult with adverse counsel before making scheduling decisions and before any required rescheduling, and I will cooperate with adverse counsel when scheduling changes are requested;
6. I will not use litigation or any other course of conduct to abuse or harass, such as seeking discovery which is clearly improper, abusive or excessive, or seeking sanctions or disqualification unless it is justified both by my client's lawful objective and by the interests of justice;
7. I will not use tactics which are intended to delay improperly resolution of a matter or to harass or to drain the financial resources of an adverse party;
8. In all matters of legal representation I will conduct myself with dignity, avoid making groundless objections and refrain from engaging in acts of rudeness or disrespect, including making disparaging personal remarks toward adverse parties, counsel and witnesses and making demeaning comments regarding race, religion, national origin or gender\*;
9. I will not provide drafts of time sensitive documents or serve pleading, motions or briefs on another party or counsel at such a time or in such a manner as will unfairly limit the other party's opportunity to respond;
10. In business transactions I will not unreasonably quarrel over irrelevant matters of form or style, but will concentrate on matters of substance and content;
11. I will attempt to prepare and revise documents which correctly reflect the agreement of the parties, and will not purposely include provisions which have not been agreed upon or purposely omit provisions which are necessary to reflect the agreement of the parties;
12. I will clearly identify, for other counsel or parties, all changes that I have made in documents submitted to me for review;
13. Where consistent with my client's interest, I will communicate with adverse counsel in an effort to avoid litigation and to resolve litigation that has actually commenced;
14. I will not take action adverse to the interests of a party known to be represented by counsel without notice to adversary counsel sufficient to permit a response;
15. I shall respond promptly to attempts by other lawyers to contact me whether by telephone or by correspondence.

**WITH RESPECT TO THE COURTS AND OTHER TRIBUNALS:**

1. I will be a vigorous and zealous advocate on behalf of my client, while recognizing, as an officer of the Court, that excessive zeal may be detrimental to my client's interests as well as to the proper functioning of our system of justice;
2. I will treat with respect the Court, members of the jury, witnesses, adverse parties and adverse counsel;
3. I will voluntarily withdraw claims or defenses when it becomes apparent that they do not have merit;
4. I will make every effort to agree with other counsel, as early as possible, on a voluntary exchange of information and on a plan for discovery;
5. I will attempt to resolve, by agreement, my objections to matters contained in my opponent's pleading and discovery requests;
6. When hearings or depositions have to be canceled, I will notify adverse counsel, and, if appropriate, the Court as early as possible;
7. Before setting dates for hearings or trials (or if that is not feasible, immediately thereafter) I will attempt to verify the availability of key participants and witnesses so that I can promptly notify the Court and adverse counsel of any likely problem in that regard;
8. I will be punctual in attending Court hearings and depositions;
9. I will be candid with the Court at all times;
10. I will refrain from commentary that reflects or references race, religion, national origin or gender in a demeaning fashion.

**WITH RESPECT TO THE PUBLIC AND TO OUR SYSTEM OF JUSTICE:**

1. The law is a learned profession and I am committed to its goals of devotion to public service and improvement of the administration of justice;
2. I will keep myself current in the areas in which I practice and, when necessary, will associate with, or refer my client to counsel knowledgeable in another field of practice;
3. I will be mindful that the law is a self-regulated profession and it is my duty to report unprivileged knowledge of any violation of D.R. 1-102;
4. I will be mindful of the need to protect the interests of the public and promote the image of the justice system in the eyes of the public when considering methods and contents of advertising;
5. I will contribute my talents, time, resources and civic influence on behalf of those persons who cannot afford adequate legal assistance and those organizations which serve the public good;
6. I will give of my talents and time to the organized bar to better the professional education of the bar, assist in efforts to improve the law, aid in efforts to assist colleagues and to promote public understanding of the justice system.

**\*The Davidson County Juvenile Court adds "gender identity and sexual orientation" to all references to "race, religion, national origin or gender" in the Creed of Professionalism.**

**I hereby acknowledge that I have read the Lawyer's Creed of Professionalism, and that I understand its significance to the practice of law, and that I will at all times abide by this creed.**

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**Signature**

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**Date**