

Idaho Rules of Professional Conduct Preamble: A Lawyer's Responsibilities

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1

1. A lawyer is:

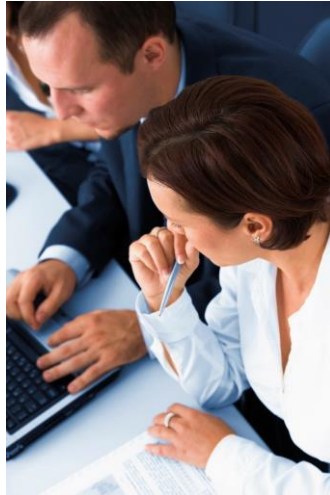
- ▶ (a) a member of the legal profession;
- ▶ (b) a representative of clients;
- ▶ (c) an officer of the legal system;
- ▶ (d) a public citizen having special responsibility for the quality of justice.



2

2. Representing clients in various ways:

- ▶ advisor
- ▶ advocate
- ▶ negotiator
- ▶ evaluator



3

3. Other roles of lawyers

- ▶ A lawyer remains a lawyer even while engaging in other roles, as a neutral, an inactive practitioner, or acting in a non-professional capacity.



4

4. Professional qualities

- ▶ A lawyer should always be competent, prompt, diligent, communicative with clients, and keep clients' communications confidential.



5

5. Conduct standards for lawyers:

- ▶ (a) should conform to legal requirements in practice, business and personal matters;
- ▶ (b) a lawyer should not harass or intimidate others in using the law's procedures;
- ▶ (c) show respect for legal system, including judges, public officials, other lawyers;
- ▶ (d) uphold the legal process even as the lawyer challenges official rulings and actions.

6

6. A lawyer's public citizen responsibilities:

- ▶ (a) improve the law and access to justice;
- ▶ (b) improve the administration of the legal system;
- ▶ (c) assist law reform efforts; (d) strengthen legal education;
- ▶ (e) strengthen the public's confidence in the rule of law and the justice system;
- ▶ (f) address unequal access to justice;
- ▶ (g) aid the Bar in regulating itself in the public interest.

7

7. Sources of professional conduct standards:

- ▶ IRPC; substantive and procedural law.
- ▶ A lawyer is also guided by personal conscience and the approbation of professional peers.
- ▶ A lawyer should strive to attain the highest legal skill level
- ▶ Strive to improve the law and legal profession
- ▶ Exemplify ideals of public service

8

8. A lawyer's responsibilities to clients, as legal system officer, and as public citizen.

- ▶ A lawyer's responsibilities in representing clients, as an officer of the legal system, and as a public citizen, are usually harmonious.
- ▶ Zealous advocacy on both sides ensures justice.
- ▶ Clients' knowledge that communications are confidential serves the broader public interest.



9

9. Conflicting responsibilities can be encountered:

- ▶ (a) IRPC often prescribe terms for resolving conflicts;
- ▶ (b) a lawyer must also use sensitive professional and moral judgment;
- ▶ (c) guided by the IRPC's underlying principles, to protect the client's legitimate interest, to preserve the integrity of the legal system's search for truth, while maintaining a professional, courteous and civil attitude towards all persons involved in the process.

10

10. Legal Profession is largely self-regulating.

- ▶ The legal profession is unique because of close relationship between the profession and government, including law enforcement.
- ▶ Ultimate authority over legal profession is vested in the courts.



11

11. Self-regulation assists in maintaining the legal profession's independence from government.

- ▶ Independent legal profession is an important force in preserving government under law.
- ▶ Abuse of legal authority can be challenged by lawyers.

12

12. Special responsibilities of self-regulation:

- ▶ (a) not furthering parochial interests of the Bar;
- ▶ (b) lawyers should adhere to the IRPC and ensure that adherence by other lawyers.

13

13. Lawyers play a vital role in the preservation of society.

- ▶ Lawyers should have an understanding of their relationship to the legal system.
- ▶ The Idaho Rules of Professional Conduct serve to define the relationship of lawyers to the legal system.



14

QUESTIONS?

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