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Reap What You Sow

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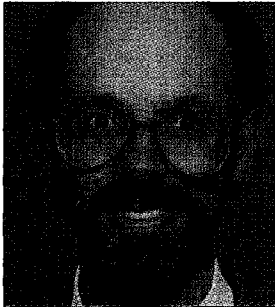
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Reap What You Sow

Lawyer ethics could benefit from an application of Proverbs



BY GORDON J. BEGGS

Even in these modern times, the key to an enlightened law practice can still be found in the words of Old Testament Scripture.

At a time when much of the nation is seeking a return of moral values, the Old Testament book of Proverbs is one place for lawyers to look, again.

That's how it was in the beginning.

David Hoffman, who published the United States' original course on legal ethics in 1836, listed Proverbs as his first recommended reading. George Sharswood, whose lectures beginning in 1854 laid the foundation for modern ethics codes, also thought that Proverbs contained ethical principles for lawyers.

Their reliance on Proverbs recognized that an ethical practice is impossible without moral values, and was faithful to the original use of the text—teaching the young to administer the Hebrew government in a wise and godly manner.

Unfortunately, with the adoption and revision of formal ethics codes, moral teaching has virtually disappeared from American legal ethics. Law professors, generally, do not consider it their responsibility to teach morality, and our profession today lacks a common moral standard. The Judeo-Christian principles expressed in Proverbs, however, provide a timely challenge to lawyers by advocating values that include justice, purity, mercy, honesty and civility.

Justice: Proverbs suggests a different motivation for the practice of law than the desire for wealth, power and glamour. The appropriate goal is modest: “[G]ive me neither poverty nor riches, but give me only my daily bread.” *Proverbs 30:8*. Power and glamour should not be paramount concerns: “Better to be lowly in spirit and among the oppressed than to share plunder with the proud.” *Proverbs 16:19*.

Instead, the lawyer's purpose should be serving the cause of justice: “acquiring a disciplined and prudent life, doing what is right and just and fair.” *Proverbs 1:3*.

Purity: The lawyer who is concerned with “doing what is right and just and fair” will be selective in accepting cases: “Do not accuse a man for no reason—when he has done you no harm.”

Gordon J. Beggs teaches at Cleveland-Marshall College of Law in Cleveland. The full version of this article appears in the Wake Forest Law Review, Winter 1995. Holy Bible, New International Version Scriptures are quoted by permission of Zondervan Bible Publishers.

Proverbs 3:30. The Scripture recommends: “What you have seen with your eyes do not bring hastily to court, for what will you do in the end if your neighbor puts you to shame?” *Proverbs 25:7-8*. The text warns: “If a wise man goes to court with a fool, the fool rages and scoffs, and there is no peace.” *Proverbs 29:9*. A practice based on Proverbs, therefore, avoids unjust litigation, which serves only to create dissension.

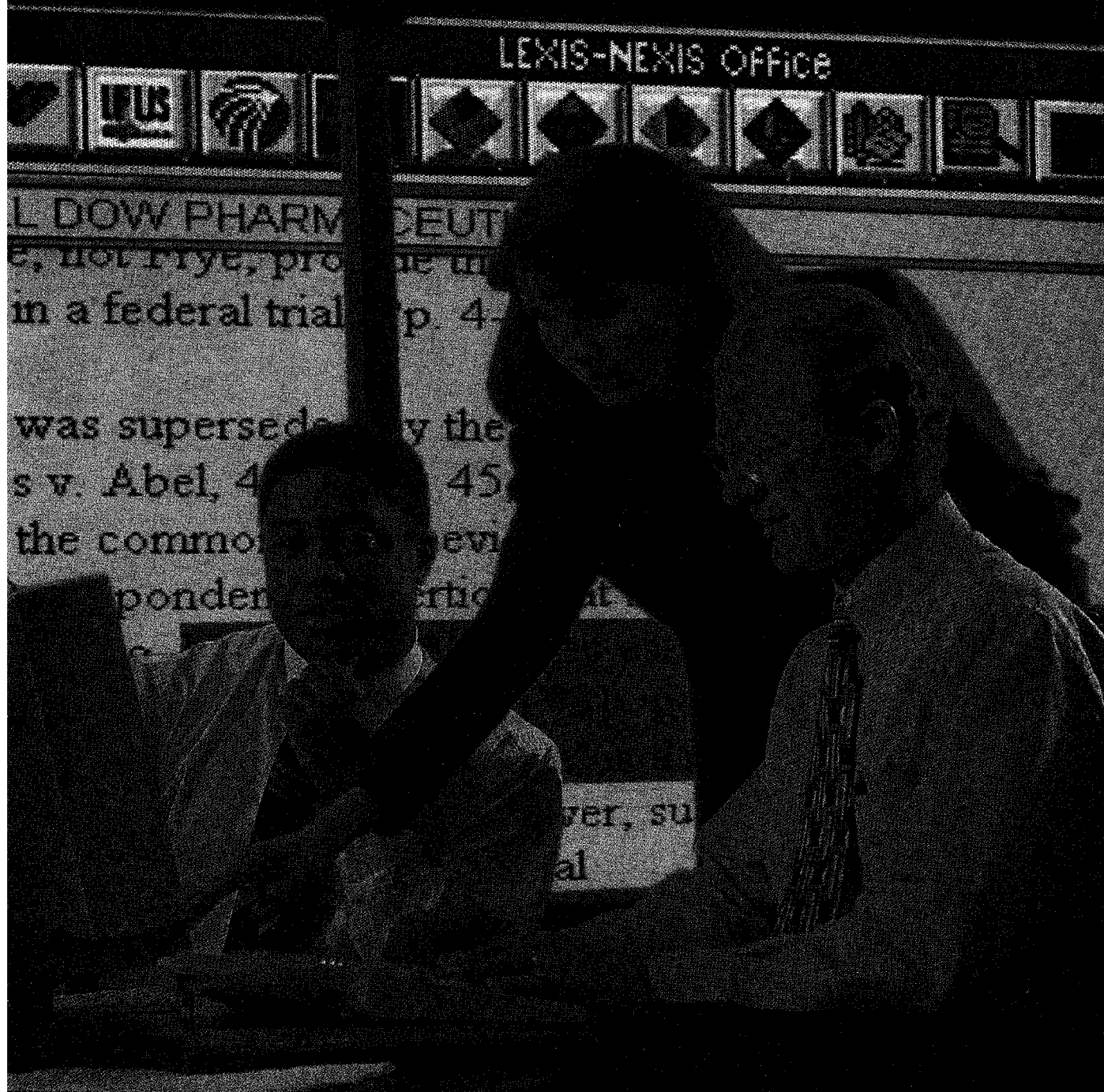
Mercy: Proverbs commands representation of the poor: “Speak up for those who cannot speak for themselves, for the rights of all who are destitute ... defend the rights of the poor and needy.” *Proverbs 31:8-9*. Proverbs also recognizes a duty, based on the relationship of God to man, not to oppress the poor: “He who oppresses the poor shows contempt for their Maker, but whoever is kind to the needy honors God.” *Proverbs 14:31*. The text counsels: “Do not exploit the poor because they are poor and do not crush the needy in court, for the Lord will take up their case and will plunder those who plunder them.” *Proverbs 22:22-23*.

Honesty: While modern law teaching and practice tend to foster moral relativism, Proverbs condemns any form of dishonesty: “Food gained by fraud tastes sweet to a man, but he ends up with a mouth full of gravel.” *Proverbs 20:17*. The text affirms that: “The Lord detests lying lips, but he delights in men who are truthful.” *Proverbs 12:22*. Here, truthfulness is not just the absence of affirmative misstatement, as in the Model Rules of Professional Conduct, but any speech that misleads: “Do not ... use your lips to deceive.” *Proverbs 24:28*.

Civility: Incivility has reached crisis proportions in the profession. Even the U.S. Supreme Court fails to exemplify civility in its opinions. If our profession is to rise above the level of Rambo-like combat often seen today, lawyers must take seriously Proverbs' teaching on reconciliation: “A gentle answer turns away wrath, but a harsh word stirs up anger.” *Proverbs 15:1*.

Proverbs challenges lawyers to seek the values of Old Testament wisdom: “Wisdom is supreme; therefore get wisdom. Though it cost all you have, get understanding.” *Proverbs 4:7*. If we choose to adopt the wisdom of Proverbs, our profession may yet experience a revival of its character and a renewal of its public esteem. ■

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