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THE MODEL RULES OF PROFESSIONAL CONDUCT THROUGH THE LENS OF THE PROVERBS

Scott E. Thompson[1]

Introduction.

The ABA Model Rules of Professional Conduct contain the ethical guidelines that define the appropriate conduct for the legal professional, subject to their adoption by the licensing state. Many of the Model Rules engender no debate as the principles articulated in them are widely accepted among all legal professionals. Others however are subject to extensive debate, even among lawyers within the same firm or practice area. Some of the Model Rules are perhaps most challenging to attorneys who hold to eternal truths as fixed rules that are not to be broken regardless of what an external ethical code might allow or require. For many such attorneys, the Model Rules are the floor, but our spiritual calling demands much higher standards.

This article seeks to find a basis for the principles espoused in the Model Rules within the wisdom of Solomon as recorded in The Proverbs. The breadth of the rules and of the wisdom found in the book of Proverbs make it impossible to cross-reference every possible match. In some cases, no proverb supports the conduct allowed by the Model Rule (e.g. Rule 1.8 (j)); but in many cases the same principles espoused in the rules are found in multiple proverbs. Additionally, often times other scriptural references may better supply a match to a rule. But, for the sake of comparison and limiting the scope of analysis, this article will confine itself only to comparisons to The Proverbs.

The general format of the comparison will be to set forth the Model Rule in its entirety (except where noted) followed by commentary from the official comments to the rules. The rule will then be compared to a proverb, with analysis from a respected Biblical commentator. The section headings and numbering match the headings in the Model Rules. All rules are cited from the ABA Model Rules of

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Professional Conduct as amended through August 2009.

I. Client – Lawyer Relationship

Rule 1.1: Competence

A lawyer shall provide competent representation to a client. Competent representation requires the legal knowledge, skill, thoroughness and preparation reasonably necessary for the representation.

The general ethical responsibility implicated by Rule 1.1 is one of competent representation. competent representation requires that an attorney take affirmative steps to acquire the requisite skill and preparation necessary to provide for an effective and zealous representation of a client's interests.[2] The Book of Proverbs also contains admonitions for the Christian legal practitioner to exercise due diligence in acquiring the necessary preparation for the practice of law.

"Prepare your outside work, make it fit for yourself in the field; And afterward build your house."[3]

This rule is one of general prudence and applies to all worldly matters. Just as a builder collects the necessary materials together before undertaking a construction project, so must the Christian prepare the necessary ingredients for the competent exercise of his or her chosen profession.[4] For the legal professional, this requires a commitment to education, practical experience, and zealous preparation in each matter that the lawyer agrees to undertake on behalf of a client.

Rule 1.2 Scope Of Representation And Allocation Of Authority Between Client And Lawyer

(a) Subject to paragraphs (c) and (d), a lawyer shall abide by a client's decisions concerning the objectives of representation and, as required by Rule 1.4, shall consult with the client as to the means by which they are to be pursued. A lawyer may take such action on behalf of the client as is impliedly authorized to carry out the representation. A lawyer shall abide by a client's decision whether to settle a matter. In a criminal case, the lawyer shall abide by the client's decision, after consultation with the lawyer, as to a plea to be entered, whether to waive jury trial and whether the client will testify.
(b) A lawyer's representation of a client, including representation by appointment, does not constitute an endorsement of the client's political, economic, social or moral views or activities.
(c) A lawyer may limit the scope of the representation if the limitation is reasonable under the circumstances and the client gives informed consent.

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[2] MODEL RULES OF PROF'L CONDUCT R. 1.1 cmt. 1-6 (2009).
[3] Proverbs 24:27 (New King James).
[4] CHARLES BRIDGES, A COMMENTARY ON PROVERBS 458.

(d) A lawyer shall not counsel a client to engage, or assist a client, in conduct that the lawyer knows is criminal or fraudulent, but a lawyer may discuss the legal consequences of any proposed course of conduct with a client and may counsel or assist a client to make a good faith effort to determine the validity, scope, meaning or application of the law.

Rule 1.2 invokes a requirement to communicate clearly with the client and to follow the client's wishes during the representation of that client's interests, subject to all other rules of professional conduct.[5] This is consistent with a general principle of wise counsel. While specifics such as a client determining whether to settle a matter or whether to accept a plea agreement cannot be directly tied to any proverb, the concept of wise counsel in Proverbs presupposes a symbiotic relationship between the one providing counsel and the one benefitting from that counsel.

"The way of a fool is right in his own eyes, But he who heeds counsel is wise."[6]

Here Proverbs indicates that a fool is so confident in his own abilities and power, that he neglects the need to seek the advice of others.[7] This necessarily would apply to both the attorney and the client in the legal relationship; the client in seeking the council of the attorney, and the attorney in adequately communicating with the client to ensure that the client's interests are represented to the fullest extent.

Rule 1.3 Diligence

A lawyer shall act with reasonable diligence and promptness in representing a client.

In a closely related, but distinct ethical duty, Rule 1.3 builds on the requirement imposed by Rule 1.1 by demanding that the legal professional diligently represent the interests of the clients that the professional agrees to represent.[8] The Proverbs likewise indicate the wisdom of diligence.

"Do you see a man who excels in his work? He will stand before kings; He will not stand before unknown men."[9]

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[5] MODEL RULES OF PROF'L CONDUCT R. 1.2 cmt. 1 (2009).
[6] Proverbs 12:15 (New King James).
[7] CRAWFORD HOWELL TOY, A CRITICAL AND EXEGETICAL COMMENTARY ON THE BOOK OF PROVERBS 251.
[8] MODEL RULES OF PROF'L CONDUCT R. 1.3 cmt. 1 (2009).
[9] Proverbs 22:29 (New King James).

The diligent stands head and shoulders above the slothful. It is the industrious individual who puts forth the necessary effort and care to achieve the highest professional standard that will reap the rewards for such hard work.[10] The legal professional who exercises that standard of care will be in a position to reap the rewards of diligent representation when the client's interests are adjudicated.

Rule 1.4 Communication

(a) A lawyer shall:
(1) promptly inform the client of any decision or circumstance with respect to which the client's informed consent, as defined in Rule 1.0(e), is required by these Rules;
(2) reasonably consult with the client about the means by which the client's objectives are to be accomplished;
(3) keep the client reasonably informed about the status of the matter;
(4) promptly comply with reasonable requests for information; and
(5) consult with the client about any relevant limitation on the lawyer's conduct when the lawyer knows that the client expects assistance not permitted by the Rules of Professional Conduct or other law.
(b) A lawyer shall explain a matter to the extent reasonably necessary to permit the client to make informed decisions regarding the representation.

Rule 1.4 sets out the responsibility of an attorney to communicate clearly and effectively with a client. Such communication is a prerequisite to following a client's interests, for communication is the means by which a client indicates to the attorney what the client wishes the attorney to do.[11] Proverbs likewise points out the importance of communication.

"A word fitly spoken is like apples of gold in settings of silver. Like an earring of gold and an ornament of fine gold is a wise rebuker to an obedient ear."[12]

When communicating with a client, the standard set forth in Proverbs requires that one consider the words that one uses, even if used to reprove or rebuke. This standard assumes that the one providing such communication possesses character that deserves respect, a knowledge of the character and disposition of the one counseled, a sincere desire to benefit the client, and a due regard for communicating in a fitting time and place.[13]

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[10] GEORGE LAWSON, EXPOSITION OF THE BOOK OF PROVERBS 157-58.
[11] MODEL RULES OF PROF'L CONDUCT R. 1.4 cmt. 1 (2009).
[12] Proverbs 25:11-12 (New King James).
[13] WILLIAM G. HARRIS, A HOMILETICAL COMMENTARY ON THE BOOK OF PROVERBS 699-700.

Rule 1.5 Fees

(a) A lawyer shall not make an agreement for, charge, or collect an unreasonable fee or an unreasonable amount for expenses. The factors to be considered in determining the reasonableness of a fee include the following… (remainder of 1.5 omitted)

Rule 1.5 requires that the legal professional deal fairly with clients when establishing fees. The setting of fees requires a consideration of a variety of factors, but underlying each is a general concept of fairness.[14] The same is true whether the fee is charged by the hour or on a contingent basis, and whether it is charged by one lawyer or divided among many.[15] Proverbs likewise assumes the concept of general fairness, but builds on the standard required by the rule.

"Dishonest scales are an abomination to the LORD, but a just weight is His delight."[16]

This proverb explicitly requires honesty in commercial dealings in the strongest possible language. The proverb refers to unfairness in commercial dealing as an abomination, which indicates a direct offense to divine will when this standard is violated.[17] For the Christian legal practitioner, the ethical standard of fairness and reasonableness imposed by such divine command, requires the utmost commitment.

Rule 1.6 Confidentiality of Information

(a) A lawyer shall not reveal information relating to the representation of a client unless the client gives informed consent, the disclosure is impliedly authorized in order to carry out the representation or the disclosure is permitted by paragraph (b).
(b) A lawyer may reveal information relating to the representation of a client to the extent the lawyer reasonably believes necessary: (exceptions omitted).

Rule 1.6 recognizes the ethical duty that an attorney has to client confidentiality. Absent a strong commitment to keeping the communication between the attorney and client confidential, clients would be hesitant to reveal information to the attorney that might be necessary for the adequate

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[14] MODEL RULES OF PROF'L CONDUCT R. 1.5 cmt. 1 (2009).
[15] *Id*. at cmt. 3,7.
[16] Proverbs 11:1 (New King James).
[17] TOY, *supra* n. 7, at 220.

representation of the client's interests.[18] The Proverbs reveal a similar commitment to such confidences.

"A talebearer reveals secrets, but he who is of a faithful spirit conceals a matter."[19]

The proverb indicates that trustworthiness is a trait that is essential to one who possesses a faithful heart and mind. This trait is general in nature and is applicable to all relations in life, but is explicitly important in matters of confidential communication.[20] The talebearer who reveals confidences is akin to a gossip who should not be entrusted with the responsibilities required of a legal professional.

Rule 1.7 Conflicts of Interest: Current Clients

(a) Except as provided in paragraph (b), a lawyer shall not represent a client if the representation involves a concurrent conflict of interest. A concurrent conflict of interest exists if:

> *(1) the representation of one client will be directly adverse to another client; or*
> *(2) there is a significant risk that the representation of one or more clients will be materially limited by the lawyer's responsibilities to another client, a former client or a third person or by a personal interest of the lawyer.*

(b) Notwithstanding the existence of a concurrent conflict of interest under paragraph (a), a lawyer may represent a client if:

> *(1) the lawyer reasonably believes that the lawyer will be able to provide competent and diligent representation to each affected client;*
> *(2) the representation is not prohibited by law;*
> *(3) the representation does not involve the assertion of a claim by one client against another client represented by the lawyer in the same litigation or other proceeding before a tribunal; and*
> *(4) each affected client gives informed consent, confirmed in writing.*

Rule 1.7 generally implicates loyalty with an underlying recognition of the myriad problems that arise when one attempts to represent a client's interests in the face of conflicting loyalties.[21] The temptation to compromise the representation of one client on behalf of another is simply too high, and the appearance of such would fundamentally damage the reputation of the legal profession. Proverbs also provides warnings for those with divided loyalties.

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[18] MODEL RULES OF PROF'L CONDUCT R. 1.6 cmt. 2 (2009).
[19] Proverbs 11:13 (New King James).
[20] TOY, *supra* n. 7, at 227.
[21] MODEL RULES OF PROF'L CONDUCT R. 1.7 cmt. 1 (2009).

"Most men will proclaim each his own goodness, but who can find a faithful man?"[22]

Many individuals will think far more highly of themselves than they ought to.[23] This might lead one to falsely believe that he has the ability to stay completely objective when dealing with a conflict of interest. The problem is that human beings, as fallen creatures are self-deceiving in their own assessments of their inner abilities.[24] This proverb presents a picture of virtually despondent search for integrity and uprightness.[25] In virtually every profession, and especially one dealing with a conflict of interest, one will attempt to be agreeable at the expense of telling the truth.[26] For an attorney this is a position that would lead to disappointing results for a client. Accordingly, one must seek in all things to show true fidelity, even if that requires one remove himself from the conflicting situation.[27]

Rule 1.8 Conflict of Interest: Current Clients: Specific Rules

(a) A lawyer shall not enter into a business transaction with a client or knowingly acquire an ownership, possessory, security or other pecuniary interest adverse to a client unless:

> *(1) the transaction and terms on which the lawyer acquires the interest are fair and reasonable to the client and are fully disclosed and transmitted in writing in a manner that can be reasonably understood by the client;*
> *(2) the client is advised in writing of the desirability of seeking and is given a reasonable opportunity to seek the advice of independent legal counsel on the transaction; and*
> *(3) the client gives informed consent, in a writing signed by the client, to the essential terms of the transaction and the lawyer's role in the transaction, including whether the lawyer is representing the client in the transaction.*

(b) A lawyer shall not use information relating to representation of a client to the disadvantage of the client unless the client gives informed consent, except as permitted or required by these Rules.
(c) A lawyer shall not solicit any substantial gift from a client, including a testamentary gift, or prepare on behalf of a client an instrument giving the lawyer or a person related to the lawyer any substantial gift unless the lawyer or other recipient of the gift is related to the client. For purposes of this paragraph, related persons include a spouse, child, grandchild, parent, grandparent or other relative or individual with whom the lawyer or the client maintains a close, familial relationship.
(d) Prior to the conclusion of representation of a client, a lawyer shall not make or negotiate an agreement giving the lawyer literary or media rights to a portrayal or account based in substantial part on information relating to the representation.
(e) A lawyer shall not provide financial assistance to a client in connection with pending or

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[22] Proverbs 20:6 (New King James).
[23] BRIDGES, *supra* n. 4, at 339-40.
[24] *Id.*
[25] *Id.*
[26] *Id.*
[27] *Id.*

contemplated litigation, except that:

(1) a lawyer may advance court costs and expenses of litigation, the repayment of which may be contingent on the outcome of the matter; and

(2) a lawyer representing an indigent client may pay court costs and expenses of litigation on behalf of the client.

(f) A lawyer shall not accept compensation for representing a client from one other than the client unless:

(1) the client gives informed consent;

(2) there is no interference with the lawyer's independence of professional judgment or with the client-lawyer relationship; and

(3) information relating to representation of a client is protected as required by Rule 1.6.

(g) A lawyer who represents two or more clients shall not participate in making an aggregate settlement of the claims of or against the clients, or in a criminal case an aggregated agreement as to guilty or nolo contendere pleas, unless each client gives informed consent, in a writing signed by the client. The lawyer's disclosure shall include the existence and nature of all the claims or pleas involved and of the participation of each person in the settlement.

(h) A lawyer shall not:

(1) make an agreement prospectively limiting the lawyer's liability to a client for malpractice unless the client is independently represented in making the agreement; or

(2) settle a claim or potential claim for such liability with an unrepresented client or former client unless that person is advised in writing of the desirability of seeking and is given a reasonable opportunity to seek the advice of independent legal counsel in connection therewith.

(i) A lawyer shall not acquire a proprietary interest in the cause of action or subject matter of litigation the lawyer is conducting for a client, except that the lawyer may:

(1) acquire a lien authorized by law to secure the lawyer's fee or expenses; and

(2) contract with a client for a reasonable contingent fee in a civil case.

(j) A lawyer shall not have sexual relations with a client unless a consensual sexual relationship existed between them when the client-lawyer relationship commenced.

(k) (omitted)

Rule 1.8 sets forth specific rules applicable to the legal professional regarding loyalty and fair dealing with a client. Rule 1.8 (a) generally deals with the situation where an attorney would seek to gain personally through a business transaction with a client while their interests are adverse.[28] The Proverbs likewise deal with the idea of fundamental fairness during business dealings.

"Honest weights and scales are the LORD's; all the weights in the bag are His work."[29]

This proverb indicates that fair dealing during business transactions belongs to the Lord.[30] In times past, a man who placed a royal stamp upon base metal was considered to be a traitor to the

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[28] MODEL RULES OF PROF'L CONDUCT R. 1.8 cmt. 1 (2009).

[29] Proverbs 16:11 (New King James).

[30] LAWSON, *supra* n. 10, at 369-370.

Sovereign. Likewise, the Christian who deals unfairly during business transactions is betraying a trust imposed upon him by his Sovereign. God demands justice and has established equity as the standard in business dealings.[31]

Rule 1.8 (b) explicitly prohibits the use of information related to the representation of a client to the detriment of the client.[32] This is a fundamental rule of fairness and is required to uphold the integrity of the legal profession. The Proverbs also condemn any attempt to achieve gain through deceit or unfairness.

"The getting of treasures by a lying tongue is a vanity tossed to and fro of them that seek death."

The proverb indicates an absolute prohibition on the use of untoward methods to gain wealth. Indeed, the categorization of those who do so as "seekers of death" is an especially ominous warning.[33] The Christian legal practitioner must be constantly diligent to place client ahead of self, and truth ahead of gain.

Rule 1.8 (c) prohibits a lawyer from seeking a substantial gift from a client,[34] and Rule 1.8 (d) builds on this principle specifically in the realm of literary and media rights.[35] The underlying assumption behind both rules is one of general fairness. The Proverbs go much further.

"He that is greedy of gain troubleth his own house; but he that hateth gifts shall live."

This proverb contains a general warning against greed. Instead of merely prohibiting the greedy solicitation of substantial gifts, the prohibition is one that is broad enough to cover all dishonest gain.[36] Thus, the Christian legal practitioner has a higher duty to which he must answer, above and beyond the requirements imposed by the Model Rules.

Rule 1.8 (e) prohibits an attorney from financing litigation. The general idea is to avoid giving

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[31] *Id.*
[32] MODEL RULES OF PROF'L CONDUCT R. 1.8 cmt. 5 (2009).
[33] WILLIAM DEANE, ET AL., PROVERBS: EXPOSITIONAL COMMENTARY AND HOMILIES 405.
[34] MODEL RULES OF PROF'L CONDUCT R. 1.8 cmt. 6 (2009).
[35] MODEL RULES OF PROF'L CONDUCT R. 1.8 cmt. 9 (2009).
[36] LAWSON, *supra* n. 10, at 345-346.

lawyers too great a financial stake in the outcome of their client's matters.[37] While there is no direct connection to financing litigation in the Proverbs, the principle of unjust gain is stated clearly.

"The righteousness of the upright will deliver them, but the unfaithful will be caught by their lust." [38]

As used in this proverb "lust" refers not only to sexual desire, but any temptation toward evil.[39] When an attorney has too great a personal stake in the outcome of a client's matter, the attorney will be influenced to make decisions for his own benefit rather than those of the client. Thus, the righteous individual will recognize beforehand that to ensure the proper representation of the client, one must refuse to engage in contact that will divide one's loyalty and tempt him to pursue his own interests. [40]

Rule 1.8(f) is one intended to ensure that a client, and not a third party, will hold the attorney's loyalty and will guide the decisions that the attorney makes on the client's behalf.[41] This is an important consideration in the legal profession, as ultimately the attorney is merely a representative, and does not control the Client's interests. The Proverbs also speak to such considerations.

"Let love and loyalty always show like a necklace, and write them in your mind."[42]

This same phrase is often used to declare the perfect attributes of God in his dealings with human beings.[43] Thus, in this context, the ultimate moral character of an individual should correspond with the qualities demonstrated by Almighty God.[44] Loyalty is an essential element in dealings with other humans and with Almighty God, and this attribute should be expressed both outwardly and inwardly.[45]

Rule 1.8(g) is intended to prevent an attorney who represents two or more parties, from making

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[37] MODEL RULES OF PROF'L CONDUCT R. 1.8 cmt. 10 (2009).
[38] Proverbs 19:17 (King James).
[39] BRIDGES, *supra* n. 4, at 113-14.
[40] *Id.*
[41] MODEL RULES OF PROF'L CONDUCT R. 1.8 cmt. 11 (2009).
[42] Proverbs 3:3 (Contemporary English Version).
[43] THOMAS T. PEROWNE, CAMBRIDGE BIBLE COMMENTARY 52.
[44] *Id.*
[45] *Id.*

agreements that would endanger the interests of one or more of those parties.[46] This rule, as with others in 1.8, generally builds on the principle of loyalty.

"He that winketh with the eye causeth sorrow: but a prating fool shall fall."[47]

This proverb strongly implies that underhanded action during the representation of clients would ultimately cause nothing but sorrow and failure. Underhanded crafty reticence will bring injury to others, and the fool who employs such tactics will ultimately fall. [48]

Rule 1.8(h) is intended to prevent a situation whereby a lawyer would attempt to influence a client to agree to limit the attorney's liability for malpractice.[49] In the absence of such prohibition, an attorney would often be tempted to try to limit liability and may apply inappropriate pressure toward seeking out those ends. Again, direct comparison is not possible, but the principles found in the Proverbs are very much applicable.

"He that withholdeth corn, the people shall curse him: but blessing shall be upon the head of him that selleth it."[50]

The proverb references a situation where a person would keep back his store in times of necessity, in order to run up the price on the crop.[51] This is essentially the same premise that an attorney would be using to limit a client's future options to recover for malpractice. The proverb refers to this activity as worthy of bringing on a curse, and foregoing such dubious dealings as a blessing.

Rule 1.8(i) prohibits a lawyer from obtaining his own interests in a client's property, hence dividing his loyalty between the client and his interests, and the attorney's own interests in the property of the client.[52] In the absence of such a rule, a lawyer would be tempted to use a client for personal gain rather than considering the best interests of the client. The Proverbs fundamentally oppose any such

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[46] MODEL RULES OF PROF'L CONDUCT R. 1.8 cmt. 13 (2009).
[47] Proverbs 10:10 (King James)
[48] PEROWNE, *supra* n. 43, at 88.
[49] MODEL RULES OF PROF'L CONDUCT R. 1.8 cmt. 14, 15 (2009).
[50] Proverbs 11:26 (King James).
[51] PEROWNE, *supra* n. 43, at 95.
[52] MODEL RULES OF PROF'L CONDUCT R. 1.8 cmt. 16 (2009).

deceitfulness.

"He who walks with integrity walks securely, but he who perverts his ways will become known."[53]

The literal rendering of this passage includes references to walking in "uprightness, perfectness, or innocence."[54] The attorney has an affirmative moral duty to avoid any perversion of this Holy standard in dealings with others.[55]

Rule 1.8 (j) is one that merely builds on the loyalty premise of the preceding rules in 1.8.[56] The rule does not suggest a moral judgment, but rather a professional one, in that the presence of a sexual relationship with a client can lead to confusing personal and business interests, and can taint the attorney's professionalism and good sense. However, this rule may be the clearest example of a divergence between the professional standards of the model rules and the scriptural mandates for Christians.

"To deliver you from the immoral woman, from the seductress who flatters with her words."[57]

The Proverbs graphically and categorically condemns all sexual relationships outside of marriage in the strongest possible words.[58] One who gives into sensual gratification invites heartache and doom. This command is not one that is merely professional in nature, but a fundamental moral precept that commands one keep one's mind and heart pure and Holy.[59]

Rule 1.9 Duties to Former Clients

(a) A lawyer who has formerly represented a client in a matter shall not thereafter represent another person in the same or a substantially related matter in which that person's interests are materially adverse to the interests of the former client unless the former client gives informed consent, confirmed in writing.
(b) A lawyer shall not knowingly represent a person in the same or a substantially related matter in which a firm with which the lawyer formerly was associated had previously represented a client
(1) whose interests are materially adverse to that person; and

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[53] Proverbs 10:9 (New King James).
[54] TOY, *supra* n. 7, at 204.
[55] *Id.*
[56] MODEL RULES OF PROF'L CONDUCT R. 1.8 cmt. 17 (2009).
[57] Proverbs 2:16 (King James).
[58] BRIDGES, *supra* n. 4, at 19.
[59] *Id.*

(2) about whom the lawyer had acquired information protected by Rules 1.6 and 1.9(c) that is material to the matter;

unless the former client gives informed consent, confirmed in writing.

(c) A lawyer who has formerly represented a client in a matter or whose present or former firm has formerly represented a client in a matter shall not thereafter:

(1) use information relating to the representation to the disadvantage of the former client except as these Rules would permit or require with respect to a client, or when the information has become generally known; or

(2) reveal information relating to the representation except as these Rules would permit or require with respect to a client."

Rule 1.9 indicates that when a professional relationship between a client and attorney ends, the duty that the attorney has to the client does not.[60] Thus, a residual duty will remain with the attorney in perpetuity, and betrayal of that duty is a serious ethical concern. Similarly, the principles articulated in the Proverbs are continuous in nature and not limited in time or place.

"The integrity of the upright shall guide them: but the perverseness of transgressors shall destroy them."[61]

Fundamentally this proverb implicates integrity and righteousness. These twin goals should guide the Christian in all that he says and does. [62]

Rule 1.10 Imputation Of Conflicts Of Interest: General Rule

(a) While lawyers are associated in a firm, none of them shall knowingly represent a client when any one of them practicing alone would be prohibited from doing so by Rules 1.7 or 1.9, unless

(1) the prohibition is based on a personal interest of the disqualified lawyer and does not present a significant risk of materially limiting the representation of the client by the remaining lawyers in the firm; or

(2) the prohibition is based upon Rule 1.9(a) or (b) and arises out of the disqualified lawyer's association with a prior firm, and

(i) the disqualified lawyer is timely screened from any participation in the matter and is apportioned no part of the fee therefrom;

(ii) written notice is promptly given to any affected former client to enable the former client to ascertain compliance with the provisions of this Rule, which shall include a description of the screening procedures employed; a statement of the firm's and of the screened lawyer's compliance with these Rules; a statement that review may be available before a tribunal; and an agreement by the firm to respond promptly to any written inquiries or objections by the former client about the screening procedures; and

(iii) certifications of compliance with these Rules and with the screening procedures are

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[60] MODEL RULES OF PROF'L CONDUCT R. 1.9 cmt. 1 (2009).

[61] Proverbs 11:3 (King James).

[62] BRIDGES, *supra* n. 4, at 114-15.

provided to the former client by the screened lawyer and by a partner of the firm, at reasonable intervals upon the former client's written request and upon termination of the screening procedures.

(b) When a lawyer has terminated an association with a firm, the firm is not prohibited from thereafter representing a person with interests materially adverse to those of a client represented by the formerly associated lawyer and not currently represented by the firm, unless:

(1) the matter is the same or substantially related to that in which the formerly associated lawyer represented the client; and

(2) any lawyer remaining in the firm has information protected by Rules 1.6 and 1.9(c) that is material to the matter.

(c) A disqualification prescribed by this rule may be waived by the affected client under the conditions stated in Rule 1.7.

(d) The disqualification of lawyers associated in a firm with former or current government lawyers is governed by Rule 1.11.

Rule 1.10 imputes a disqualification caused by one member to other members of the firm.[63] This is intended to eliminate a situation whereby the loyalties that one attorney may have to a fellow attorney, would interfere with the loyalties that are present between an attorney and his client. The imputation rule is also found in the counsel of Proverbs.

"Whoso is partner with a thief hateth his own soul: he heareth cursing, and betrayeth it not."[64]

The Proverbs indicate that one who partners with those engaged in wicked activity, actively implicates himself in such wickedness. There is implied an affirmative duty to bring to light sins that are engaged in by others who one might be associated with.[65] In the context of a professional relationship, this would require one to refuse to engage in adverse representation to a partner's clients, or to use information obtained during the course of dealing with a fellow attorney.[66]

Rule 1.11 Special Conflicts Of Interest For Former And Current Government Officers And Employees

(a) Except as law may otherwise expressly permit, a lawyer who has formerly served as a public officer or employee of the government:

(1) is subject to Rule 1.9(c); and

(2) shall not otherwise represent a client in connection with a matter in which the lawyer participated personally and substantially as a public officer or employee, unless the

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[63] MODEL RULES OF PROF'L CONDUCT R. 1.10 cmt. 2 (2009).
[64] Proverbs 29:24 (King James).
[65] FRANZ DELITZSCH, BIBLICAL COMMENTARY ON THE PROVERBS OF SOLOMON, 257-58.
[66] MODEL RULES OF PROF'L CONDUCT R. 1.10 cmt. 2 (2009).

appropriate government agency gives its informed consent, confirmed in writing, to the representation.

(b) (omitted)

(c) Except as law may otherwise expressly permit, a lawyer having information that the lawyer knows is confidential government information about a person acquired when the lawyer was a public officer or employee, may not represent a private client whose interests are adverse to that person in a matter in which the information could be used to the material disadvantage of that person. As used in this Rule, the term "confidential government information" means information that has been obtained under governmental authority and which, at the time this Rule is applied, the government is prohibited by law from disclosing to the public or has a legal privilege not to disclose and which is not otherwise available to the public. A firm with which that lawyer is associated may undertake or continue representation in the matter only if the disqualified lawyer is timely screened from any participation in the matter and is apportioned no part of the fee therefrom.

(d) Except as law may otherwise expressly permit, a lawyer currently serving as a public officer or employee:

(1) is subject to Rules 1.7 and 1.9; and

(2) shall not:

(i) participate in a matter in which the lawyer participated personally and substantially while in private practice or nongovernmental employment, unless the appropriate government agency gives its informed consent, confirmed in writing; or

(ii) negotiate for private employment with any person who is involved as a party or as lawyer for a party in a matter in which the lawyer is participating personally and substantially, except that a lawyer serving as a law clerk to a judge, other adjudicative officer or arbitrator may negotiate for private employment as permitted by Rule 1.12(b) and subject to the conditions stated in Rule 1.12(b).

(e) (omitted)

Building on Rules 1.9 and 1.10, Rule 1.11 applies the same principles to government attorneys, taking into account the unique relationship of the role of the government attorney.[67] The Proverbs likewise place special emphasis on the role of the king, the government.

"A king that sitteth in the throne of judgment scattereth away all evil with his eyes."[68]

The role of the government, or king, is quite different from the role of a private individual.[69] The ideal king is the earthly representative of God, who in turn is the Supreme Judge of the world.[70] This requires a king to search out all evil with his eyes, which would include impropriety in the king's own office.[71] Thus, government attorneys may not use their special place of authority and use

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[67] MODEL RULES OF PROF'L CONDUCT R. 1.11 cmt. 4 (2009).
[68] Proverbs 20:8 (King James).
[69] JOHANN PETER LANGE, A COMMENTARY ON THE HOLY SCRIPTURES. VOL 10. 178.
[70] *Id.*
[71] *Id.*

information gained while in private practice to the detriment of the citizen.

Rule 1.12 Former Judge, Arbitrator, Mediator Or Other Third-Party Neutral

(a) Except as stated in paragraph (d), a lawyer shall not represent anyone in connection with a matter in which the lawyer participated personally and substantially as a judge or other adjudicative officer or law clerk to such a person or as an arbitrator, mediator or other third-party neutral, unless all parties to the proceeding give informed consent, confirmed in writing.
(b) A lawyer shall not negotiate for employment with any person who is involved as a party or as lawyer for a party in a matter in which the lawyer is participating personally and substantially as a judge or other adjudicative officer or as an arbitrator, mediator or other third-party neutral. A lawyer serving as a law clerk to a judge or other adjudicative officer may negotiate for employment with a party or lawyer involved in a matter in which the clerk is participating personally and substantially, but only after the lawyer has notified the judge or other adjudicative officer.
(c) If a lawyer is disqualified by paragraph (a), no lawyer in a firm with which that lawyer is associated may knowingly undertake or continue representation in the matter unless:

> *(1) the disqualified lawyer is timely screened from any participation in the matter and is apportioned no part of the fee therefrom; and*
> *(2) written notice is promptly given to the parties and any appropriate tribunal to enable them to ascertain compliance with the provisions of this rule.*

(d) An arbitrator selected as a partisan of a party in a multimember arbitration panel is not prohibited from subsequently representing that party.

Rule 1.12 sets forth the professional ethical responsibilities expected of one formerly in a position of authority.[72] At its heart, the rule envisions fundamental fairness. Indeed, it would make a mockery of the profession if a former judge or person with a similar position of authority were permitted to use the information that he obtained during such service for his own personal gain. The same principle is articulated in the Proverbs.

"The king establishes the land by justice, but he who receives bribes overthrows it."[73]

The Proverbs likewise indicate that with authority comes great responsibility and decision influenced by the desire for personal gain effectively destroy the rule of law.[74] The Proverbs command that the righteous forsake the use of their positions for personal gain, and that fair dealing is required of every person in every grade of official responsibility.[75]

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[72] MODEL RULES OF PROF'L CONDUCT R. 1.12 cmt. 1 (2009).
[73] Proverbs 29:4 (New King James)
[74] BRIDGES, *supra* n. 4, at 558-59.
[75] *Id*.

Rule 1.13 Organization As Client

(a) A lawyer employed or retained by an organization represents the organization acting through its duly authorized constituents.
(b) If a lawyer for an organization knows that an officer, employee or other person associated with the organization is engaged in action, intends to act or refuses to act in a matter related to the representation that is a violation of a legal obligation to the organization, or a violation of law that reasonably might be imputed to the organization, and that is likely to result in substantial injury to the organization, then the lawyer shall proceed as is reasonably necessary in the best interest of the organization. Unless the lawyer reasonably believes that it is not necessary in the best interest of the organization to do so, the lawyer shall refer the matter to higher authority in the organization, including, if warranted by the circumstances to the highest authority that can act on behalf of the organization as determined by applicable law.
(c) Except as provided in paragraph (d), if

> *(1) despite the lawyer's efforts in accordance with paragraph (b) the highest authority that can act on behalf of the organization insists upon or fails to address in a timely and appropriate manner an action, or a refusal to act, that is clearly a violation of law, and*
> *(2) the lawyer reasonably believes that the violation is reasonably certain to result in substantial injury to the organization,*

then the lawyer may reveal information relating to the representation whether or not Rule 1.6 permits such disclosure, but only if and to the extent the lawyer reasonably believes necessary to prevent substantial injury to the organization.
(d) Paragraph (c) shall not apply with respect to information relating to a lawyer's representation of an organization to investigate an alleged violation of law, or to defend the organization or an officer, employee or other constituent associated with the organization against a claim arising out of an alleged violation of law.
(e) A lawyer who reasonably believes that he or she has been discharged because of the lawyer's actions taken pursuant to paragraphs (b) or (c), or who withdraws under circumstances that require or permit the lawyer to take action under either of those paragraphs, shall proceed as the lawyer reasonably believes necessary to assure that the organization's highest authority is informed of the lawyer's discharge or withdrawal.
(f) In dealing with an organization's directors, officers, employees, members, shareholders or other constituents, a lawyer shall explain the identity of the client when the lawyer knows or reasonably should know that the organization's interests are adverse to those of the constituents with whom the lawyer is dealing.
(g) A lawyer representing an organization may also represent any of its directors, officers, employees, members, shareholders or other constituents, subject to the provisions of Rule 1.7. If the organization's consent to the dual representation is required by Rule 1.7, the consent shall be given by an appropriate official of the organization other than the individual who is to be represented, or by the shareholders.

Rule 1.13 sets forth the responsibilities that a lawyer has when representing an organization.[76] The theory underlying this rule is that the lawyer must be on guard to look out for the best interests of the organization as a whole rather than the interests of individuals within the organization. While the

[76] MODEL RULES OF PROF'L CONDUCT R. 1.13 cmt. 1 (2009).

duties that are owed to an organization mirror those owed to individuals and are then compounded by the complexities of the fact that an entity is represented, there is no corresponding prvoerb that focuses upon a corporate entity as opposed to an individual.

Rule 1.14 Client With Diminished Capacity

(a) When a client's capacity to make adequately considered decisions in connection with a representation is diminished, whether because of minority, mental impairment or for some other reason, the lawyer shall, as far as reasonably possible, maintain a normal client-lawyer relationship with the client.
(b) When the lawyer reasonably believes that the client has diminished capacity, is at risk of substantial physical, financial or other harm unless action is taken and cannot adequately act in the client's own interest, the lawyer may take reasonably necessary protective action, including consulting with individuals or entities that have the ability to take action to protect the client and, in appropriate cases, seeking the appointment of a guardian ad litem, conservator or guardian.
(c) Information relating to the representation of a client with diminished capacity is protected by Rule 1.6. When taking protective action pursuant to paragraph (b), the lawyer is impliedly authorized under Rule 1.6(a) to reveal information about the client, but only to the extent reasonably necessary to protect the client's interests.

Rule 1.14 sets forth the responsibilities that a lawyer has when representing a person with diminished capacity. Due to the nature of such representation, a lawyer has greater responsibility as the client may not be able to adequately assist in protecting his own interests.[77] As a representative of the client's overall well-being, the lawyer has an ethical duty to ensure that this standard is followed to the highest degree.

"Rob not the poor, because he [is] poor: neither oppress the afflicted in the gate:"[78]

The Proverbs explicitly condemn taking advantage of those in need. The helpless are in special need of assistance from others, and taking advantage of one in a helpless state is explicitly condemned.[79] Not only is such a moral failure, but such oppression is among the highest forms of injustice.

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[77] MODEL RULES OF PROF'L CONDUCT R. 1.14 cmt. 1,2 (2009).
[78] Proverbs 22:22 (King James).
[79] F.C. COOK, SPEAKERS COMMENTARY 590.

Rule 1.15 Safekeeping Property

(a) A lawyer shall hold property of clients or third persons that is in a lawyer's possession in connection with a representation separate from the lawyer's own property. Funds shall be kept in a separate account maintained in the state where the lawyer's office is situated, or elsewhere with the consent of the client or third person. Other property shall be identified as such and appropriately safeguarded. Complete records of such account funds and other property shall be kept by the lawyer and shall be preserved for a period of [five years] after termination of the representation.
(b) A lawyer may deposit the lawyer's own funds in a client trust account for the sole purpose of paying bank service charges on that account, but only in an amount necessary for that purpose.
(c) A lawyer shall deposit into a client trust account legal fees and expenses that have been paid in advance, to be withdrawn by the lawyer only as fees are earned or expenses incurred.
(d) Upon receiving funds or other property in which a client or third person has an interest, a lawyer shall promptly notify the client or third person. Except as stated in this rule or otherwise permitted by law or by agreement with the client, a lawyer shall promptly deliver to the client or third person any funds or other property that the client or third person is entitled to receive and, upon request by the client or third person, shall promptly render a full accounting regarding such property.
(e) When in the course of representation a lawyer is in possession of property in which two or more persons (one of whom may be the lawyer) claim interests, the property shall be kept separate by the lawyer until the dispute is resolved. The lawyer shall promptly distribute all portions of the property as to which the interests are not in dispute.

Rule 1.15 explains the responsibility that a lawyer has to safeguard his client's property. A lawyer cannot use the client's funds for his own interests, and must be careful to avoid mixing the client's funds among his own. [80] The property belongs to the client, not the lawyer, and the lawyer must represent his clients' interests, not his own.

"People do not despise a thief if he steals to satisfy himself when he is starving. Yet when he is found, he must restore sevenfold; He may have to give up all the substance of his house."[81]

One who steals, even to satisfy his own hunger must still face the consequences of his actions.[82] While individuals tend not to despise a thief who steals for his own sustenance as compared to one who steals for profit, there still remains no excuse for one who breaks the law.[83] If the fruits of one's labor fail, the proper response is to place trust in good and earnestly seek the help of others. Not to resort to

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[80] MODEL RULES OF PROF'L CONDUCT R. 1.15 cmt. 1,2 (2009).
[81] Proverbs 6:30-31 (New King James).
[82] BRIDGES, *supra* n. 4, at 66-67.
[83] *Id*.

stealing and plunder.[84]

Rule 1.16 Declining Or Terminating Representation

(a) Except as stated in paragraph (c), a lawyer shall not represent a client or, where representation has commenced, shall withdraw from the representation of a client if:

(1) the representation will result in violation of the rules of professional conduct or other law;

(2) the lawyer's physical or mental condition materially impairs the lawyer's ability to represent the client; or

(3) the lawyer is discharged.

(b) Except as stated in paragraph (c), a lawyer may withdraw from representing a client if:

(1) withdrawal can be accomplished without material adverse effect on the interests of the client;

(2) the client persists in a course of action involving the lawyer's services that the lawyer reasonably believes is criminal or fraudulent;

(3) the client has used the lawyer's services to perpetrate a crime or fraud;

(4) the client insists upon taking action that the lawyer considers repugnant or with which the lawyer has a fundamental disagreement;

(5) the client fails substantially to fulfill an obligation to the lawyer regarding the lawyer's services and has been given reasonable warning that the lawyer will withdraw unless the obligation is fulfilled;

(6) the representation will result in an unreasonable financial burden on the lawyer or has been rendered unreasonably difficult by the client; or

(7) other good cause for withdrawal exists.

(c) A lawyer must comply with applicable law requiring notice to or permission of a tribunal when terminating a representation. When ordered to do so by a tribunal, a lawyer shall continue representation notwithstanding good cause for terminating the representation.

(d) Upon termination of representation, a lawyer shall take steps to the extent reasonably practicable to protect a client's interests, such as giving reasonable notice to the client, allowing time for employment of other counsel, surrendering papers and property to which the client is entitled and refunding any advance payment of fee or expense that has not been earned or incurred. The lawyer may retain papers relating to the client to the extent permitted by other law.

Being in the business of representing others will sometimes bring a lawyer into a situation where the attorney cannot in good conscience continue to represent an individual, either due to a conflict with the client, or some other consideration that would negatively affect the ability of the lawyer to adequately represent the client's interests. Rule 1.16 lays out the responsibility that a lawyer has when terminating or declining representation.[85] While certainly in more general terms, The Proverbs also address an individuals need to avoid being in situations where they are compromised.

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[84] *Id.*

[85] MODEL RULES OF PROF'L CONDUCT R. 1.16 cmt. 1 (2009).

"Enter not into the path of the wicked, and go not in the way of evil men. Avoid it, pass not by it, turn from it, and pass away. For they sleep not, except they have done mischief; and their sleep is taken away, unless they cause some to fall. For they eat the bread of wickedness, and drink the wine of violence."[86]

The Proverbs warn against the association of individuals who are wicked and prone to evil, as such individuals will inevitably tend to corrupt and destroy the moral code of the one entering into such an association.[87] Such evil must be avoided, in whatever degree, and there is a moral responsibility on the part of the Christian to avoid such associations.[88]

Rule 1.17 Sale Of Law Practice

While there are certainly some duties to clients when selling a law practice, these duties generally have been explained in the discussion of prior rules. It is difficult to find a principle articulated in the Proverbs that would correlate specifically to the duties imposed by Rule 1.17.

Rule 1.18 Duties To Prospective Client

(a) A person who discusses with a lawyer the possibility of forming a client-lawyer relationship with respect to a matter is a prospective client.
(b) Even when no client-lawyer relationship ensues, a lawyer who has had discussions with a prospective client shall not use or reveal information learned in the consultation, except as Rule 1.9 would permit with respect to information of a former client.
(c) A lawyer subject to paragraph (b) shall not represent a client with interests materially adverse to those of a prospective client in the same or a substantially related matter if the lawyer received information from the prospective client that could be significantly harmful to that person in the matter, except as provided in paragraph (d). If a lawyer is disqualified from representation under this paragraph, no lawyer in a firm with which that lawyer is associated may knowingly undertake or continue representation in such a matter, except as provided in paragraph (d).
(d) When the lawyer has received disqualifying information as defined in paragraph (c), representation is permissible if:

> *(1) both the affected client and the prospective client have given informed consent, confirmed in writing, or:*
> *(2) the lawyer who received the information took reasonable measures to avoid exposure to more disqualifying information than was reasonably necessary to determine whether to represent the prospective client; and*
>
> > *(i) the disqualified lawyer is timely screened from any participation in the matter and is apportioned no part of the fee therefrom; and*
> > *(ii) written notice is promptly given to the prospective client.*

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[86] Proverbs 4:14-17 (King James).
[87] TOY, *supra* n. 7, at 92-93.
[88] *Id.*

A lawyers' ethical responsibilities are not limited to clients he has actually represented, but also to potential clients. The underlying premise of this rule is one of general fairness. If a lawyer were permitted to use information gained from potential clients against such clients, the incentive for clients to be honest with their potential attorneys would be greatly diminished.[89] The Proverbs speaks to the need to retain secrets.

""Argue your case with your neighbor himself, and do not reveal another's secret."[90]

Betraying the secrets of others is a serious breach of integrity.[91] When on betrays the confidence of another, one will inevitably bring infamy upon his own name.[92] Christians have a duty to act with wisdom and love to fellow human beings.[93] In the context of the legal profession, a lawyer has a duty to prospective clients to avoid obtaining information from them, only to use that information against them or their interests at a later date. This is in conformity with the general principle articulated in this proverb of contending a cause with another person without betraying confidences.

II. Counselor

Rule 2.1 Advisor

In representing a client, a lawyer shall exercise independent professional judgment and render candid advice. In rendering advice, a lawyer may refer not only to law but to other considerations such as moral, economic, social and political factors, that may be relevant to the client's situation.

Rule 2.1 indicates that a lawyer has an ethical responsibility to be candid with a client. Moreover, an attorney is not limited to merely giving legal advice, but is permitted and encouraged to give guidance on a variety of matters that is relevant to the client's interests.[94] Similarly, The Proverbs speak to offering wise counsel.

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[89] MODEL RULES OF PROF'L CONDUCT R. 1.18 cmt. 1,3 (2009).
[90] Proverbs 25:9 (English Standard Version).
[91] BRIDGES, *supra* n. 4, at 466-67.
[92] *Id.*
[93] *Id.*
[94] MODEL RULES OF PROF'L CONDUCT R. 2.1 cmt. 1 (2009).

"Where there is no counsel, the people fall; but in the multitude of counselors there is safety."[95]

This proverb indicates that there is wisdom in collective wisdom.[96] This would apply to the collective wisdom of several individuals working to solve a single problem, or the inclusion of wide-encompassing advice covering more than a narrow issue.[97] By integrating moral, financial and practical advice with the legal opinion, the Christian attorney can give the client the most information possible to make the best decision.

Rule 2.3 Evaluation For Use By Third Persons

(a) A lawyer may provide an evaluation of a matter affecting a client for the use of someone other than the client if the lawyer reasonably believes that making the evaluation is compatible with other aspects of the lawyer's relationship with the client.
(b) When the lawyer knows or reasonably should know that the evaluation is likely to affect the client's interests materially and adversely, the lawyer shall not provide the evaluation unless the client gives informed consent.
(c) Except as disclosure is authorized in connection with a report of an evaluation, information relating to the evaluation is otherwise protected by Rule 1.6.

A lawyer is permitted by Rule 2.3 to offer evaluations of a matter affecting a client if doing so is in the client's best interests. If offering the evaluation is not in the client's best interest, the lawyer must get the informed consent of the client before he offers the evaluation.[98]

"Give instruction to a wise man, and he will be still wiser; Teach a just man, and he will increase in learning."[99]

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[95] Proverbs 11:14 (New King James).
[96] BRIDGES, *supra* n. 4, at 117-18.
[97] *Id*.
[98] MODEL RULES OF PROF'L CONDUCT R. 2.3 cmt. 1,2 (2009).
[99] Proverbs 9:9 (New King James).

Wise individuals accept reproof and instruction from many sources.[100] Wisdom increases in the presence of instruction.[101] This proverb indicates that the giving of advice or reproof to others is a valid means of increasing the wisdom and instruction of that person. In the context of the legal profession, because a lawyer is representing another, there must be assurance that the advice or evaluation of a matter not connected to the client will not harm that client's interests.

Rule 2.4 Lawyer Serving As Third-Party Neutral

(a) A lawyer serves as a third-party neutral when the lawyer assists two or more persons who are not clients of the lawyer to reach a resolution of a dispute or other matter that has arisen between them. Service as a third-party neutral may include service as an arbitrator, a mediator or in such other capacity as will enable the lawyer to assist the parties to resolve the matter.
(b) A lawyer serving as a third-party neutral shall inform unrepresented parties that the lawyer is not representing them. When the lawyer knows or reasonably should know that a party does not understand the lawyer's role in the matter, the lawyer shall explain the difference between the lawyer's role as a third-party neutral and a lawyer's role as one who represents a client.

Rule 2.4 provides that an attorney who is acting as a neutral party, often as a mediator of some sort, has a fundamental ethical responsibility to be fair and impartial. This requires that the lawyer inform the parties that they are not being represented by the attorney, lest they be misled by the attorney's role in the matter.[102] Maintaining impartiality is also address in Proverbs.

"He that passes by, and meddles with strife belonging not to him, is like one that takes a dog by the ears."[103]

This proverb is clear that it is dangerous to meddle in the strife of others.[104] One only needs to contemplate the inevitable result of grabbing a dog by the ears to get a sense of what can occur when interfering with a quarrel involving others.[105] While this would not preclude a Christian attorney from serving as an arbitrator or mediator, it would impose a very clear moral responsibility on that attorney to prevent taking any sides in the matter.

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[100] LAWSON, *supra* n. 10, at 164-65.
[101] *Id*.
[102] MODEL RULES OF PROF'L CONDUCT R. 2.4 cmt. 3 (2009).
[103] Proverbs 26:17 (King James).
[104] MATTHEW HENRY COMMENTARY ON THE WHOLE BIBLE (JOB TO SONG OF SOLOMON) VOL. III 1409-1410.
[105] *Id*.

III. Advocate

Rule 3.1 Meritorious Claims And Contentions

A lawyer shall not bring or defend a proceeding, or assert or controvert an issue therein, unless there is a basis in law and fact for doing so that is not frivolous, which includes a good faith argument for an extension, modification or reversal of existing law. A lawyer for the defendant in a criminal proceeding, or the respondent in a proceeding that could result in incarceration, may nevertheless so defend the proceeding as to require that every element of the case be established.

Rule 3.1 forbids an attorney from pursuing claims that do not have merit.[106] At the heart of this rule is the concept of promoting efficiency and fairness in the judicial process. Moreover, it protects clients from having an attorney charge for pursuing claims that were baseless or utterly without legal foundation, and along with other rules protects adversaries from defending against baseless claims. The Proverbs speak to being forced to answer the folly of others.

"Answer not a fool according to his folly, lest you also be like to him."[107]

The Proverbs indicate here that there is a moral responsibility to preventing mischief, either to oneself or others.[108] By invoking the image of a wise man contending with a fool, this proverb indicates that such a person is made a fool by engaging at the fool's own level.[109] For the purposes of a Christian attorney evaluating a claim, one would be a fool to pursue a claim based in folly.

Rule 3.2 Expediting Litigation

A lawyer shall make reasonable efforts to expedite litigation consistent with the interests of the client.

Rule 3.2 is straightforward, with an underlying assumption of promoting judicial efficiency. A lawyer has an ethical responsibility to make reasonable efforts to ensure that a client receives efficient service, as well as to promote judicial efficiency.[110] The Proverbs also address the issue of working diligently.

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[106] MODEL RULES OF. PROF'L CONDUCT R 3.1 cmt.1 (2009).
[107] Proverbs 26:4 (King James).
[108] HENRY, *supra* n. 104, at 1405-1406.
[109] *Id*.
[110] MODEL RULES OF. PROF'L CONDUCT R 3.2 cmt.1 (2009).

"He who is slothful in his work is a brother to him who is a great destroyer."[111]

The Proverbs indicate that slothfulness is a trait that is worthy of rebuke. The slothful individual can destroy things as quickly and efficiently as one who deliberately sets out to do harm.[112] In all matters of life, the Christian has a responsibility to avoid indulgence and carelessness and to work diligently to accomplish the task at hand in an effective and efficient manner.

Rule 3.3 Candor Toward The Tribunal

(a) A lawyer shall not knowingly:

(1) make a false statement of fact or law to a tribunal or fail to correct a false statement of material fact or law previously made to the tribunal by the lawyer;

(2) fail to disclose to the tribunal legal authority in the controlling jurisdiction known to the lawyer to be directly adverse to the position of the client and not disclosed by opposing counsel; or

(3) offer evidence that the lawyer knows to be false. If a lawyer, the lawyer's client, or a witness called by the lawyer, has offered material evidence and the lawyer comes to know of its falsity, the lawyer shall take reasonable remedial measures, including, if necessary, disclosure to the tribunal. A lawyer may refuse to offer evidence, other than the testimony of a defendant in a criminal matter, that the lawyer reasonably believes is false.

(b) A lawyer who represents a client in an adjudicative proceeding and who knows that a person intends to engage, is engaging or has engaged in criminal or fraudulent conduct related to the proceeding shall take reasonable remedial measures, including, if necessary, disclosure to the tribunal.

(c) The duties stated in paragraphs (a) and (b) continue to the conclusion of the proceeding, and apply even if compliance requires disclosure of information otherwise protected by Rule 1.6.

(d) In an ex parte proceeding, a lawyer shall inform the tribunal of all material facts known to the lawyer that will enable the tribunal to make an informed decision, whether or not the facts are adverse."

A lawyer has an absolute ethical duty to act in a truthful and candid manner when working in the judicial system.[113] A system built on deceit and lies cannot long have respect, and will soon crumble under its own weight. There are numerous proverbs that address truthfulness.

"A false witness will not go unpunished, and he who speaks lies will not escape."[114]

The Proverbs condemn in the harshest terms the act of lying.[115] This proverb speaks of two specific types of lying, first acting as a false witness in judgment, and second lying in common

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[111] Proverbs 18:9 (New King James).
[112] TOY, *supra* n. 7, at 359.
[113] MODEL RULES OF. PROF'L CONDUCT R 3.3 cmt.2 (2009).
[114] Proverbs 19:5 (New King James).
[115] HENRY, *supra* n. 104, at 1341-1342.

conversation. Those that undertake the latter often will inevitably embrace the former.[116] Thus, the Proverbs require of Christians the utmost truth, honesty and candor in all that they do.

Rule 3.4 Fairness To Opposing Party And Counsel

A lawyer shall not:
(a) unlawfully obstruct another party' s access to evidence or unlawfully alter, destroy or conceal a document or other material having potential evidentiary value. A lawyer shall not counsel or assist another person to do any such act;
(b) falsify evidence, counsel or assist a witness to testify falsely, or offer an inducement to a witness that is prohibited by law;
(c) knowingly disobey an obligation under the rules of a tribunal except for an open refusal based on an assertion that no valid obligation exists;
(d) in pretrial procedure, make a frivolous discovery request or fail to make reasonably diligent effort to comply with a legally proper discovery request by an opposing party;
(e) in trial, allude to any matter that the lawyer does not reasonably believe is relevant or that will not be supported by admissible evidence, assert personal knowledge of facts in issue except when testifying as a witness, or state a personal opinion as to the justness of a cause, the credibility of a witness, the culpability of a civil litigant or the guilt or innocence of an accused; or
(f) request a person other than a client to refrain from voluntarily giving relevant information to another party unless:

> *(1) the person is a relative or an employee or other agent of a client; and*
> *(2) the lawyer reasonably believes that the person's interests will not be adversely affected by refraining from giving such information.*

Rule 3.4 imposes ethical responsibilities on an attorney to avoid being unfair to both the opposing party and opposing counsel. The underlying goal is fair competition in the adversary system.[117] If attorneys were permitted to game the system and erect unnecessary obstacles in each other's path, the system would slowly grind to a halt.

"Do not withhold good from those to whom it is due, when it is in the power of your hand to do so. Do not say to your neighbor, 'Go, and come back, and tomorrow I will give it,' when you have it with you."[118]

This proverb condemns the act of obstruction, and imposes a duty of Christian benevolence toward all, including those who one might be contending against in the legal process. Unnecessary

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[116] *Id.*
[117] MODEL RULES OF. PROF'L CONDUCT R 3.4 cmt.1 (2009).
[118] Proverbs 3:27-28 (New King James).

delay is a direct offense to the law of love.[119] We have a duty to act in a manner consistent with justice and mercy, and that requires that one act fairly when providing a diligent defense for one's client.

Rule 3.5 Impartiality And Decorum Of The Tribunal

A lawyer shall not:
(a) seek to influence a judge, juror, prospective juror or other official by means prohibited by law;
(b) communicate ex parte with such a person during the proceeding unless authorized to do so by law or court order;
(c) communicate with a juror or prospective juror after discharge of the jury if:
(1) the communication is prohibited by law or court order;
(2) the juror has made known to the lawyer a desire not to communicate; or
(3) the communication involves misrepresentation, coercion, duress or harassment; or
(d) engage in conduct intended to disrupt a tribunal.

Rule 3.5 prohibits an attorney from attempting to subvert justice by influencing the tribunal, and to avoid conduct that will disrupt it.[120] By prohibiting communications and conduct that would tend to disrupt the administration of justice by inserting improper influence in the legal process, the rule seeks to ensure the integrity of the judicial system. The Proverbs contain numerous references to the need to preserve and not subvert justice.

"A wicked man accepts a bribe behind the back to pervert the ways of justice."[121]

This proverb labels attempts to subvert justice through improper influence as wicked. One who would exert improper influence on a tribunal does not merely obstruct justice, but actively causes injustice.[122] No matter the motive for engaging in such conduct, it is labeled as categorically wrong from a moral perspective.

Rule 3.6 Trial Publicity

(a) A lawyer who is participating or has participated in the investigation or litigation of a matter shall not make an extrajudicial statement that the lawyer knows or reasonably should know will be disseminated by means of public communication and will have a substantial likelihood of materially prejudicing an adjudicative proceeding in the matter.
(b) Notwithstanding paragraph (a), a lawyer may state:

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[119] BRIDGES, *supra* n. 4, at 38-39.
[120] MODEL RULES OF. PROF'L CONDUCT R 3.5 cmt.1,2,4 (2009).
[121] Proverbs 17:23 (New King James).
[122] HENRY, *supra* n. 104, at 1331-1332.

(1) the claim, offense or defense involved and, except when prohibited by law, the identity of the persons involved;
(2) information contained in a public record;
(3) that an investigation of a matter is in progress;
(4) the scheduling or result of any step in litigation;
(5) a request for assistance in obtaining evidence and information necessary thereto;
(6) a warning of danger concerning the behavior of a person involved, when there is reason to believe that there exists the likelihood of substantial harm to an individual or to the public interest; and
(7) in a criminal case, in addition to subparagraphs (1) through (6):
(i) the identity, residence, occupation and family status of the accused;
(ii) if the accused has not been apprehended, information necessary to aid in apprehension of that person;
(iii) the fact, time and place of arrest; and
(iv) the identity of investigating and arresting officers or agencies and the length of the investigation.
(c) Notwithstanding paragraph (a), a lawyer may make a statement that a reasonable lawyer would believe is required to protect a client from the substantial undue prejudicial effect of recent publicity not initiated by the lawyer or the lawyer's client. A statement made pursuant to this paragraph shall be limited to such information as is necessary to mitigate the recent adverse publicity.
(d) No lawyer associated in a firm or government agency with a lawyer subject to paragraph (a) shall make a statement prohibited by paragraph (a).

Building on Rule 3.5, this rule lays out additional ethical responsibilities for the lawyer in regards to communicating about the trial process.[123] As is common in many of the rules, the general concept of fairness is implicit in this rule. If one is permitted to hold trial in front of the media, the integrity of the judicial process is compromised.

"It is not good to show partiality to the wicked, Or to overthrow the righteous in judgment."[124]

At the heart of this proverb is an understanding that the Christian will act in a righteous manner, not merely for personal gain, but because of devotion to the Lord.[125] Thus, one who has received the instruction of the Lord in his heart, and who desires to follow that instruction, will abhor evil conduct, words, disruptions and arrogance.[126] In the context of the legal profession, improper communications about a pending legal matter tends to disrupt the judicial process. Thus, an attorney has a moral duty to

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[123] MODEL RULES OF. PROF'L CONDUCT R 3.6 cmt.1 (2009).
[124] Proverbs 18:5 (New King James).
[125] LAWSON, *supra* n. 10, at 433-34.
[126] *Id*.

avoid such disruption of justice.

Rule 3.7 Lawyer As Witness

(a) A lawyer shall not act as advocate at a trial in which the lawyer is likely to be a necessary witness unless:

(1) the testimony relates to an uncontested issue;

(2) the testimony relates to the nature and value of legal services rendered in the case; or

(3) disqualification of the lawyer would work substantial hardship on the client.

(b) A lawyer may act as advocate in a trial in which another lawyer in the lawyer's firm is likely to be called as a witness unless precluded from doing so by Rule 1.7 or Rule 1.9.

Rule 3.7 seeks to limit the potential for conflicting responsibilities by limiting the lawyer's ability to act as an advocate in cases where the lawyer might be called on to act as a witness. Because juries tend to rely on statements made by attorneys, it is more difficult to discern between what is factual testimony and what is argument. [127] This falls under the general proscriptions against deceit found in Proverbs.

"He who speaks truth declares righteousness, but a false witness, deceit."[128]

This proverb indicates that a Christian has a paramount duty to truth, impartiality and fairness.[129] This means not only conducting one's self in a truthful manner, but avoiding any brush with deceit.[130] In the context of the legal profession, even the appearance of deceit can have a devastating effect on justice. A well intended attorney called as a witness may not always be able to separate facts from argument, and since juries often defer to statements made by attorneys, even those acting as witnesses, statements which are not factual could sway the jury in a manner that interferes with ultimate truth. Thus, a lawyer should avoid such a conflicting situation in the first place.

Rule 3.8 Special Responsibilities Of A Prosecutor

The prosecutor in a criminal case shall:

(a) refrain from prosecuting a charge that the prosecutor knows is not supported by probable cause;

(b) make reasonable efforts to assure that the accused has been advised of the right to, and the procedure for obtaining, counsel and has been given reasonable opportunity to obtain counsel;

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[127] MODEL RULES OF. PROF'L CONDUCT R 3.7 cmt.2 (2009).

[128] Proverbs 12:17 (New King James).

[129] LAWSON, *supra* n. 10, at 242.

[130] *Id*.

(c) not seek to obtain from an unrepresented accused a waiver of important pretrial rights, such as the right to a preliminary hearing;
(d) make timely disclosure to the defense of all evidence or information known to the prosecutor that tends to negate the guilt of the accused or mitigates the offense, and, in connection with sentencing, disclose to the defense and to the tribunal all unprivileged mitigating information known to the prosecutor, except when the prosecutor is relieved of this responsibility by a protective order of the tribunal;
(e) not subpoena a lawyer in a grand jury or other criminal proceeding to present evidence about a past or present client unless the prosecutor reasonably believes:

(1) the information sought is not protected from disclosure by any applicable privilege;
(2) the evidence sought is essential to the successful completion of an ongoing investigation or prosecution; and
(3) there is no other feasible alternative to obtain the information;

(f) except for statements that are necessary to inform the public of the nature and extent of the prosecutor's action and that serve a legitimate law enforcement purpose, refrain from making extrajudicial comments that have a substantial likelihood of heightening public condemnation of the accused and exercise reasonable care to prevent investigators, law enforcement personnel, employees or other persons assisting or associated with the prosecutor in a criminal case from making an extrajudicial statement that the prosecutor would be prohibited from making under Rule 3.6 or this Rule.
(g) When a prosecutor knows of new, credible and material evidence creating a reasonable likelihood that a convicted defendant did not commit an offense of which the defendant was convicted, the prosecutor shall:

(1) promptly disclose that evidence to an appropriate court or authority, and
(2) if the conviction was obtained in the prosecutor's jurisdiction,

(i) promptly disclose that evidence to the defendant unless a court authorizes delay, and
(ii) undertake further investigation, or make reasonable efforts to cause an investigation, to determine whether the defendant was convicted of an offense that the defendant did not commit.

(h) When a prosecutor knows of clear and convincing evidence establishing that a defendant in the prosecutor's jurisdiction was convicted of an offense that the defendant did not commit, the prosecutor shall seek to remedy the conviction.

Rule 3.8 imposes ethical responsibilities on a lawyer serving as a prosecutor. At the heart of this rule is a desire for justice.[131] A prosecutor wields enormous discretion, and with that discretion, enormous power. With this power comes an awesome responsibility. A prosecutor must never lose sight of the fact that to do justice is at the heart of the position. The Proverbs again are replete with examples of commands to do justice.

"It is a joy for the just to do justice, but destruction will come to the workers of iniquity."[132]

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[131] MODEL RULES OF. PROF'L CONDUCT R. 3.8 cmt.1 (2009).
[132] Proverbs 21:15 (New King James).

One who possesses a heart that is right with God does not find it merely a duty to do justice, but experiences joy in so doing.[133] It is incumbent upon the Christian prosecutor to never place the joy of winning above the joy of serving the Creator, and to remember that doing justice brings joy, peace, an glory to God.

Rule 3.9 Advocate In Nonadjudicative Proceedings

A lawyer representing a client before a legislative body or administrative agency in a nonadjudicative proceeding shall disclose that the appearance is in a representative capacity and shall conform to the provisions of Rules 3.3(a) through (c), 3.4(a) through (c), and 3.5.

This rule applies Rules 3.3, 3.4 and 3.5 and must be read in conjunction with those separate provisions. There is no independent correlation between acting as an attorney in a non-adjudicative proceeding and an independent principle found in Proverbs.

IV. Transaction With Persons

Rule 4.1 Truthfulness In Statements To Others

In the course of representing a client a lawyer shall not knowingly:
(a) make a false statement of material fact or law to a third person; or
(b) fail to disclose a material fact to a third person when disclosure is necessary to avoid assisting a criminal or fraudulent act by a client, unless disclosure is prohibited by Rule 1.6.

Rule 4.1 imposes an ethical responsibility on the attorney to be truthful. This rule specifically states that the duty of truthfulness is not limited to actions taken in Court, or to the client, but rather extends even to third parties.[134] As we have already seen, the Proverbs have much to sya bout truthfulness.

"For my mouth shall speak truth; and wickedness is an abomination to my lips." [135]

Invoking strong terms, this proverb indicates that not only do Christians have a duty to truth in general, but that any manner of wicked speech is an abomination. The original Hebrew in this text

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[133] BRIDGES, *supra* n. 4, at 376-377.
[134] MODEL RULES OF. PROF'L CONDUCT R. 4.1 cmt.1 (2009).
[135] Proverbs 8:7 (King James).

suggests a natural reading that such wickedness is a direct abomination to God.[136] As Christians, the truth must consistently act as our guide, and the Christian must act in a manner consistent with truth in all interactions with others.[137]

Rule 4.2 Communication With Person Represented By Counsel

In representing a client, a lawyer shall not communicate about the subject of the representation with a person the lawyer knows to be represented by another lawyer in the matter, unless the lawyer has the consent of the other lawyer or is authorized to do so by law or a court order.

Rule 4.2 prohibits communications with those who are known to be represented by a client. This is a rule intended to prevent lawyers from going behind the back of the lawyer who has been employed in the representation of a client, to possibly use superior legal knowledge to elicit information, or otherwise interfere with the adversary party's relationship with his attorney.[138]

"Do not go hastily to court; for what will you do in the end, when your neighbor has put you to shame? Debate your case with your neighbor, and do not disclose the secret to another; lest he who hears it expose your shame, and your reputation be ruined." [139]

These proverbs indicate that dissension is a serious evil. Those who would go behind the back of another to obtain information, spread disinformation, or work for their own personal gain, bring not only infamy to themselves, but seriously undermine the principles of truth and justice.[140] A Christian attorney has a duty to God to operate in a faithful and upright manner and to avoid overreaching and subverting other relationships to get ahead.

Rule 4.3 Dealing With Unrepresented Person

In dealing on behalf of a client with a person who is not represented by counsel, a lawyer shall not state or imply that the lawyer is disinterested. When the lawyer knows or reasonably should know that the unrepresented person misunderstands the lawyer's role in the matter, the lawyer shall make reasonable efforts to correct the misunderstanding. The lawyer shall not give legal advice to an unrepresented person, other than the advice to secure counsel, if the lawyer knows or reasonably should know that the interests of such a person are or have a reasonable possibility of being in conflict with the interests of the client.

Rule 4.3 imposes ethical obligations on an attorney who is dealing with individuals who are

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[136] TOY, *supra* n. 7, at 162-63 (1899).
[137] *Id.*
[138] MODEL RULES OF. PROF'L CONDUCT R. 4.2 cmt.1 (2009).
[139] Proverbs 25:8-10 (New King James).
[140] BRIDGES, *supra* n. 4, at 466-467.

unrepresented by counsel. The rule is practical in nature, and its intent is to prevent a lawyer from deceiving an unrepresented client who might make statements or provide information to their own detriment, simply because they are dealing with someone whom they perceive to be a person of authority.[141] The Proverbs articulate a similar principle in examining those in authority.

"The poor man and the oppressor have this in common: The LORD gives light to the eyes of both. The king who judges the poor with truth, His throne will be established forever. The rod and rebuke give wisdom, but a child left to himself brings shame to his mother."[142]

By invoking the example of a faithful King who is righteously judges the poor, this proverb provides yet another example for a lawyer, who serves as an officer of the Court. Christians have a duty to discharge their responsibilities in a manner that will defend justice. One who is poor and cannot afford to have representation, must still be treated with dignity and respect, and cannot be taken advantage of by one looking for personal gain.[143]

Rule 4.4 Respect For Rights Of Third Persons

(a) In representing a client, a lawyer shall not use means that have no substantial purpose other than to embarrass, delay, or burden a third person, or use methods of obtaining evidence that violate the legal rights of such a person.

(b) A lawyer who receives a document relating to the representation of the lawyer's client and knows or reasonably should know that the document was inadvertently sent shall promptly notify the sender.

Rule 4.4 imposes an ethical responsibility on lawyers to avoid using underhanded means to accomplish their goals. Methods designed to achieve an outcome through embarrassment or burden undermine the judicial system and breed contempt for the rule of law.[144]

"The devising of foolishness is sin, and the scoffer is an abomination to men."[145]

Foolishness and scorning are explicitly referred to as both sin and abomination.[146] Those who are openly abusive to others, who engage in malicious behavior for their own gain, and who harbor

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[141] MODEL RULES OF PROF'L CONDUCT R. 4.3 cmt.1 (2009)..
[142] Proverbs 29:13-15 (New King James).
[143] HENRY, *supra* n. 104, at 1433-1434.
[144] MODEL RULES OF PROF'L CONDUCT R. 4.4 cmt.1 (2009).
[145] Proverbs 24:9 (New King James).
[146] HENRY, *supra* n. 104, at 1389.

foolishness in their hearts bring rebuke upon themselves. Christians have a duty to avoid offending their fellow man and God by such actions.[147]

V. Law Firms and Associations

Rule 5.1 Responsibilities Of Partners, Managers, And Supervisory Lawyers

(a) A partner in a law firm, and a lawyer who individually or together with other lawyers possesses comparable managerial authority in a law firm, shall make reasonable efforts to ensure that the firm has in effect measures giving reasonable assurance that all lawyers in the firm conform to the Rules of Professional Conduct.
(b) A lawyer having direct supervisory authority over another lawyer shall make reasonable efforts to ensure that the other lawyer conforms to the Rules of Professional Conduct.
(c) A lawyer shall be responsible for another lawyer's violation of the Rules of Professional Conduct if:

> *(1) the lawyer orders or, with knowledge of the specific conduct, ratifies the conduct involved; or*
> *(2) the lawyer is a partner or has comparable managerial authority in the law firm in which the other lawyer practices, or has direct supervisory authority over the other lawyer, and knows of the conduct at a time when its consequences can be avoided or mitigated but fails to take reasonable remedial action.*

Rule 5.1 imposes a duty of supervision upon the managers and supervisors of one working at a law firm.[148] Those in positions of authority at a firm have an ethical duty to ensure that those who work under them conform to the rules of professional conduct. Moreover, one in such a position violates the rules by permitting unethical behavior or refusing to stop such behavior by those whom they are supervising. The Proverbs likewise single out those in leadership positions.

"Like an archer who wounds everyone, so is he who hires a fool or who hires those who pass by."[149]

God will not bless foolish behavior, and one in a position of authority who hires a fool will bring disrepute on himself and others. An evil manager who hires others who will harm others, or who permits those under his direction to afflict others is one who will bring judgment upon himself.[150] A Christian manager has a moral duty to the truth to ensure that those working under him act in an ethical

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[147] *Id.*
[148] MODEL RULES OF PROF'L CONDUCT R. 5.1 cmt.1 (2009).
[149] Proverbs 26:10 (New American Standard Bible).
[150] BRIDGES, *supra* n. 4, at 489-490.

manner.[151]

Rule 5.2 Responsibilities Of A Subordinate Lawyer

(a) A lawyer is bound by the Rules of Professional Conduct notwithstanding that the lawyer acted at the direction of another person.
(b) A subordinate lawyer does not violate the Rules of Professional Conduct if that lawyer acts in accordance with a supervisory lawyer's reasonable resolution of an arguable question of professional duty.

Rule 5.2 indicates that a lawyer working at the direction of another still has a duty to uphold the model rules of professional behavior.[152] One cannot shirk his duty by proclaiming that he was told to act in a particular manner. Again, the Proverbs speak to the master / servant relationship.

"Whoever keeps the fig tree will eat its fruit; so he who waits on his master will be honored."[153]

Christians have a duty to work for their employers in a diligent and faithful manner. One must honor and obey his master when doing so will not conflict with a moral duty.[154] Thus, a Christian attorney working for another must remember to prioritize his ethical duties. One has an ethical duty to his employer to be good employee. However, one has a more important ethical duty to God, to do right.[155]

Rule 5.3 Responsibilities Regarding Nonlawyer Assistants

With respect to a nonlawyer employed or retained by or associated with a lawyer:
(a) a partner, and a lawyer who individually or together with other lawyers possesses comparable managerial authority in a law firm shall make reasonable efforts to ensure that the firm has in effect measures giving reasonable assurance that the person's conduct is compatible with the professional obligations of the lawyer;
(b) a lawyer having direct supervisory authority over the nonlawyer shall make reasonable efforts to ensure that the person's conduct is compatible with the professional obligations of the lawyer; and
(c) a lawyer shall be responsible for conduct of such a person that would be a violation of the Rules of Professional Conduct if engaged in by a lawyer if:

> *(1) the lawyer orders or, with the knowledge of the specific conduct, ratifies the conduct involved; or*
> *(2) the lawyer is a partner or has comparable managerial authority in the law firm in which the person is employed, or has direct supervisory authority over the person, and knows of the*

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[151] *Id.*
[152] MODEL RULES OF PROF'L CONDUCT R. 5.2 cmt.1,2 (2009).
[153] Proverbs 27:18 (New King James).
[154] HENRY, *supra* n. 104, at 1417.
[155] *Id.*

conduct at a time when its consequences can be avoided or mitigated but fails to take reasonable remedial action.

Rule 5.3 builds on the requirements imposed by 5.1 and 5.2 to require that lawyers in a firm ensure that their non-lawyer employees also behave in an ethical manner. This rule ensures that the requirements imposed by the Model Rules are not circumvented by having employees who are not licensed to practice law engage in behavior that the lawyer could not. [156] As these principles follow logically from the preceding rules, so do the principles in the Proverbs.

"A servant will not be corrected by mere words; for though he understands, he will not respond. Do you see a man hasty in his words? There is more hope for a fool than for him. He who pampers his servant from childhood will have him as a son in the end." [157]

The Proverbs indicate that discipline is an important part of adequately managing employees. An employee in an employee-employer relationship has certain duties, and the manager of that employee likewise has a duty to ensure that the servant conforms to job requirements. Moreover, the manager should ensure that an employee is not given too many responsibilities, or permitted to act in a manner that is immoral or evil.[158]

Rule 5.4 Professional Independence Of A Lawyer

(a) A lawyer or law firm shall not share legal fees with a nonlawyer, except that:

(1) an agreement by a lawyer with the lawyer's firm, partner, or associate may provide for the payment of money, over a reasonable period of time after the lawyer's death, to the lawyer's estate or to one or more specified persons;

(2) a lawyer who purchases the practice of a deceased, disabled, or disappeared lawyer may, pursuant to the provisions of Rule 1.17, pay to the estate or other representative of that lawyer the agreed-upon purchase price;

(3) a lawyer or law firm may include nonlawyer employees in a compensation or retirement plan, even though the plan is based in whole or in part on a profit-sharing arrangement; and

(4) a lawyer may share court-awarded legal fees with a nonprofit organization that employed, retained or recommended employment of the lawyer in the matter.

(b) A lawyer shall not form a partnership with a nonlawyer if any of the activities of the partnership consist of the practice of law.

(c) A lawyer shall not permit a person who recommends, employs, or pays the lawyer to render legal services for another to direct or regulate the lawyer's professional judgment in rendering such legal

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[156] MODEL RULES OF PROF'L CONDUCT R. 5.3 cmt.1,2 (2009).
[157] Proverbs 29:19-21 (New King James).
[158] BRIDGES, *supra* n. 4, at 578-581.

services.
(d) A lawyer shall not practice with or in the form of a professional corporation or association authorized to practice law for a profit, if:

> *(1) a nonlawyer owns any interest therein, except that a fiduciary representative of the estate of a lawyer may hold the stock or interest of the lawyer for a reasonable time during administration;*
> *(2) a nonlawyer is a corporate director or officer thereof or occupies the position of similar responsibility in any form of association other than a corporation ; or*
> *(3) a nonlawyer has the right to direct or control the professional judgment of a lawyer.*

Rule 5.4 builds on the requirements imposed by Rules 5.1 – 5.3, by prohibiting associations between a lawyer and a non-lawyer that might work to introduce conflicting loyalties to the lawyer, and thus impair his professionalism. As a non-lawyer is not be bound by the same code of professional ethics, allowing non-lawyers a measure of control over attorneys in a matter that requires legal judgment, might tempt some to violate their ethical duties.[159] Proverbs warns us to avoid such relationships simply by choosing who to associate with.

"Make no friendship with an angry man, and with a furious man do not go."[160]

This proverb indicates that sin is contagious, and thus a Christian should not keep the company of one so predisposed. Professional relationships and friendships have a way of blinding one to the faults of another, and one may be willing to overlook misdeeds that he would not tolerate in a stranger, if the one committing such sins is an acquaintance.[161] In the context of a professional relationship, this proverb would impose a duty to avoid any impropriety and immoral conduct, whether sanctioned by a lawyer or non-lawyer friend or business associate.

Rule 5.5 Unauthorized Practice Of Law; Multijurisdictional Practice Of Law

(a) A lawyer shall not practice law in a jurisdiction in violation of the regulation of the legal profession in that jurisdiction, or assist another in doing so.
(b) A lawyer who is not admitted to practice in this jurisdiction shall not:

> *(1) except as authorized by these Rules or other law, establish an office or other systematic and continuous presence in this jurisdiction for the practice of law; or*
> *(2) hold out to the public or otherwise represent that the lawyer is admitted to practice law in*

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[159] MODEL RULES OF PROF'L CONDUCT R. 5.4 cmt.1,2 (2009).
[160] Proverbs 22:24 (New King James).
[161] BRIDGES, *supra* n. 4, at 578-581.

this jurisdiction.

(c) A lawyer admitted in another United States jurisdiction, and not disbarred or suspended from practice in any jurisdiction, may provide legal services on a temporary basis in this jurisdiction that:

(1) are undertaken in association with a lawyer who is admitted to practice in this jurisdiction and who actively participates in the matter;

(2) are in or reasonably related to a pending or potential proceeding before a tribunal in this or another jurisdiction, if the lawyer, or a person the lawyer is assisting, is authorized by law or order to appear in such proceeding or reasonably expects to be so authorized;

(3) are in or reasonably related to a pending or potential arbitration, mediation, or other alternative dispute resolution proceeding in this or another jurisdiction, if the services arise out of or are reasonably related to the lawyer's practice in a jurisdiction in which the lawyer is admitted to practice and are not services for which the forum requires pro hac vice admission; or

(4) are not within paragraphs (c)(2) or (c)(3) and arise out of or are reasonably related to the lawyer's practice in a jurisdiction in which the lawyer is admitted to practice.

(d) A lawyer admitted in another United States jurisdiction, and not disbarred or suspended from practice in any jurisdiction, may provide legal services in this jurisdiction that:

(1) are provided to the lawyer's employer or its organizational affiliates and are not services for which the forum requires pro hac vice admission; or

(2) are services that the lawyer is authorized to provide by federal law or other law of this jurisdiction.

Rule 5.5 is intended to ensure that a lawyer is properly licensed in the jurisdiction where he practices and not to hold oneself out to be licensed where he is not.[162]

"An intelligent heart acquires knowledge, and the ear of the wise seeks knowledge"[163]

A righteous person will seek after knowledge because the Lord instills a desire for learning in the heart.[164] A scheme concocted to avoid requirements imposed by either law or ethical responsibilities may feel good for the short term, but will only bring long term pain. The Proverbs indicate that a wise man will constantly seek to improve his knowledge and understanding, and will not seek ways to avoid further instruction.[165] In the context of the legal profession, the laws of the various jurisdictions sometimes differ quite extensively, hence a wise lawyer would not seek to practice in a State without being licensed to represent clients in that jurisdiction.

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[162] MODEL RULES OF PROF'L CONDUCT R. 5.5 cmt.1 (2009).
[163] Proverbs 18:15 (English Standard Version).
[164] LAWSON, *supra* n. 10, at 445-46.
[165] *Id.*

Rule 5.6 Restrictions On Right To Practice

A lawyer shall not participate in offering or making:
(a) a partnership, shareholders, operating, employment, or other similar type of agreement that restricts the right of a lawyer to practice after termination of the relationship, except an agreement concerning benefits upon retirement; or
(b) an agreement in which a restriction on the lawyer's right to practice is part of the settlement of a client controversy.

The proscriptions of Rule 5.6 are so specific to the practice of law that it is difficult to find a corollary in the Proverbs.

Rule 5.7 Responsibilities Regarding Law-Related Services

(a) A lawyer shall be subject to the Rules of Professional Conduct with respect to the provision of law-related services, as defined in paragraph (b), if the law-related services are provided:

> *(1) by the lawyer in circumstances that are not distinct from the lawyer's provision of legal services to clients; or*
> *(2) in other circumstances by an entity controlled by the lawyer individually or with others if the lawyer fails to take reasonable measures to assure that a person obtaining the law-related services knows that the services are not legal services and that the protections of the client-lawyer relationship do not exist.*

(b) The term "law-related services" denotes services that might reasonably be performed in conjunction with and in substance are related to the provision of legal services, and that are not prohibited as unauthorized practice of law when provided by a nonlawyer.

Rule 5.7 imposes a duty on a lawyer to act ethically when recommending or providing law related services that are not legal services per se.[166] This rule is intended to insure that a lawyer acts ethically in any collateral matters that often arise in the course of a legal business. While more general in nature, the proverbs also counsel that we are to be diligent in our work.

"Be diligent to know the state of your flocks, and attend to your herds."[167]

This proverb indicates that work is good. However, to obtain bounty from one's work requires God's blessing. God imposes a duty of righteous judgment, justice and truthfulness on the Christian who engages in any labor, and rather than simply delegating responsibility to others, careful management is an utmost necessity. Thus, an attorney who is providing law related services cannot

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[166] MODEL RULES OF PROF'L CONDUCT R. 5.7 cmt.1 (2009).
[167] Proverbs 27:23 (New King James).

morally cut corners with the provision of such, even though they may not be directly related to the primary services that the lawyer provides. [168]

VI. Public Service

Rule 6.1 Voluntary Pro Bono Publico

Every lawyer has a professional responsibility to provide legal services to those unable to pay. A lawyer should aspire to render at least (50) hours of pro bono publico legal services per year. In fulfilling this responsibility, the lawyer should:
(a) provide a substantial majority of the (50) hours of legal services without fee or expectation of fee to:
(1) persons of limited means or
(2) charitable, religious, civic, community, governmental and educational organizations in matters that are designed primarily to address the needs of persons of limited means; and
(b) provide any additional services through:
(1) delivery of legal services at no fee or substantially reduced fee to individuals, groups or organizations seeking to secure or protect civil rights, civil liberties or public rights, or charitable, religious, civic, community, governmental and educational organizations in matters in furtherance of their organizational purposes, where the payment of standard legal fees would significantly deplete the organization's economic resources or would be otherwise inappropriate;
(2) delivery of legal services at a substantially reduced fee to persons of limited means; or
(3) participation in activities for improving the law, the legal system or the legal profession.
In addition, a lawyer should voluntarily contribute financial support to organizations that provide legal services to persons of limited means.

Rule 6.1 establishes that there is an ethical duty imposed upon an attorney to provide legal help to those who can't afford it.[169] While the rule does not make this mandatory, it is strongly encouraged. The idea behind this rule is charity, and increasing the access that the poor have to the justice system. The Proverbs also strongly encourage and in fact command care for the needy.

"*The righteous care about justice for the poor, but the wicked have no such concern*."[170]

This proverb imposes a much stronger moral duty on the Christian attorney than is imposed by rule 6.1. This proverb indicates that it is wickedness to be unconcerned with the poor.[171] It is important for justice that the plight of those in need be considered and addressed, and this concern is one of the

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[168] LAWSON, *supra* n. 10, at 307.
[169] MODEL RULES OF PROF'L CONDUCT R. 6.1 cmt.1 (2009).
[170] Proverbs 29:7 (King James).
[171] HENRY, *supra* n. 104, at 1431.

highest ethical responsibilities of the Christian attorney.

Rule 6.2 Accepting Appointments

A lawyer shall not seek to avoid appointment by a tribunal to represent a person except for good cause, such as:
(a) representing the client is likely to result in violation of the Rules of Professional Conduct or other law;
(b) representing the client is likely to result in an unreasonable financial burden on the lawyer; or
(c) the client or the cause is so repugnant to the lawyer as to be likely to impair the client-lawyer relationship or the lawyer's ability to represent the client.

Rule 6.2 forbids an attorney from shirking responsibility when appointed by a tribunal, and from avoiding appointment to a matter simply because the matter or the client is unpopular.[172] This rule is intended to ensure that even those individuals and causes that most would find difficult to handle receive representation.

"*One man gives freely, yet gains even more; another withholds unduly, but comes to poverty. A generous man will prosper; he who refreshes others will himself be refreshed.*"[173]

This proverb indicates that generosity reaps its own rewards, both in means of prosperity and by obtaining the blessing of God.[174] One who withholds from others will eventually come to ruin, as God will not bless those who will not bless others.

Rule 6.3 Membership In Legal Services Organization

A lawyer may serve as a director, officer or member of a legal services organization, apart from the law firm in which the lawyer practices, notwithstanding that the organization serves persons having interests adverse to a client of the lawyer. The lawyer shall not knowingly participate in a decision or action of the organization:
(a) if participating in the decision or action would be incompatible with the lawyer's obligations to a client under Rule 1.7; or
(b) where the decision or action could have a material adverse effect on the representation of a client of the organization whose interests are adverse to a client of the lawyer.

Once again, the specificity of the rule makes it difficult to find a corollary in the Proverbs. The rule simply requires that lawyers working for a legal services organization not take action that would

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[172] MODEL RULES OF PROF'L CONDUCT R. 6.2 cmt.1,2 (2009).
[173] Proverbs 11:24-25 (King James).
[174] TOY, *supra* n. 7, at 234-235.

adversely affect a client, thus promoting loyalty.

Rule 6.4 Law Reform Activities Affecting Client Interests

A lawyer may serve as a director, officer or member of an organization involved in reform of the law or its administration notwithstanding that the reform may affect the interests of a client of the lawyer. When the lawyer knows that the interests of a client may be materially benefitted by a decision in which the lawyer participates, the lawyer shall disclose that fact but need not identify the client.

Rule 6.4 permits an attorney to serve in organizations involved in the reformation of the law, even if the reform will affect the interests of his client, although the lawyer is required to disclose to the organization the fact that such representation exists.[175] The Proverbs speak generally to the issue of justice, the goal of all legal reform activities.

"*The lips of the just know how to please, but the mouth of the wicked, how to pervert.*"[176]

This proverb indicates that the righteous know when to speak, how to address various individuals, and how to serve the best interests of others.[177] The righteous person thinks intelligently and seeks after knowledge rather than personal gain.[178] Thus, if a Christian attorney is a member of an organization that seeks to reform the law, he must do so with these principles in mind.

Rule 6.5 Nonprofit And Court-Annexed Limited Legal Services Programs

(a) A lawyer who, under the auspices of a program sponsored by a nonprofit organization or court, provides short-term limited legal services to a client without expectation by either the lawyer or the client that the lawyer will provide continuing representation in the matter:

(1) is subject to Rules 1.7 and 1.9(a) only if the lawyer knows that the representation of the client involves a conflict of interest; and

(2) is subject to Rule 1.10 only if the lawyer knows that another lawyer associated with the lawyer in a law firm is disqualified by Rule 1.7 or 1.9(a) with respect to the matter.

(b) Except as provided in paragraph (a)(2), Rule 1.10 is inapplicable to a representation governed by this Rule.

Rule 6.5 ensures that a lawyer would not be subject to all the provisions of conflict rules simply by giving short term representation to a client without knowledge of the conflict.[179] The rule is intended

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[175] MODEL RULES OF PROF'L CONDUCT R. 6.4 cmt.1 (2009).
[176] Proverbs 10:32 (King James).
[177] LAWSON, *supra* n. 10, at 190-191.
[178] *Id.*
[179] MODEL RULES OF PROF'L CONDUCT R. 6.5 cmt.1 (2009).

to protect lawyers while they are providing access to the judicial system for those who do not have a full access because of their wealth or social status.

"*Open thy mouth, judge righteously, and plead the cause of the poor and needy.*"[180]

Compassion for the poor and righteous judgment is an inexorable command for the Christian. It is not merely a moral duty, but stands in stark contrast to the wicked who use positions of power for their own gain.[181] This proverb clearly indicates that Christians are to study and follow the example of their heavenly King in the actions that they take here on earth.[182]

VII. Information About Legal Services

Rule 7.1 Communications Concerning A Lawyer's Services

A lawyer shall not make a false or misleading communication about the lawyer or the lawyer's services. A communication is false or misleading if it contains a material misrepresentation of fact or law, or omits a fact necessary to make the statement considered as a whole not materially misleading.

Rule 7.1 forbids a lawyer from making any misrepresentations about himself or his services, most generally in the context of securing additional representation of other clients.[183] The prohibition is quite broad and encompasses half-truths and omissions as well as the calculated lie. Proverbs speaks to truthfulness numerous times throughout the book.

"The lip of truth shall be established for ever: but a lying tongue is but for a moment." [184]

This proverb indicates that in all that we do and say, we have a duty to the truth.[185] If we lose anything by telling the truth, we will always gain more by being honest, because truth will be rewarded by God, both here on earth and at the final judgment.[186] One who uses lies to get ahead will prosper only for a season.

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[180] Proverbs 31:9 (King James).
[181] BRIDGES, *supra* n. 4, at 619.
[182] *Id*.
[183] MODEL RULES OF PROF'L CONDUCT R. 7.1 cmt.1,3 (2009).
[184] Proverbs 12:19 (King James).
[185] LAWSON, *supra* n. 10, at 243-44.
[186] *Id*.

Rule 7.2 Advertising

(a) Subject to the requirements of Rules 7.1 and 7.3, a lawyer may advertise services through written, recorded or electronic communication, including public media.
(b) A lawyer shall not give anything of value to a person for recommending the lawyer's services except that a lawyer may

(1) pay the reasonable costs of advertisements or communications permitted by this Rule;
(2) pay the usual charges of a legal service plan or a not-for-profit or qualified lawyer referral service. A qualified lawyer referral service is a lawyer referral service that has been approved by an appropriate regulatory authority;
(3) pay for a law practice in accordance with Rule 1.17; and
(4) refer clients to another lawyer or a nonlawyer professional pursuant to an agreement not otherwise prohibited under these Rules that provides for the other person to refer clients or customers to the lawyer, if

(i) the reciprocal referral agreement is not exclusive, and
(ii) the client is informed of the existence and nature of the agreement.

(c) Any communication made pursuant to this rule shall include the name and office address of at least one lawyer or law firm responsible for its content.

Rule 7.2 builds on the requirement of 7.1 and imposes ethical duties on a lawyer in the realm of advertisements.[187] Just as a lawyer has an ethical duty to tell the truth when speaking with clients directly, and in actions before a tribunal, a lawyer has a duty to the public to be truthful when advertising services.

"*Treasures of wickedness profit nothing: but righteousness delivereth from death.*"[188]

One who gains treasures on earth does not obtain real profit.[189] While lies and other forms of bad behavior might bring one temporary riches, these riches are fleeting and will ultimately fade away. God will bless the truthful and will keep his hand of mercy on those who follow His path.

Rule 7.3 Direct Contact With Prospective Clients

(a) A lawyer shall not by in-person, live telephone or real-time electronic contact solicit professional employment from a prospective client when a significant motive for the lawyer's doing so is the lawyer's pecuniary gain, unless the person contacted:

(1) is a lawyer; or
(2) has a family, close personal, or prior professional relationship with the lawyer.

(b) A lawyer shall not solicit professional employment from a prospective client by written, recorded or

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[187] MODEL RULES OF PROF'L CONDUCT R. 7.2 cmt.1 (2009).
[188] Proverbs 10:2 (King James).
[189] HENRY, *supra* n. 105, at 1260.

electronic communication or by in-person, telephone or real-time electronic contact even when not otherwise prohibited by paragraph (a), if:

(1) the prospective client has made known to the lawyer a desire not to be solicited by the lawyer; or

(2) the solicitation involves coercion, duress or harassment.

(c) and *(d)* (omitted).

Rule 7.3 makes clear that a lawyer must respect the rights of prospective clients, and that it is unethical to use disreputable means in order to obtain clients for one's business.[190] This rule is intended to ensure that a lawyer recognizes that there is an ethical duty to individuals whom one is soliciting, not just those who have agreed to employ the attorney. "*Buy truth, and do not sell it, Get wisdom and instruction and understanding.*"[191]

Truth is priceless and those who obtain it are enriched by its presence and damaged by its absence.[192] It is incumbent upon the Christian to always pursue truth, no matter the cost, and once held, truth must never be given up.[193] In the context of the legal profession, truth is connected to justice. A lawyer is dealing with prospective clients must remain committed to truth, and thus the justice system rather than personal gain.

Rule 7.4 Communication of Fields of Practice and Specialization

(a) A lawyer may communicate the fact that the lawyer does or does not practice in particular fields of law.

(b) A lawyer admitted to engage in patent practice before the United States Patent and Trademark Office may use the designation "Patent Attorney" or a substantially similar designation.

(c) A lawyer engaged in Admiralty practice may use the designation "Admiralty," "Proctor in Admiralty" or a substantially similar designation.

(d) A lawyer shall not state or imply that a lawyer is certified as a specialist in a particular field of law, unless:

(1) the lawyer has been certified as a specialist by an organization that has been approved by an appropriate state authority or that has been accredited by the American Bar Association; and

(2) the name of the certifying organization is clearly identified in the communication.

Building on the theme outlined in Rules 7.1 – 7.3, this rule is intended to ensure that a lawyer

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[190] MODEL RULES OF PROF'L CONDUCT R. 7.3 cmt.1 (2009).

[191] Proverbs 23:23 (New American Standard).

[192] GEORGE LAWSON, EXPOSITION OF THE BOOK OF PROVERBS VOL 2. 180-81.

[193] *Id.*

does not represent himself in a manner that would be deceptive in regards to the field of law in which he practices.[194] This is intended to protect the public from lawyers who might employ technical legal jargon or claim expertise in areas that they do not have. Proverbs contains a clear prohibition on overstating one's abilities.

"*Whoever boasts himself of a false gift is like clouds and wind without rain.*"[195]

Invoking a colorful analogy, this proverb indicates that one who uses a deceitful appearance or attitude is as foolish and empty as a cloud without rain.[196] The Christian has a duty to be truthful and upright and to conduct himself with the utmost integrity.[197] Failure to do so will make one vanish like an empty vapor or mist, disappearing from view as quickly as it appeared.

Rule 7.5 Firm Names And Letterheads

(a) A lawyer shall not use a firm name, letterhead or other professional designation that violates Rule 7.1. A trade name may be used by a lawyer in private practice if it does not imply a connection with a government agency or with a public or charitable legal services organization and is not otherwise in violation of Rule 7.1.
(b) A law firm with offices in more than one jurisdiction may use the same name or other professional designation in each jurisdiction, but identification of the lawyers in an office of the firm shall indicate the jurisdictional limitations on those not licensed to practice in the jurisdiction where the office is located.
(c) The name of a lawyer holding a public office shall not be used in the name of a law firm, or in communications on its behalf, during any substantial period in which the lawyer is not actively and regularly practicing with the firm.
(d) Lawyers may state or imply that they practice in a partnership or other organization only when that is the fact.

Continuing the theme of general truthfulness and protecting the public, Rule 7.5 prohibits attorneys from using letterheads and other means to convey false impressions.[198] This is intended to ensure that an attorney does not deceive others into retaining him based on information that is not accurate.

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[194] MODEL RULES OF PROF'L CONDUCT R. 7.4 cmt.1 (2009).
[195] Proverbs 25:14 (King James).
[196] TOY, *supra* n. 7, at 464.
[197] *Id*.
[198] MODEL RULES OF PROF'L CONDUCT R. 7.5 cmt.1 (2009).

"*He that walks uprightly walks surely: but he that perverts his ways shall be known.*"[199]

One's integrity will be security, both with God and man.[200] God will reward the upright person with divine protection, man will recognize that the humble and honest individual is a person that can be trusted.[201] A person who throws away his reputation by employing disreputable means will destroy his reputation in society, and God will not honor his actions. Moreover, God will judge those who pervert justice on that final day.

Rule 7.6 Political Contributions To Obtain Legal Engagements Or Appointments By Judges

A lawyer or law firm shall not accept a government legal engagement or an appointment by a judge if the lawyer or law firm makes a political contribution or solicits political contributions for the purpose of obtaining or being considered for that type of legal engagement or appointment.

Rule 7.6 is intended to prevent bribery through political contributions in order to obtain gain.[202] This rule is needed to ensure that people do not buy their way into positions of power and influence. As we have already seen, proverbs speaks directly to using bribes or other improper influence to pervert justice.

"*A wicked man takes a gift out of the bosom to pervert the ways of judgment.*"[203]

Bribes, whether through direct monetary gifts, political contributions, or other means, disrupt and pervert justice.[204]This proverb indicates that wicked men engage in such behavior and bring corruption on themselves and society at large.[205] God will not reward individuals who use such means to get ahead.

VIII. Maintaining The Integrity Of The Profession

Rule 8.1 Bar Admission And Disciplinary Matters

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[199] Proverbs 10:9 (King James).
[200] HENRY, *supra* n. 104, at 1262.
[201] *Id*.
[202] MODEL RULES OF PROF'L CONDUCT R. 7.6 cmt.1 (2009).
[203] Proverbs 17:23 (King James).
[204] TOY, *supra* n. 7, at 350.
[205] *Id*.

An applicant for admission to the bar, or a lawyer in connection with a bar admission application or in connection with a disciplinary matter, shall not:
(a) knowingly make a false statement of material fact; or
(b) fail to disclose a fact necessary to correct a misapprehension known by the person to have arisen in the matter, or knowingly fail to respond to a lawful demand for information from an admissions or disciplinary authority, except that this rule does not require disclosure of information otherwise protected by Rule 1.6.

As with Rule 7.1, this rule requires truthfulness.[206] The bar authorities are established to ensure that only those with sufficient character will be permitted to practice law.[207] Lawyers have access to people's money and other interests, and thus it is necessary to ensure that only the most honest engage in the practice. While no vetting system is perfect, this rule is a necessary component of a just system.

"*The lip of truth shall be established for ever: but a lying tongue is but for a moment.*" [208]

As indicated *supra*, truthfulness is an imperative command for all Christians.[209] Christians do not owe only a professional responsibility, but a duty to God to be truthful and upright.

Rule 8.2 Judicial And Legal Officials

(a) A lawyer shall not make a statement that the lawyer knows to be false or with reckless disregard as to its truth or falsity concerning the qualifications or integrity of a judge, adjudicatory officer or public legal officer, or of a candidate for election or appointment to judicial or legal office.
(b) A lawyer who is a candidate for judicial office shall comply with the applicable provisions of the Code of Judicial Conduct.

Rule 8.2 prohibits lying intended to slander a judge or other legal officer or candidate.[210] This is intended to insure that one doesn't engage in such behavior to keep individuals from the bench or other positions of authority, or to punish a judge or official for upholding the law. Slander of an individual is also addressed in the Proverbs.

"*He that hides hatred with lying lips, and he that utters a slander, is a fool.*"[211]

Hatred and slander feeds an inner fire that will ultimately consume the individual who harbors

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[206] MODEL RULES OF PROF'L CONDUCT R. 8.1 cmt.1 (2009).
[207] *Id*.
[208] Proverbs 12:19 (King James).
[209] LAWSON, *supra* n. 13, at 243-44.
[210] MODEL RULES OF PROF'L CONDUCT R. 8.2 cmt.1 (2009).
[211] Proverbs 10:18 (King James).

such behavior.[212] We must never use such means to resolve differences and problems, but rather should pray for our enemies and walk humbly with our fellow man.

Rule 8.3 Reporting Professional Misconduct

(a) A lawyer who knows that another lawyer has committed a violation of the Rules of Professional Conduct that raises a substantial question as to that lawyer's honesty, trustworthiness or fitness as a lawyer in other respects, shall inform the appropriate professional authority.
(b) A lawyer who knows that a judge has committed a violation of applicable rules of judicial conduct that raises a substantial question as to the judge's fitness for office shall inform the appropriate authority.
(c) This Rule does not require disclosure of information otherwise protected by Rule 1.6 or information gained by a lawyer or judge while participating in an approved lawyers assistance program.

Rule 8.3 builds on the other ethical rules that prohibit a lawyer from engaging in dishonest behavior, by requiring the attorney to report misconduct in other attorneys.[213] The judicial system cannot long last with a wall of silence in place, and thus this rule is intended to ensure that such bricks never become emplaced.

"*A true witness delivers souls, but a deceitful witness speaks lies.*"[214]

The righteous have a duty to the truth, even at great cost.[215] This duty includes the necessity of reporting wrongdoing and thus glorifying God and preserving the lives and property of the innocent.[216] The Christian has a moral duty to ensure that others around him are not engaging in immoral behavior that would destroy the truth.[217] The Christian's duty to the truth is all encompassing, and justice requires that the walls of iniquity be purged.

Rule 8.4 Misconduct

It is professional misconduct for a lawyer to:
(a) violate or attempt to violate the Rules of Professional Conduct, knowingly assist or induce another to do so, or do so through the acts of another;
(b) commit a criminal act that reflects adversely on the lawyer's honesty, trustworthiness or fitness as a

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[212] LAWSON, *supra* n. 13, at 181.
[213] MODEL RULES OF PROF'L CONDUCT R. 8.3 cmt.1 (2009).
[214] Proverbs 14:25 (New King James).
[215] LAWSON, *supra* n. 10, at 303.
[216] *Id.*
[217] *Id.*

lawyer in other respects;
(c) engage in conduct involving dishonesty, fraud, deceit or misrepresentation;
(d) engage in conduct that is prejudicial to the administration of justice;
(e) state or imply an ability to influence improperly a government agency or official or to achieve results by means that violate the Rules of Professional Conduct or other law; or
(f) knowingly assist a judge or judicial officer in conduct that is a violation of applicable rules of judicial conduct or other law.

Rule 8.4 builds on the previous rules by outlining specific instances of professional misconduct.[218] This rule makes clear that dishonest conduct is unbecoming of a legal professional, and makes one unworthy of the practice of law. No concept comes across more clearly in the Proverbs than the requirement of honesty.

"*Even a child is known by his doings, whether his work [be] pure, and whether [it be] right.*"[219]

Just as a young child develops a reputation, so will the Christian in his work. [220]Ones reputation will either be a blessing or a curse, depending on how it is developed.[221] The righteous must live by faith and be committed to righteous behavior, not only for our own sake, but to serve as a witness to Almighty God.

Rule 8.5 Disciplinary Authority; Choice Of Law

(a) Disciplinary Authority. A lawyer admitted to practice in this jurisdiction is subject to the disciplinary authority of this jurisdiction, regardless of where the lawyer's conduct occurs. A lawyer not admitted in this jurisdiction is also subject to the disciplinary authority of this jurisdiction if the lawyer provides or offers to provide any legal services in this jurisdiction. A lawyer may be subject to the disciplinary authority of both this jurisdiction and another jurisdiction for the same conduct.
(b) Choice of Law. (omitted).

Rule 8.5 ensures that one does not avoid discipline by engaging in conduct outside of the jurisdiction.[222] This is intended to prevent one from engaging in unethical conduct elsewhere to skirt the professional rules. While not specifically concerned with jurisdiction, the Proverbs are replete with warnings that we are to heed discipline.

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[218] MODEL RULES OF PROF'L CONDUCT R. 8.4 cmt.2 (2009).
[219] Proverbs 20:11 (King James).
[220] BRIDGES, *supra* n.4, at 344-345.
[221] *Id*.
[222] MODEL RULES OF PROF'L CONDUCT R. 8.5 cmt.1 (2009).

"*Whoever disregards discipline comes to poverty and shame, but whoever heeds correction is honored.*" [223]

One who ignores discipline will ultimately come to ruin. [224] Christians have a duty to recognize discipline, both earthly and heavenly. Good instruction is a reflection of honor, and one who humbly recognizes his faults will be rewarded.

Conclusion

The proverbs reflect an understanding that truth is real, objective, and obtainable and its source is found in Almighty God. The wisdom contained in Proverbs provides clear fixed guideposts for the Christian legal professional, and these standards in many cases impose a much stricter requirement for ethical behavior than do the Model Rules. It is important for the Christian professional to remember that the foremost commitment that he has is to Almighty God, and this wisdom is reflected in both the proverbs, and throughout the rest of scripture. "He has told you, O man, what is good; and what does the LORD require of you but to do justice, and to love kindness, and to walk humbly with your God?"[225]

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[223] Proverbs 13:18 (King James).
[224] HENRY, *supra* n. 104, at 1292.
[225] Micah 6:8 (English Standard Version).