

Supreme Court Rules 31 and 41 Attorney Oath – Truth in Advertising

The problem with even having an oath for attorneys is that the People of Arizona who are supposed to be served and their Rights protected by the Judicial Branch of Government might reasonably expect all attorneys to abide by and to be bound by their oath.

Is the Code of Conduct which resides on AzBar.org in keeping with the oath? Does the Code of Conduct specifically state that attorney conduct must conform with the oath as delineated everywhere including Rule 31, 32 and 41? If there exists elements of the oath that do not conform to the code of conduct and attorneys are not bound to conform with anything in the oath then we would need to eliminate these items which everyone (except the People of Arizona) knows will never be enforced.

The court might say that attorneys do conform to their code of conduct and if not, they are appropriately sanctioned by the State Bar. I might say that the State Bar does not come close to adequately enforcing the ethical conduct of attorneys and protecting the Public. Who is right? The court has no surveys or data to measure client satisfaction. I only have my own personal experience and the experience of others that I know of to support my opinion.

The court is certainly smart enough to craft and implement a data collection regimen but since no such thing exists, it is reasonable to presume that the courts just don't want to. It is subsequently reasonable to presume that the results of such a survey would not reflect positively on the performance of attorney compliance with the code of conduct.

The Bottom Line: Don't put anything into an oath which has no means of enforcement or verification thereof. To do anything else would constitute a fraud upon the People of Arizona.

/s/ Martin Lynch
1120 W Broadway Rd, #55
Tempe AZ 85282
mlcontact@wethepeoplecourtservicesaz.org
602-550-6304