

The Relations of the Attorney with  
his clients.

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- 1- As Counsellor before suit brought.  
As attorney
  - 2- After suit begun.
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The relation between the client and attorney is that of absolute and complete confidence, and the duty of the attorney is to justify that confidence, first by maintaining it inviolate and second, by counselling the client only for his own advantage so far as may be consistent with law and justice. ~~and~~

The law shows its regard for the dignity and sanctity of this relation by making its secrets forever inviolate. The law may relieve the grand juror from the sanction of his oath; it may compell the party himself to testify; it may require the physician to disclose the secrets of the home in which he practices, but whatsoever an attorney may have learned in the practice of his profession of that it refuses to make inquiry and on objection

made refuses to allow him to disclose in any judicial proceeding. Such communications it is his duty to keep inviolate and never to use to the detriment of his client or those joined with him in interest.

This is essential, first, in order that the client's confidence in his legal adviser may be absolute and complete. It is hard enough to induce most men to tell the exact truth about their own affairs at best and but for this wise provision of the law and the popular conviction that the attorney is a safe depository of secrets of all sorts, it would be almost impossible to induce men to practice with their legal adviser that candor and unreserve which are so often essential to the assertion and maintenance of their rights, and it is only by justifying such confidence

that the legal practitioner can hope to find in his clients that unswerving confidence which the old Scotchman expressed when in reply to the inquiry of his legal adviser, he said "Have you told me the exact truth?"

he replied: "That I have: I thought I would better tell ye the hard truth at once an' let yer honor put in the lees yersel'."

This confidence is essential to the proper performance of ~~your~~<sup>the</sup> duty of the counsellor and a lack of it, on the part of the client is one of the few things that will ~~prevent~~ justify the attorney in withdrawing from a client's case, after suit brought and trial begun.

~~It imposes upon the lawyer~~

The client's confidence, full faith and  
<sup>explicit trusts upon</sup> the  
practitioner, the first and most  
important duty of his profession.

"To counsel this client truly for his  
own advantage only and not  
to advise or maintain any action  
or proceedings or (except in crimi-  
nal proceedings) any defence ex-  
cept such as may to him appear  
to be loyal ~~and~~ <sup>or</sup> just."

In the discharge of this duty  
it is necessary that the <sup>practitioner</sup> ~~attorney~~  
should remember that he has  
been licensed to pursue the calling  
of an attorney not for his own  
sake but purely and solely  
for the advantage of those  
who may entrust their rights  
and interests to his hands  
— He is a universal trustee  
acting always for <sup>benefit</sup> ~~benefit~~  
another and ~~not~~ <sup>never</sup> for himself  
except only in determining the  
value of his services.

This confidence, once received,  
imposes upon the practitioner  
at once the reciprocal obligation  
of fidelity.

He must preserve the client's  
<sup>secrets</sup> ~~confidences~~ inviolate at all haz-  
ards. Neither public clamor  
nor judicial oppression should  
in any event induce him to  
to reveal anything that may  
injure the man who has  
thus put his rights and pros-  
pects his life in his hands.

It is in the determination of the questions raised by the client's demand for professional aid and the facts which his confidence may disclose that the most serious problems of legal ethics arise.

When to advise the institution of legal proceedings?

What defenses it is proper to interpose?

and

What is the limit of defense in case of one charged with crime?

It may be premised at the outset of the consideration of these questions that

1. - That the legal practice

teacher is not expected to  
apply any ~~and~~ merely abstract  
and impossible code of morals.  
The profession is nothing if  
not practical. It is not in  
its character a reformatory  
organization, while it is true  
that civil and religious liberty  
and indeed all the better  
phases of civilization owe  
to it even more than  
to the sword, it is strictly  
instrumental in its function  
and not causative.

It does good by the strict  
assertion of right and  
relentless antagonism to



wrong rather than by  
suggestions or advice.

Secondly, we must re-  
member that the attorney  
is not the official creator  
of his client's conscience.

What he has to determine  
is the quality of the advice  
he gives and of the acts he  
performs -

Cultivate the habit of speaking without notes and of citing testimony from memory.

Speak as briefly as you can consistently with a full presentation of your client's case — but present that fully as matter how much time you occupy.

Arrange the order of your remarks and having covered any particular point, let it alone thereafter. There is no sense in thumping away at a nail you have once driven home.

Accustom yourself to use  
the technical language of ~~of~~  
your profession - especially  
in addressing the court.

Avoid the reputation for slo-  
quence. Be as eloquent as you  
choose or as you can be - but  
let it be that eloquence which  
depends upon simplicity and  
directness of style and which  
seems familiar address rather  
than impassioned appeal.

Avoid the habit of avouch-  
ing your belief in your clients  
honesty or innocence. It will  
do the client no good and will  
injure you.

The duty of the attorney to  
the whole body of citizens,

A - As an example of obedience to the law and the scrupulous performance of the duties of the citizen.

B - As an agency in the improvement and amendment of legislation.

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Final Remarks.

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