

Professional Responsibility

Professional Responsibility An Open Source Casebook

Brian L. Frye

Cover Illustration: Hablot Knight Brown or “Phiz”, Attorney and Client, Fortitude and Impatience (1853)

It would be idle to assert that there is nothing of selfishness in the pursuit of a profession. But its ideal is not one of individual success in competitive acquisitive activity. And because ideals operate powerfully to shape action, professional activity, even at its worst, is restrained and guided by something better than the desire for money rewards —

- Roscoe Pound, What is a Profession - the Rise of the Legal Profession in Antiquity, 19 Notre Dame L. Rev. 203 (1944).

The function of the lawyer is to preserve a sceptical relativism in a society hell-bent for absolutes. The worse the society, the more law there will be. In Hell there will be nothing but law and due process will be meticulously observed.

- Grant Gilmore, The Ages of American Law 110 (1977).

About half the practice of a decent lawyer consists of telling would-be clients that they are damned fools and should stop.

- Philip C. Jessup, 1 Elihu Root 133 (1964).

We will not at present inquire whether the doctrine which is held on this subject by English lawyers be or be not agreeable to reason and morality; whether it be right that a man should, with a wig on his head, and a band round his neck, do for a guinea what, without those appendages, he would think it wicked and infamous to do for an empire; whether it be right that, not merely believing but knowing a statement to be true, he should do all that can be done by sophistry, by rhetoric, by solemn asseveration, by indignant exclamation, by gesture, by play of features, by terrifying one honest witness, by perplexing another, to cause a jury to think that statement false.

- Thomas Babington Macaulay, Essay on Francis Bacon (1874).

Justice says ye? I tell ye Hogan's r-right whin he says: 'Justice is blind.' Blind she is, an' deaf an' dumb an' has a wooden leg! Niver again will they dhraw me to a coort. I'll take th' rude justice iv a piece iv lead pipe without costs or th' r-right iv appeal.

- Finley Peter Dunne, Mr. Dooley's Opinions 118 (1901)

Lawyer—One who protects us against robbers by taking away the temptation.

- H.L. Mencken, A Mencken Chrestomathy (1949).

LAWYER, n. One skilled in circumvention of the law.

- Ambrose Bierce, The Cynic's Dictionary (1906).

The sad thing about lawyers is not that so many of them are stupid, but that so many of them are intelligent. The craft is a great devourer of good men; it sucks in and wastes almost as many as the monastic life consumed in the Middle Ages. There is something about it that is extraordinarily attractive to bright youngsters, especially in the United States. It not only offers the chance of very substantial rewards in money; it also holds out the temptation of a sort of public dignity, with political preferment thrown in for good measure.

- H.L. Mencken, Stewards of Nonsense, American Mercury 35 (Jan. 1928).