Iowa’s highest court and ISBA BOG endorse the effort and the result - Students propose statutory changes in Iowa Lawyer’s Oath

By Professor Roxann Ryan*

First year Drake Law School students had the rare opportunity to talk with Supreme Court Justices, and with the Iowa State Bar Association Board of Governors, about what it means to be a lawyer. The dozen law students have proposed a new “Iowa Lawyer’s Oath” to both groups.

In their presentations, the students fielded questions and ultimately received approval from both groups.

Next, the students will work with The Iowa State Bar Association to change an Iowa statute, and to assist the Supreme Court in promulgating the new oath.

It was all part of the Drake Law School’s Academic Success Program, taught by adjunct professor and United States Magistrate Judge Celeste F. Bremer. The program is designed to help first-year law students learn to think like lawyers and about the legal profession. Judge Bremer, who also has a doctorate in education, values experiential learning. Moving beyond theory and into practice, experiential learning immerses the student in the topic in order to deepen the student’s understanding of it.

That’s exactly what happened for the first-year students who volunteered for “The Oath Project” this year. The project obligation to the client, to the legal community and to the rule of law.

The statutory provision setting out the Iowa lawyer’s oath of admission was amended two years ago. While the amendment omitted awkward or incorrect phrases, its brevity no longer captured the majesty of the law and the passion that lawyers bring to the system. Thus, Judge Bremer challenged the first-year law students to examine other oaths, and to make suggestions for changes that would better capture the essence of the practice of law: an oath that provides an inspirational and motivational reminder to lawyers — and the public — of the value of the legal profession to society.

The students used their newfound skills in legal research to examine the lawyer’s oaths of all 50 states and six foreign countries, as well as the oaths for judges, legislators, law enforcement officers, physicians, pharmacists and realtors. Because first-year law students had not yet been trained in the use of Westlaw during their first semester, their research was conducted the old-fashioned way: long hours of looking through the books in the law library.

The students compiled their research, synthesized the primary concepts that were included in the various oaths, and discussed their ideas with law professors and lawyers from the ISBA’s Legal Profession Division and the Professionalism Committee. Then, they presented their proposal to the ISBA Board of Governors last March, fielding questions about the proper role of lawyers.

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Iowa Lawyer’s Oath

I swear or affirm that:

As an officer of the Court serving in the administration of justice, I will:

~ Support the Constitutions of the United States and of the State of Iowa
~ Perform to the utmost of my abilities and education
~ Maintain the respect due to the Courts and to my colleagues
~ Faithfully and ethically discharge the duties required of Iowa lawyers

As a zealous advocate and counselor for my clients, I will:

~ Strive to be worthy of trust and respect
~ Counsel clients to maintain only those disputes supported by law and the legal process
~ Use only those means that are consistent with justice
~ Maintain the confidences of my clients as required by law
~ Support the cause of the defenseless or oppressed, pro bono publico

As a member of the legal community, I will:

~ Strive to represent the legal profession as one of justice, honor, civility, and service
as advocates and counselors, the duty and ability to advocate for change in the law, and the limits of confidentiality. The students also presented their proposal to the Iowa Supreme Court, where they fielded similar questions and talked about the roles of the legislative and judicial branches in promulgating a lawyer’s oath.

In the end, the students proposed an oath that focuses on the three primary professional obligations of the lawyer: service, advocacy, and representation of the legal community.

A lawyer’s first obligation is service. The lawyer must acknowledge the obligation to support the federal and state constitutions, to perform to the best of one’s ability, and to respect the court and colleagues in the legal system.

Second, a lawyer must serve the role of counselor and advocate, by counseling clients to pursue disputes in accordance with the law, by maintaining confidences and secrets of clients, and by upholding the truth and honor of the profession, and by providing legal services to all who need them, regardless of their ability to pay.

Third, as a member of the legal community, the lawyer has an obligation to serve the profession with justice, honor, civility and service.

The students will work with Bar Association lobbyists to amend the Iowa Code, and the Iowa Supreme Court has pledged its support for the effort. Most significantly, these first-year students have gained a greater appreciation for their professional obligations, and have learned firsthand how to accomplish change consistent with those professional obligations.

The first-year law students who presented the proposal to The Iowa State Bar Association Board of Governors included Rebecca Coomes, Jennifer Gumbel, Cindy Lewis, Carla Olson, Jess Phelps and Eric Schewe. They were joined in the Supreme Court presentation by Ben Mueller, Melanie Beckman and Cameron Whitworth. Other law students involved in the project included Lauren Carroll, Todd Harris, Sarah Hastings, Krista Hyland, Margaret Jennings, Mary Jorde, Amanda Laird, Chris Langpaul, Meredith Leigh, Penny Nichols, Courtney Ridge, Angel Robinson, Sakeenah Smith and David Steen.

*Doxann M. Ryan serves as an assistant professor of criminal justice at Simpson College. She also works part-time as a law clerk to United States Magistrate Judge Celeste Bremer. She is a former member of the ISBA Board of Governors.

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