



President's Page

By: Thomas J. Kasper, MCBA President 2010-2011
McHenry County Bar Association

In Shakespeare's *King Henry VI*, Jack Cade sought to overthrow the government. His henchman, Dick the Butcher, uttered what is now a famous line that can be found on coffee mugs and t-shirts: "The first thing we do, let's kill all the lawyers."

Perhaps Shakespeare was no fan of the King and the government, and was just generally looking for a cheap laugh at lawyers who were perceived to be in cahoots with the government. Others have argued that in fact the line was intended to be complimentary to lawyers who defend the rights of the individual against government tyranny.

I have no idea what Shakespeare meant when he wrote this line over 400 years ago. But I agree with the sentiment that we, as lawyers, stand as the last line of defense against government tyranny, against assault on individual freedoms, and against corporate take-over of government to the detriment of the rights of the individual.

I recently read cover to cover the new Rules of Professional Conduct (including the comments) which were adopted January 1, 2010. The Rules (including the Preamble) are about 80 pages. Read these rules. Read the Preamble. Doing so will remind you how proud you should be to be a lawyer and remind you of our mission. Paragraph 1 of the Preamble outlines our mission.

A lawyer, as a member of the legal profession, is a representative of clients, an officer of the legal system and a public citizen having special responsibility for the quality of justice.

As stated in the Preamble, we have a "special responsibility for quality of justice." The Preamble also states in Paragraph 8:

A lawyer's responsibilities as a representative of clients, an officer of the legal system and a public citizen are usually harmonious. Thus, when an opposing party is well represented, a lawyer can be a zealous advocate on behalf of a client and at the same time assume that justice is being done.

Zealous advocacy does not, however, mean that we should represent our client to the extent that we are rude, unprofessional, inappropriate or engage in illegal conduct. Paragraph 9 of the Preamble states in pertinent part:

These principles include the lawyer's obligation zealously to protect and pursue a client's legitimate interests, within the bounds of the law, while maintaining a professional, courteous and civil attitude toward all persons involved in the legal system.

We can still be courteous and civilized while maintaining our responsibility for the client.

My favorite part of the Preamble, however, is Paragraph 11 which states:

To the extent that lawyers meet the obligations of their professional calling, the occasion for government regulation is obviated. **Self-regulation also helps maintain the legal profession's independence from government domination. An independent legal profession is an important force in preserving government under law, for abuse of legal authority is more readily challenged by a profession whose members are not dependent on government for the right to practice** [Emphasis added].

(Continued on the following page.)

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(Continued)

Clients in my office are not asked to wait more than five minutes to see a lawyer. Contrast this with a doctor's office where you might wait for hours and still not see the doctor at all. I wondered why our profession is so self-regulated, why there are so many rules, minimum CLE requirements, numerous publications with updated information, case law updates, lectures, seminars, and the like.

There are many reasons for all of this but I believe the main answer is set forth in Paragraph 11 of the Preamble. Lawyers are self-policing, self-regulating and independent from government dominance. As a result, lawyers stand as defenders of individual rights and liberty and protect the citizenry from tyranny, government, and from unjust loss of life, liberty and property.

Each day we practice as lawyers is a special day for which we should be proud and for which we should go forth and fulfill the mission to protect justice for all.

As a reminder:

Our next General Meeting & Luncheon is scheduled for January 25, 2011. The meeting topic is *The New Illinois Rules of Evidence*.

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