

Inside Oregon Ethics: Law as a Human Endeavor  
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With all the high-tech gadgets and strategies that we now have available at our fingertips, I believe that there is something that is all too easy for lawyers, law students and law professors to forget. At its core, law is practiced by human beings who work in concert with other human beings for the benefit of still other human beings. In other words, law is a quintessentially human endeavor. Although the practice of law may call upon us to build up or knock down elaborate theoretical structures, it is still a quintessentially human endeavor.

Although we may be called upon to apply abstract principles developed in one context to a wholly different context, it is still a quintessentially human endeavor. To put the matter another way, and with due apologies to the Gettysburg address, the practice of law is, or at least should be, "of the people, by the people and for the people." Why is this important? It is important because remembering that clients are people too should affect how we relate to them.

Even when, technically speaking, our clients are artificial entities, we still deal with these entities through other human beings. If we treat our clients in the same manner in which we would like to be treated as fellow human beings, we will go a long way toward doing first-class jobs as lawyers. And if we can, in addition, give advice in a way that takes our clients' or client representatives' human nature into account, we will go even further.

Nor is it only our own clients who are human beings. Opposing counsel and their clients, or client representatives, are human too. In fact, and in spite of what some cynics would say is considerable anecdotal evidence to the contrary, even judges are human beings.

If we do not remember to take both the human strengths and the human weaknesses of our adversaries and those who judge our clients and us into account, we may well be ignoring vitally important information.

And, of course, the people in our own offices and in the offices of co-counsel are also human beings. It has been said that the optimist is someone who believes that we live in the best of all possible worlds and that the pessimist is someone who fears that the optimist is right. Similarly, one can argue that the fact that law is fundamentally about people is either a good thing (because it is people that should and do matter) or a bad thing (because we want to have a government of laws rather than men and because, as lawyers, we are trained and frequently paid to deal in the abstract). In the last analysis, however, it makes no difference whether this is good or bad. It is what it is, and we should expect to treat others and be treated accordingly.

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Committee, Washington State Bar Rules of Professional Conduct Committee; Chair of the Stoel Rives Professional Responsibility practice group. Mr. Jarvis is a frequent writer and speaker on legal ethics issues, and his practice includes advising attorneys with legal ethics questions and defending attorneys accused of legal ethics violations. He is a member of the American Law Institute and is also this year's Chair of the ABA Center for Professional Responsibility Conference Planning Committee. In 1993, Mr. Jarvis received the Harrison Tweed Special Merit Award from ALI-ABA for his ethics CLE work.

If you would like to suggest one or more issues for future topics, please contact me at: Peter Jarvis via e-mail.

An ethics article by attorney Peter R. Jarvis appears each month in the Oregon Law Journal . Peter gives advice to and represents lawyers who have matters of discipline before the Oregon State Bar.

E-mail your questions directly to Peter R. Jarvis. Prior articles by Peter can be seen by going to the Archives navigation button on the left, above.