Panel: Importance of Lawyer Independence

Outline of Remarks for Prof. Timothy Terrell

Legal “Ethics” and Legal “Professionalism”: The Values Underlying the Lawyer-Client Relationship

I. Brief Summary of History of American Legal Ethics
   
   
   
   C. “Professionalism”: Aspirations and “Capital”

II. Fundamental Values Within Legal Ethics
   
   A. Competence
   
   B. Diligence
   
   C. Information
   
   D. Discretion (Confidentiality)
   
   E. Loyalty (Avoiding Conflicts of Interest)
   
   F. Independence of Professional Judgment
   
   G. Honesty/Trustworthiness

III. Defining Legal “Professionalism”
   
   A. A Professional “Tradition”: The Dead Faith of the Living vs. the Living Faith of the Dead
   
   B. Pressures on the Tradition of Independence
      
      1. Diversity
      2. Client control
      3. “Rights-Consciousness”
   
   C. Rethinking the Tradition: The Profession’s “Higher” Values
      
      1. An ethic of excellence
      2. An ethic of integrity: A responsibility to say “no”
      3. A respect for the system and rule of law: A responsibility to say “why”
      4. A respect for other lawyers and their work
      5. A commitment to accountability
      6. A responsibility for adequate distribution of legal services