

RESOLUTION
on
PROFESSIONALISM VERSUS COMMERCIALISM
(Adopted September 2000)

The Council of the International Bar Association

Recalling

- 1 that the liberal professions occupy a critical position in the integration and function of society, that their activities are one of the mechanisms by which a relative balance is maintained in society and that the ideals of public service and professional responsibility match the concept of a society organized in terms of functional differentiation and solidarity;
- 2 that the legal profession plays an indispensable role in society as a mediator and as a co-administrator of justice, ethics being the quintessence of legal practice;
- 3 that the lawyer's role of mediator between authorities and citizens is of critical importance in the life of society; and
- 4 that the lawyer's mission (the defence of the rights and liberties of citizens) and certain functions (defence in court and giving of legal advice) are essential for the administration of justice and for maintaining the rule of law.

Considering

- 1 that the essential qualities of a lawyer are to be an expert in the law, a co-administrator of justice and an ethical person, ethics being the quintessence of the legal profession;
- 2 that the role, mission and functions, as referred to above, confer certain privileges on the lawyer, such as the right to be independent and the right to confidentiality, whilst at the same time, the lawyer must comply with strict ethical rules such as respect for independence, dignity, integrity and confidentiality which go beyond those imposed on other citizens, such privileges being for the benefit of the client;
- 3 that professionalism can be defined as the strengthening of the public service dimension of a lawyer and the putting of the interest of the public and the client before a lawyer's own interest; and
- 4 that the elements of the lawyer's professionalism so defined are (a) ethics, integrity and professional standards, (b) competent service to clients while maintaining independent judgement, (c) continuing

education, (d) civility, (e) obligations to the rule of law and to the justice system and (f) 'pro bono' service.

Realising

- 1 that the legal profession is not exempt from the trend of the 20th Century towards the pursuit of economic gain and the accumulation of wealth overtaking professional ethics;
- 2 the need for lawyers to maintain professionalism and not to be seen as just another businessman selling his services;
- 3 that providing professional services of high quality in an efficient and cost conscious way is in the interest of clients and the public and is essential for the financial security and independence of lawyers;
- 4 that the lawyer's independence requires his/her economic independence which can only be guaranteed by sufficient income from his/her professional activity; and
- 5 that at the same time the pursuit of commercialism, meaning an excessive and inappropriate emphasis on profit without regard to professionalism, is inconsistent with the role of a lawyer and should be discouraged.

Now hereby RESOLVES

- 1 that lawyers should render their professional services:
 - a) in an independent, ethical, efficient and high quality manner, and in accordance with the Standards for the Independence, as approved by the IBA General Meeting in 1990, and the General Principles of Ethics, as approved by the IBA Council in 1995;
 - b) avoiding commercialism, meaning an excessive and inappropriate emphasis on profit; and
 - c) maintaining professionalism as defined above (in Considering 2 and 3)
- 2 that lawyers should ensure that people coming into the profession are educated in the spirit of these ideals; and
- 3 that Bar Associations and other regulatory authorities should be vigilant in ensuring that core professional values are maintained, and that commercialism, meaning an excessive an inappropriate emphasis on profit, is avoided, and should act vigorously in instances where these ideals are not met.