

Maintaining Character in Adverse Environments

John Phelps
Chief Executive Officer
State Bar of Arizona



Because power corrupts, society's demands for moral authority and character increase as the importance of the position increases.



Agenda

- Obligations of Public Service
- Obligations of the Legal Profession
- Moral Obligations
- One Thing



Public Service Obligations

- Oaths
- Statutory Responsibilities
- Constitutions: Arizona and U.S.



Oaths

- ARS 38-231

State of Arizona, County of _____ I,

_____ (type or print name)

do solemnly swear (or affirm) that I will support the Constitution of the United States and the Constitution and laws of the State of Arizona, that I will bear true faith and allegiance to the same and defend them against all enemies, foreign and domestic, and that I will faithfully and impartially discharge the duties of the office of _____ (name of office) _____ according to the best of my ability, so help me God (or so I do affirm).

Oaths cont.

- Oath of Admission to the Bar

...do solemnly swear that I will support the
Constitution of the United States and the
Constitution of the State of Arizona...

ARIZONA
REVISED STATUTES
—
ANNOTATED



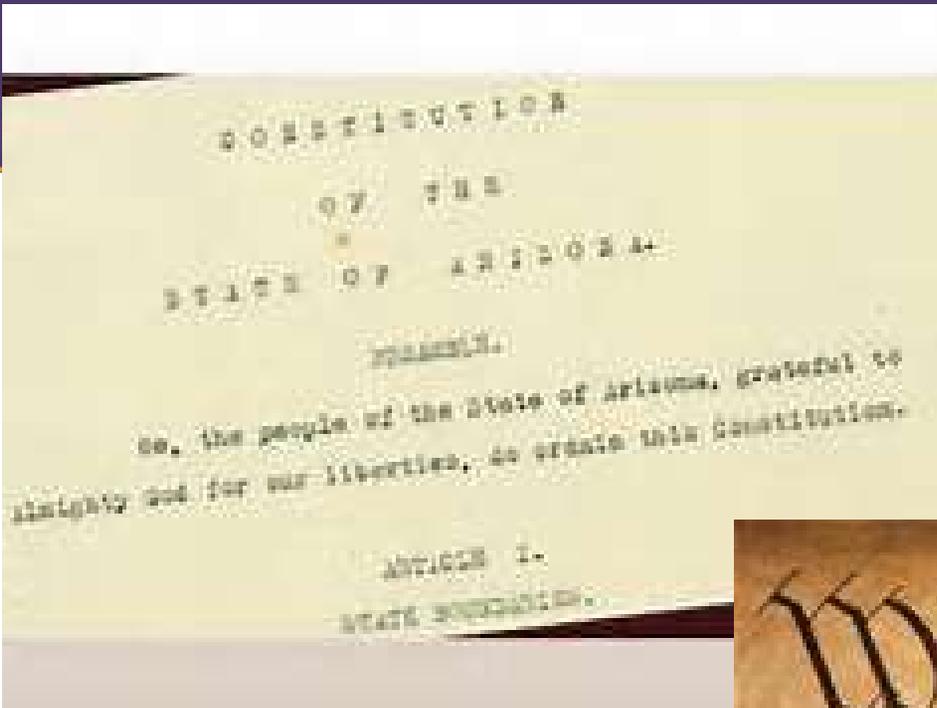
Sections 15-101 to 15-1900



Statutes

- ARS 41-192E.

If the attorney general determines that he is disqualified from providing judicial or quasi-judicial legal representation or legal services on behalf of any state agency in relation to any matter, the attorney general shall give written notification to the state agency affected.



Constitutions

- Arizona

- Art 5, Section 9:

The powers and duties of secretary of state, state treasurer, **attorney-general**, and superintendent of public instruction shall be as **prescribed** by law.

Constitution Continued

- U.S.

- 14th Amendment:

No state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any state deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.



**KEEP
CALM
AND
FOLLOW
THE RULES**

Rules of Professional Conduct

- General
 - Client-Lawyer Relationship
 - Counselor
 - Advocate
 - Public Service
 - Maintaining the Integrity of the Profession

Rules continued

- Specific
 - ER 1.13 (Organization as Client), Comments 9 and 10
 - Preamble (18)
 - ER 2.1, Comment 1
 - ER 3.8 Special Responsibilities of a Prosecutor
 - Ethics Opinion 93-08
 - ER 8.2 Judicial and Legal Officers



Moral Obligations

- It is proper for a lawyer to refer to relevant moral and ethical considerations in giving advice. Although a lawyer is not a moral advisor as such, **moral and ethical considerations impinge upon most legal questions and may decisively influence how the law will be applied.**
 - ER 2.1, Comment 2

Impinge?

have an effect or impact, especially a negative one:

"Nora was determined that the tragedy would impinge as little as possible on Constance's life"

Oxford Dictionary Online



What does it matter?



It's a vurry big deal!

OPERATION FAST AND FURIOUS



How Do You Maintain Character?



hyü-'mi-lə-tē

(humility)

Pride is concerned
with who is right.

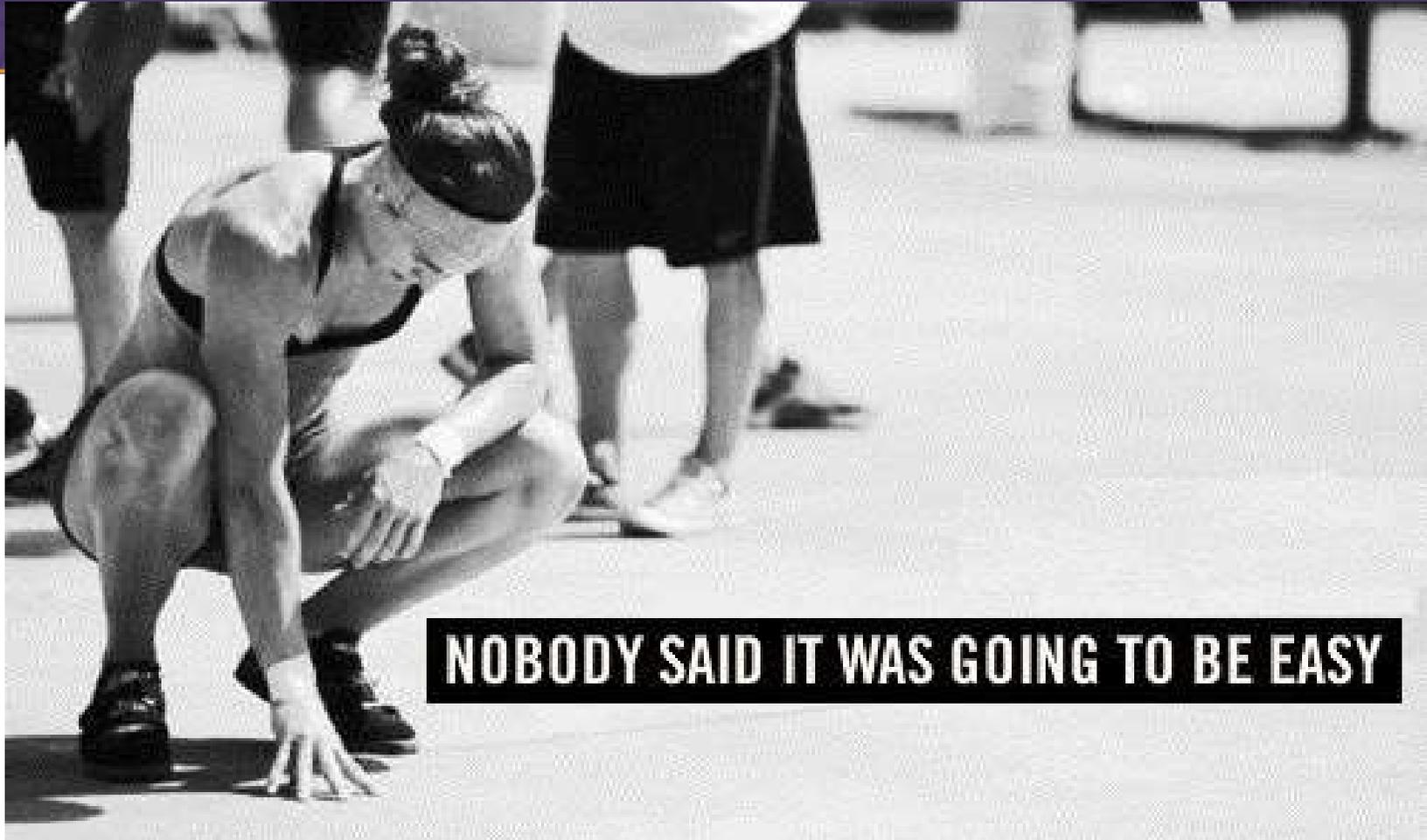
Humility is concerned
with what is right.

-Ezra Taft Benson

ItsWorthyQuoting.com

Applied Humility

- I don't know/remember all the rules
- I don't have all the answers
- No job or title is worth compromising my honor
- I am not alone, I need help
- I don't always get it right...and I own up to failings
- Not everybody likes me...and that's okay
- Humility is the foundation of professionalism



Good Luck!!