

THE ETHICS AND MORALITY OF LEGAL PROFESSION

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ABSTRACT: *Ethics are standards and ideals that standardise a career, such as the legal profession, along with codes of conduct and regulations. In the everyday application of the law, they serve as an important guide for verifying correct and appropriate behaviour. If lawyers do not obey the standards of truth, fairness and equality and promote them, the law itself is disregarded and public trust in the law is weakened, thus hindering access to justice. It is also necessary to ensure that rules of ethics, once established, are publicised between the legal profession and the public, in order to achieve transparency. The legal profession should have put in place appropriate disciplinary mechanisms to ensure that ethics are enforceable. The Advocate Act 1961 was passed and created bar councils in India to preserve the dignity of the legal profession. Section 49(1)(c) of the Advocates Act infringes the obligations of Advocates codified in respect of professional and other wrongdoing. Therefore, in voicing his thoughts, a lawyer should be transparent and recognise that it is not enough for him alone to know that his client is correct, but to show it to the judge and those involved with the case.*

KEYWORDS: *Court, Lawyer, Justice, Morality, Ethics.*

INTRODUCTION

The legal sector plays a significant part in the administration of justice. But one of the best attributes one needs to have, according to a very common proverb, is to know how to lie perfectly. But when the innocent victim seeks justice, it is the lawyers who go beyond their means to show their position and bring them to court. So at this point, it's not a lie that produces a victor for the lawyer, but his ability to wait for the facts, interpret the situation, manage all conditions and be tactful enough to tackle the adversary. By his judgement, a respectable lawyer remains and does not readily consent to claims that are against his clients.¹ To argue for his client, a lawyer must be prepared and clever in discussing the opponent's difficult concerns, so that individuals trust in his favour. A good solicitor must be informed of what is right, valid and permissible and punishable by law. Apart from these obvious demands, the stake of a lawyer in the problem is the other necessary standard for him to succeed. A successful solicitor should genuinely listen to and follow what the client has to say. A good lawyer should not take or treat any problem as minor or secondary, as even a small win will add a colourful feather to the effective lawyer's cap.² A successful lawyer needs to have strong will power and courage to address every legal issue taken up by him effectively. A lawyer must be a very optimistic person who chooses to prove his point and is willing to do so as well. Only after all these attributes have the client complete faith and assurance in the lawyer and only then will the client commend him all the specifics of his case that can further assist him win the case. In order to have a clear understanding of what a lawyer is fighting for, it is also important to

¹ Krishnamurthy C, Legal Education and Legal profession in India.

² Joginder Singh Gandhi, Sociology of legal Profession, law, and legal system.

examine all elements of a situation. A lawyer must, if possible, be as audacious as proving the innocence of the client to continue and perform interrogations with the persons involved to request the necessary documentation or other materials. It is also very necessary to have a clear power of thought to clarify this situation.

DISCUSSION

Ethics for legal profession

It is possible to describe the legal ethics of a practising lawyer, his client, his enemy in law and the court, as a written or unspoken code of conduct. Therefore, the ethics of the legal profession is the collection of laws and practises that decide the sector and that means the set of laws and practises that determine the actions of bar council members. If a person becomes a lawyer, his relationship with men in general is regulated by the bar's special rules of professional ethics. Chief Justice Marshall points out. The fundamental purpose of Legal Ethics is to preserve the integrity and prestige of the Law Profession, to ensure a spirit of friendly collaboration between the Bench and the Bar in promoting the highest standards of justice, to create honest and equal relationships between the lawyer and his client opponent and witness; to establish a spirit of brotherhood in the Bar itself; and to ensure that lawyers d' It has been established for the public good by the state. The spirit of the profession, therefore, lies in three things:"³ First, for the success of their purpose, the organisation of its members. Secondly, the maintenance of certain academic and ethical values for the integrity of the profession; and thirdly, the transition of monetary benefits to an effective operation. Section 49(1)(c) of the Advocates Act, 1961, requires the Bar Council of India to make laws to determine the standards of professional behaviour and etiquette to be practised by the advocates. It has been made clear that such rules can only take effect if they are authorised by the Chief Justice of India. It has also been made clear that any regulations made in relation to the standards of professional conduct and courtesy to be practised by advocates and in effect prior to the enactment of the Advocates (Amendment) Act 1973 shall continue to be in force until such time as the provisions of this Act have been modified or repealed or amended. In the exercise of the power to rule under Section 49(1)(c) of the Advocates Act, 1961, several rules were made by the Bar Council of India in order to prescribe the standards of professional conduct and etiquette to be practised by the Advocates. The principles of professional conduct and courtesy are dealt with in Chapter II of Section VI of the rules set down by the Bar Council of India. It includes many guidelines that set out the principles of professional behaviour and etiquette. The responsibilities of an attorney to the Court, client, opponent and colleagues, etc. are defined by these laws. It becomes clear, however, from the Preamble that these rules include canons of behaviour and etiquette adopted as general guides, and the mere mention of them should not be construed as a rejection of the presence of other similarly imperative, if not explicitly stated.

Significance of Ethics in legal profession

An important role in the administration of justice is played by the legal profession. The lawyer is assisting the Court in reaching the right judgement. The lawyer gathers the case-related legal

³ C.L. Anand, General Principles of Legal Ethics, pg. no. 63.

materials and thereby allows the Court or the Judge to make a correct decision. It would be a superhuman challenge for the judge to arrive at a satisfying verdict without the help of the lawyer. Justice P. N. Saprú claimed that the reason for the presence of counsel is that each party to the conflict should be in a position to present the case in the best and most successful way practicable before an impartial tribunal. The rule is actually quite complex.⁴ It is often found that the language of the Acts and Regulations is very complicated and confusing and not easy to understand. In order to grasp the precise purpose of the provisions of the Act and Regulations, the people of the country need the advocate's advice. In the case of Madhav Singh, the court noted that 'lawyers and pleaders are enrolled not only in the administration of justice for the purpose of providing assistance to the courts, but also in providing legal advice for which they are entitled to be compensated by those members of the public who need their services.'⁵ In matters of good faith and honourable behaviour, lawyers are not puppets forced to follow the dictates of their clients. For the fair and truthful conduct of a case, they are liable to the court. They are agents who pay them, but work in the administration of justice, not of man. In the preservation of peace and order in the nation, lawyers play a significant role. There's no question that peace and order are important for the very life of society. "Learned C.L. Anand rightly stated that "the advocates hold the goal for keeping order in the society with the judges,⁶ they do not encourage stripes, and they settle them. They stand for legal order, which is one of society's most noble roles.' The order requested by advocates is not an order of severity. It is a justice-based order. Justice is the greatest thing that men on earth seek. According to the law, it is the duty of lawyers to plead for legal justice for their clients or to decide disputes. He further claimed that the development of law is rights and liberty and subject to the limits imposed by law. Advocates protect citizens' rights and freedoms against all violators of the law every day. Lawyers also play an important part in the reform of the law.⁷ Because of the experience gained in the everyday implementation and understanding of laws, lawyers are well aware of the imperfection of the legal system and are the most qualified class of men to counsel and inspire public enthusiasm and support for the reform of the law. The most complicated aspect of the legislative process in drafting the rules and no one is better prepared than the lawyers to provide advice on this.⁸

Guidelines for Advocates

Good language management, excellent voice, strong expression, sound knowledge of the law, good common sense, solid mental life and good health all help the lawyer become a well-known and successful lawyer. ⁹

Mr. Justice R.C. Lahoti has given the following tips to be a successful advocate:

- **VALUE THE TIME:** Talent and experience are marketable commodities in the legal profession. In the show case, they are shown and bought by anyone who can afford to contribute the price. Just as raw material needs to be stored and can be made available

⁴ Art of Advocacy, edited by Chief Justice Dr. B. Malik, pg. no. 325.

⁵ Madhav Singh, AIR 1923 Pat 185

⁶ In the matter of Babu Dwarka Prasad Mithal, AIR 1924 All 253

⁷ C.L. Anand, General Principles of Legal Ethics, pg. no. 253

⁸ Art of Advocacy, edited by Justice Dr. B. Malik.

⁹ Advice to Young Advocates published in Art of a Lawyer, edited by Dr. B. Malik, C.J., pg. no. 420.

for the manufacture of the finished product, time would also have to be saved for use in the distribution of the finished product in the legal profession.

- **INTERPERSONAL SKILLS:** For a great lawyer, an outstanding interpersonal skill and ability to build a successful relationship with any person with whom they work is important. In order to foster personal and professional unity and good relationships in their practise, lawyers should improve mutual ties.
- **PERSEVERANCE:** In most cases, with excellent research and writing practise, many hours of work are needed for a great lawyer to be able to take the right steps. For all your efforts, one must be committed to your job and get it done. In order to complete the work to a successful end, one must have perseverance.
- **WRITING SKILLS:** Effective writing helps to improve the position and win instances, it is extremely important to combine excellent speaking and writing skills, and it is very helpful in preparing arguments, briefs, and certain other legal documents.
- **LOGICAL THINKING ABILITY:** Logical thought, logical decisions and conclusions based on current knowledge need to be made. The opposite party should not be seen by the lawyer as an adversary. The lawyer's relationship with either the opposing party should also be concrete. Nonetheless, this does not affect his client's representation.
- **CREATIVITY:** Not only are great attorneys rational and investigative, they also show a great deal of ingenuity in addressing issues. When the question arises, being imaginative helps a lawyer think of a rational solution. It's often not clear that the only option is for a brilliant lawyer to work outside the box.
- **RESEARCH SKILL:** It is important to be able to study quickly and efficiently to understand your clients, and you can plan your legal strategies easily. In general, planning a legal plan involves a large amount of study. You should have outstanding investigative skills and be able to collect valuable knowledge to become a successful lawyer.

CONCLUSION

The legal profession, to sum up, is indeed a profession of great honour. It was built for the public benefit, not for private gain. It is not a career of money making, but a branch of legal system. As it is not a company, either directly or indirectly, a lawyer does not solicit work or advertise. A lawyer is an officer of the Court of Justice and is obliged to maintain a professional attitude and toward the Court, keeping in mind that the integrity of the judicial office is necessary for the survival of society. The Supreme Court correctly noted that the legal profession is a collaborator in the interests of justice within the judiciary.¹⁰

¹⁰ Hamraj L. Chulani vs. Bar Council of Maharashtra and Goa, AIR 1996 SC 1708