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From the Executive Director: Built to Last

Usufructs vs. Estates for Years: Why the Difference Matters in the Era of COVID-19

30th Annual Georgia Bar Media & Judiciary Conference

The Amazing (and Amazingly Misused) Apostrophe

2021
ANNUAL MEETING

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Honestly

Join with me in reflecting on and considering how the promises we made in the Attorney Oath of Admission should guide our professional and personal conduct as Georgia lawyers who act with professionalism and—honestly.

BY KARLISE Y. GRIER

It did not occur to me to think much about my attorney oath of admission until recently, after I read an article in the *Daily Report* that talked about a Texas judge who led attorneys in retaking their oath of office.¹ It prompted me to look for and more carefully consider the wording of the oath of admission I took when I became a Georgia lawyer. In doing some research on the attorney oath of admission, I learned that the oath I took, and the oath that is currently in use, were created as part of Georgia's professionalism movement.

On March 31, 1988, Chief Justice Thomas O. Marshall, along with State Bar of Georgia President A. James Elliott, gathered 120 prominent judges and lawyers from around the state to attend a "Consultation on Professionalism and The Practice of Law" hosted by Emory University's President James T. Laney at Emory's Houston Mill House. At the conclusion of the consultation, Hon. Griffin B. Bell, who had served as the 72nd attorney general of the United States,² made closing remarks that were captured in a transcript of the consultation.³ In speaking about the attor-

ney oath of admission, Bell said: "[W]hen we were admitted to the bar, we all made certain promises through the oath we took. We would do well, I think, to recall the original oath for attorneys and solicitors in the State of Georgia. That oath, taken from an English statute dated 1729 and used in our state until 1823, required that both attorneys and solicitors swear 'to truly and honestly demean themselves.' Many years later the wording of the oath was changed to require that lawyers 'justly and uprightly demean themselves.' Perhaps we should have stayed with the old oath. The words 'truly and honestly' just seem to be stronger. And therefore, it might be a good idea to readopt the old oath as a part of our new emphasis on professionalism."⁴ The Supreme Court of Georgia did readopt some of the wording of the 1729 oath, and in particular, the words "that I will truly and honestly demean myself. ..."

The oath used after the consultation until 2002 read as follows: "I, _____, swear that I will truly and honestly, justly, and uprightly demean myself, according to the laws, as an attorney, counselor, and solicitor, and that I

will support and defend the Constitution of the United States and the Constitution of the State of Georgia. So help me God."⁵

This is the attorney oath of admission that I would have taken in July 1992. Ten years later, in 2002, the oath was again revised to make the wording more relevant to the current practice of law, while retaining the original language calling for lawyers to "truly and honestly" conduct themselves.⁶ The current oath, which was approved by the Supreme Court of Georgia on April 22, 2002, and which remains in place today reads: "I, _____, swear that I will truly and honestly, justly and uprightly conduct myself as a member of this learned profession and in accordance with the Georgia Rules of Professional Conduct, as an attorney and counselor, and that I will support and defend the Constitution of the United States and the Constitution of the State of Georgia. So help me God."⁷

In 1988, why did Griffin Bell believe that it might be a good idea to readopt the oath dating back to 1729, which contained the words "truly and honestly" as a part of Georgia's new emphasis on professional-





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ism? I believe because he understood that people can be *dishonest*, unprincipled, untrustworthy, unfair and uncaring without breaking the law or the code.⁸ Truly *professional* people measure their conduct not by rules but by basic moral principles such as honesty, integrity and fairness. In addition, professionalism challenges us to consider our conduct in all aspects of our lives, not just our professional lives.⁹ Although it has been 33 years since Judge Bell encouraged the attendees of Georgia's first consultation to remember the promises each attorney made through the oath he or she took, Judge Bell's message is equally important today. So, I ask you to join with me in reflecting on and considering how the promises we made in the Attorney Oath of Admission should guide our professional and personal conduct as Georgia lawyers who act with professionalism and—honestly. ●



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Endnotes

1. Angela Morris, *Judge Renews Vow to Uphold Law After Capitol Hill Riots, Asks Lawyers to Do the Same*, *Law.com*, Texas Lawyer, <<https://www.law.com/texaslawyer/2021/01/08/judge-renews-vow-to-uphold-law-after-capitol-hill-riots-asks-lawyers-to-do-the-same/>>.
2. Bell served as the United States Attorney General from January 26, 1977, until August 16, 1979.
3. See Chief Justice's Commission on Professionalism, *Proceedings of A Consultation on Professionalism and the Practice of Law* (March 31, 1988) at 38 – 47, <<http://cjcpga.org/wp-content/uploads/2021/02/1988ConsultationOnProf.pdf>>.
4. See *Id.* at 47. See also Carol Rice Andrews, *The Lawyers Oath Both Ancient and Modern*, 22 *Geo. J. Legal Ethics* 3, 14 and 22 (2009).
5. See Richard P. Kessler Jr., *Bobby Jones, Sept. 11 and Keeping the Lawyer's Oath*, *Georgia Bar Journal*, April 2002, at 61.
6. See *Id.* at 63.
7. Supreme Court of Georgia, *Attorney Oath* (April 22, 2002) <<https://www.gasupreme.us/rules/amendments-to-rules/attorney-oath/>>.
8. See, e.g., Ga. Rules of Prof'l Conduct, Rule 4.1 and Comments 1 and 2. See also Art Hinshaw and Jess K. Alberts, *Doing the Right Thing: An Empirical Study of Attorney Negotiation Ethics*, 16 *HARV. NEGOTIATION L. REV.* 95 (2011) (concluding that the American Bar Association's Model Rule 4.1, which is similar to Rule 4.1 of Georgia's Rules of Professional Conduct, legitimizes some deceitful negotiation techniques and only prohibits fraudulent misrepresentations about material matters).
9. See *A Lawyer's Creed and the Aspirational Statement on Professionalism* at Lines 48, 64, 155, 157, <<http://cjcpga.org/wp-content/uploads/2019/07/2-Lawyers-CreedAspStatement-v-2013-Line-Number-with-new-logo-and-seal-v07-25-19.pdf>>. (As a lawyer, I will aspire to preserve the dignity and the integrity of our profession by my conduct; as to the public and our systems of justice, I will aspire to consider the effect of my conduct on the image of our systems of justice.)