Hugh Muir Oath Project

General Instruction



THE HUGH MUIR OATH PROJECT

The Hugh Muir Oath Project is dedicated to fostering conscious commitment to those values that lend to high standards of lawyering. It seeks to create new standards of ethics in the practice of law through commitments made by law students. The project, which is dedicated to an attorney whose life work has been an exemplar of service and dedication to the best in law, is open only to members of the University of New Mexico School of Law Class of 2003.

Students will write their own statements, which may be expressed as an oath, poem, letter, affirmation, creed, prayer, ethical code, promise, contract or any other statement by which they live and intend to live as lawyers. As a general matter, it would be unusual for such a statement to exceed a page in length. The statements will be published next month and all of the statements will be distributed to every member of the class. All of the statements will also be submitted to a committee that will include New Mexico Supreme Court Chief Justice Pamela Minzner, Justice Gene Franchini and U.S. District Court Judge Martha Vazquez. This committee will choose a few of the oaths to receive the Hugh Muir Prize, which will be presented later this semester to the authors of particularly beautiful or moving statements.

DEADLINES

Statements must be submitted to Janet Cox by noon on Monday, Feb. 28, 2000. All first year law students are required to participate in this exercise.

ABOUT OATHS

Oaths are written statements of ideals sworn or attested to by their adherents. In writing their personal oaths, students are encouraged to explore their commitments to justice, to law, to self, to society. Oaths may be principles or goals which serve to shore up their adherents in times of duress or confusion. An oath may also serve as a reminder of a bigger (perhaps loftier) view of the adherent's professional purpose. Historically, oaths can bee seen as unifying their adherents: physicians were unified by their dedication to the Hippocratic oath; governments, perhaps, by their various oaths and pledges of loyalty. Principles written, examined and agreed to become oaths -- words by which their adherents live and work. Attorneys in New Mexico typically swear only one oath (included here), and as a profession have no unifying oath. Of the three ancient professions (law, medicine, and theology), only law has no generally recited, unifying oath. The Hugh Muir Memorial Oath Project is a step towards correcting that deficit.

ATTACHED MATERIALS

- * New Mexico attorney oath (sworn on admission to the Bar)
- * Hippocratic Oath
- * David Bennahum's Oath
- ★ Indian Lawyer's Creed
- ★ Firefighter's Oath

- * Jack London's Oath
- **★** Blues Bank Collective's Oath
- * Elvis Presley Impersonators' Oath
- * A sample of student oaths from the UNM Medical School
- * 'Is There an Atticus Finch in the House?'

ON RESERVE

Oath annuals:

UNM School of Medicine Class of 2003

UNM School of Medicine Class of 2002

Burrell, The Words We Live By (compendium of oaths, pledges, mottoes, precepts)

OATH OF NEW MEXICO ATTORNEYS N.M.S.A. 15-304

I, _____, do solemnly swear or affirm:

I will support the Constitution of the united States and the Constitution of the State of New Mexico;

I will maintain the respect due to courts of justice and judicial officers;

I will comply with the Rules of Professional Conduct adopted by the New Mexico Supreme Court;

I will not counsel or maintain any suit or proceeding which shall appear to me to be unjust, nor any defense except such as I believe to be honestly debatable under the law of the land;

I will employ for the purpose of maintaining the causes confided to me such means only as are consistent with truth and honor, and will never seek to mislead the judge or jury by any artifice or false statement of fact or law;

I will maintain the confidence and preserve inviolate the secrets of my clients, and will accept no compensation in connection with their business except from them or with their knowledge and approval;

I will abstain from all offensive personality, and advance no fact prejudicial to the honor or reputation of a party or witness unless required by the justice of the cause with which I am charged;

I will never reject from any consideration personal to myself the cause of the defenseless or oppressed, or delay any person's cause for lucre or malice.

(As amended, effective December 8, 1992; November 1, 1994 to make gender neutral changes and to delete "role and" from the rule.)



I SWEAR by Apollo the physician, and Aesculapius and Health, and Allheal, and all gods and goddesses, that, according to my ability and judgment, I will keep this Oath and this stipulation — to reckon him who taught me this Art equally dear to me as my parents, to share my substance with him, and relieve his necessities if required; to look upon his offspring in the same footing as my own brothers, and to teach them this Art, if they shall wish to learn it, without fee or stipulation; and that by precept, lecture and every other mode of instruction, I will impart a knowledge of the Art to my own sons, and those of my teachers, and to disciples bound by a stipulation and oath according to the law of medicine, but to none other.

I will follow that system of regimen which, according to my ability and judgment, I consider for the benefit of my patients, and abstain from whatever is deleterious and mischievous. I will give no deadly medicine to anyone if asked, nor suggest any such counsel; and in like manner I will not give to a woman a pessary to produce abortion. With purity and with holiness I will pass my life and practice my Art. I will not cut persons laboring under the stone, but will leave this to be done by men who are practitioners of this work. Into whatever houses I enter, I will go into them for the benefit of the sick, and will abstain from every voluntary act of mischief and corruption; and, further, from the seduction of females, or males, of freemen or slaves.

Whatever, in connection with my professional practice, or not in connection with it, I see or hear, in the life of men, which ought not to be spoken of abroad, I will not divulge, as reckoning that all such should be kept secret. While I continue to keep this Oath unviolated, may it be granted to me to enjoy life and the practice of the Art, respected by all men, in all times. But should I trespass and violate this Oath, may the reverse be my lot.

AN INDIAN LAWYER'S CREED

I am an Indian lawyer, a briefcase warrior. I stand between Indian people and those who would do them harm. The warrior's role is a duty and an honor.

I defend the few resources that have not been taken from us so Indian people may survive.

I defend the land air and water on and off reservations so all people may learn to live in harmony with the Creator's work.

I defend the right of Indian people to govern them, worship as they choose, and return their dead to the earth.

I will not use my skills against Indian people no matter how wrong I believe them to be. We suffer enough without causing each other to suffer.

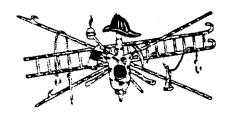
I will not use unethical methods in the practice of law because that would dishonor the people I represent.

I will not accept fees from Indian people beyond my needs. If I receive fees from other people beyond my needs, I will remember that a wealthy Indian is one who can quickly forget duty and honor.

Whether I practice or teach or hold office, I will always remember the duty of an elder to share knowledge with young men and women who aspire to be warriors.

I am an Indian lawyer, a briefcase warrior. I stand between Indian people and those who would do them harm. When I do this, I bring honor to my tribe, my clan, and myself.

-Steve Russell, Asst. Prof. of Criminal Justice, University of Texas at San Antonio, President of Texas Indian Bar Assn.



The Fire Fighter's Creed
When I'm called to duty god
wherever flames may rage
give me strength to save a life
whatever be its age

Help me to embrace a little child before it is too late or save and older person from the horror of that fate

Enable me to be alert to hear the weakest shout and quickly and efficiently to put the fire out

I want to fill my calling and to give the best in me to guard my neighbor and protect his property

And if according to your will
I have to lose my life
bless with your protecting hand
my children and my wife.

-Dedicated to the memory of four Seattle, WA fire fighters killed fighting an arson's blaze Jan. 5, 1995

JACK LONDON'S OATH

I would rather be ashes than dust! I would rather that my spark should burn out in a brilliant blaze than that it should be stifled by dry-rot. I would rather be a superb meteor, every atom of me in magnificent glow, than a sleepy and permanent planet. The proper function of man is to live, not to exist. I shall not waste my days in trying to prolong them. I shall use up my time.

(composed two months before the author died at the age of 39)

BLUES BANK COLLECTIVE OATH

Wherever we can, we aim to tear down the barriers of paranoia, hate and fear that separate people from one another and heal such negative forces by fostering harmony between the many different peoples we meet along the way.

OATH: ELVIS IMPERSONATORS INTERNATIONAL ASSN.

I have an obligation to all associations, groups, and businesses who purchase my entertainment services to provide those services in a professional and ethical manner.

I have an obligation as an Elvis performer, through all personal, business, and social contacts, to be conscious of my image and what I represent and to conduct myself accordingly.

I will provide leadership and direction in continuing the music and style of Elvis, while lending strength and direction to the growth of the activity as a great world-class entertainment medium.

SAMPLES FROM THE 2003 UNM MEDICAL SCHOOL OATH BOOK

"...He who would seek the springs of these currents would do so with the integrity instilled within him by his teachers, by his brothers, and by his sisters in medicine. From the words and wisdom of Hippcrates, may he find direction and comfort always looking towards the heavens to embrace the hands of God that would guide him and his art and help him carry water to parched lands."

—Jimmy Nguyen, Class of 2003

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"... May your footprints lead them to believe in the art and science of medicine, may your daily life inspire them to obey the rules of health for themselves.

If you are a life-long learner, observing others' life experiences and are not too arrogant to learn from those that know more, and if you learn to respect and love those you serve, you will be happy, for happiness comes from squandering yourself for a purpose."

-Alma I. Pena, Class of 2003

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"...I will not act under such a cold lifeless duty-bound dogma. I will not judge myself beneath an absolute judge, for to do so would be to lose touch with the real reason for which any of us attempt to heal: for real people, with real names, real faces, all with different stories and different standards. I hope to never lose sight of that, and will try to lean from and appreciate each story I am lucky enough to hear. I will try not to squeeze life into ready-made boxes constructed before by people I didn't know, and will try and rejoice in the difference in everyone's story."

- Mike Rankin, Class of 2003

Is There An Atticus Finch in the House? Outgoing President's Address

Delivered by Rick Kraft at the 1999 State Bar Annual Convention luncheon, October 22, La Fonda Hotel, Santa Fe

WHAT CAN WE LEARN FROM ATTICUS FINCH?

Is there an Atticus Finch in the house? Well, is there?

I saw the movie "To Kill a Mockingbird" for the first time a couple of months ago. We bought the video tape several years back, but never got around to watching it. Now my seventh-grade son is reading it for his English class. I am encouraged by his reading of the book, and I am glad to see him learning about life and the practice of law from Atticus Finch.

If you haven't read the book or seen the movie, it is the story of an attorney named Atticus Finch who is a resident of a fictional sleepy southern town in Alabama called Macomb. The book is the creation of author Harper Lee and was written in 1960. Atticus is a widower with two young children. He is asked by the county judge to defend an African-American named Tom Robinson, accused of raping a white woman. Atticus accepts the responsibility to represent Tom and, in the process, fights the demons of bigotry, hate, and fear that are unleashed by the accusation. Both literally and figuratively he puts himself and his children between his client and a lynch mob. Atticus tries the case to a jury of all white males and in the end the case is lost — Tom Robinson is convicted.

Out of the blue early one morning while working on this speech, my 12-year old son came in to my office at home and said, "Dad, I have an idea for a speech for you. It came from the front of the Corn Pops box that I was just reading." I said, "What is your idea, Devin?" He said, "Below a picture of a corn pop on the front of the box are the words, 'Enlarged to show texture.'" I had already done the first draft of this talk and I chuckled as I got to thinking, you know, that is what my talk is all about. I am enlarging Atticus Finch to show his texture, to show the complete and total person that he truly was.

So what can we learn from Atticus Finch? Is he just a fictional character created 40 years ago? Was it possible to be an Atticus Finch in 1960, but no longer possible on the eve of the year 2000? Are there Atticus Finch's in our bar? Is there an Atticus Finch in the room?

"THE COMPLETE LAWYER," ATTICUS FINCH IS A ROLE MODEL

What made Atticus a complete lawyer in every sense of the word was not his representation of Tom Robinson. As attorneys we get so focused on Atticus's legal efforts to represent Tom Robinson that we lose sight of Atticus the total person. His practice of law was a small part of a much bigger picture. The bigger picture was the way that Atticus lived his life. You see, Atticus is a role model for each of us who just happen to be a lawyer by



Richard L. Kraft, delivering his outgoing president's address at the State Bar Convention in Santa Fe, urges all members to become "complete lawyers."

trade. What makes him a complete lawyer are his actions outside of his law practice.

In the story, we learn a lot about Atticus the parent. As a widower he was left to raise two elementary age children, Jem and Scout. His children were a priority in his life. Throughout the entire movie teaching his children was a priority. He sought to teach the children truths about life in each adventure that he had. He took time to spend with his children. In numerous scenes he would be sitting with his children addressing questions that were asked of him. Atticus was at the table with his family when breakfast was served, he was together with his family at the dinner table at the end of the day when they ate dinner.

The story is really about a family. On the page before the first chapter begins, Harper Lee quoted the words of Charles Lamb, "Lawyers, I suppose, were children once."

There was something to be taught to his children in every event that happened to Atticus. The life he lived became one lesson after another for Jem and Scout.

At the beginning of the movie his daughter, Scout, observed Atticus receiving from Mr. Cunningham a sack of hickory nuts. Scout asked her father, "Why does he pay you like that?" Atticus said, "Because that's the only way he can pay me. He has no money." Scout inquired, "Are we poor?" To which Atticus nodded, "We are indeed." A lesson to be learned. I am convinced that success to Atticus was not to be well off financially, but to raise his two children to do what is right in a misdirected society around them.

The very title of the book came from wisdom that he was imparting to his children. At the dinner table he shared advice that was given to him when he was a youngster, "I'd rather you shot tin cans in the back

yard, but I know you'll go after birds. Shoot all the blue jays you want, if you can hit 'em, but remember it's a sin to kill a mockingbird... Mockingbirds don't do one thing but make music for us to enjoy. They don't eat up people's gardens, don't nest in corn cribs, they don't do one thing but sing their hearts out for us. That's why it's a sin to kill a mockingbird."

Teaching lessons to his children was a high priority to Atticus, as was time with his children.

At the end of the story as Jem laid in bed after he had been beaten up on the pathway home, both the book and the movie end by showing what was important to Atticus. After tucking Scout into bed in her bedroom, the final words of the story are, "He turned out the light and went into Jem's room. He would be there all night, and he would be there when Jem waked up in the morning."

Atticus Finch was the complete lawyer. He always kept his family priorities. I believe that it is important for each of us to learn from the example that Atticus set and to be sure that each of us keep our family priorities.

I, myself, learn each year that I live to appreciate the selfless giving that both my mother and my father gave to me during my youth. Tanya and I have our hands full with our 12-year-old son and our 11-year-old daughter, Kelsey Brynn, even before they reach the teenage years. But as we parent our children, I think back on what my parents went through and of all of the giving that they gave to me and I appreciate them more with each day that passes. Being a good parent isn't easy, especially when you come home after dealing with other people's problems all day.

I got to thinking recently about what has been the greatest accomplishment in my life. I have been

very blessed and have lived a full life in the years that I have had on this planet. I have graduated from law school and practiced law for more than 17 years. I have been president of both the Young Lawyers Division and the State Bar of New Mexico. I have run 15 26.2mile marathons and I have designed and built a house. I have been the top producer in a firm of 12 lawyers and then have exceeded my highest year of production since leaving that firm. I have won federal jury trials and cases before both the New Mexico Supreme Court and Court of Appeals. I have been the executive director of a leadership program in Roswell for the past nine years, and my list continued from there. But if I died tomorrow on the road driving back to Roswell and if I am able to sit in the company of God tomorrow night and He asks me what I believe to be the greatest accomplishment of my life, my response would be easy: "Being a good husband and giving my best to my wife and best friend in order to have a happy marriage and being the best father that I can be to my two children." Far greater accomplishments than anything else I've done.

As I presented [State Bar] Annual Awards to families of attorneys that unexpectedly died in the past several months in honor of their son, husband, or father, I recognized that none of the family members cared what their loved one's won-lost record was in the courtroom. And I don't know of anyone who, if they were told that they had a week to live, would say, "I've got to get this big case to trial before I die." Even Billy Graham, when asked what he would do differently if he could live his life over again, said that he'd spend more time with his family.

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Atticus Finch had his priorities in order, he kept his family at the top of his list. He was a complete lawyer and an example for each of us to follow.

ATTICUS FINCH GAVE TO HIS COMMUNITY, HE WAS A MODEL CITIZEN

Atticus was an active member of his community. His respect in the community came from his role in the community. He was an active member of his community who just happened to be a lawyer. I would venture to guess that he gained more respect from his fellow community members because of the life that he lived than his skill as an attorney.

Whether it was protecting the community by shooting a mad dog, or representing his community in the legislature, Atticus gave of himself to the community. We, as attorneys, need to be active in our communities, we need to serve as city leaders, we need to appear at school board meetings, we need to take leadership positions that make a difference in our communities. As attorneys, we have special powers. We have special powers that give us the ability to make a difference in our communities.

We speak through our actions. Being a lawyer doesn't end when you leave the office. It is a 24-houra-day responsibility.

The stereotype of attorneys only being interested in collecting large fees is broken when we are willing to show those around us that we are concerned public citizens whose interests and commitments extend far beyond our own personal and professional well-being. When we coach a ballteam, or are active in Boy Scouts or Girl Scouts; when we teach Sunday School, or serve on [the local] school board; when we

are involved in community activities, we show the world that our responsibility as an attorney reaches outside our office walls.

I'm not talking about rainmaking. I'm talking about giving back to your community in your time a fraction of what your community has given to you. Being a lawyer carries with it special professional responsibilities in addition to making a living. Many young people have only seen lawyers in

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two contexts: through the media and as the ones doing their parents' divorce. Most of them have already heard attorney jokes. None of these experiences inspire young people to think much about our profession, let alone [consider joining it]. And what future can we expect of our profession if we can't attract young people with positive images of attorneys? We need to return forcefully to the lives of our communities. We must show young

people that we care about them to break down the stereotypes. Good people make good lawyers, we must live our lives in such a way that good young people will say, "When I grow up, I want to be a lawyer!" Our profession will become what we add to it. If we add snakes, we will become a snake pit. If we add people with integrity, we will become a profession with integrity. And integrity is as integrity does.

I challenge you to be an ambassador for our profession. Go out there and make a positive difference in the lives of others today and every day of your life. Serve on the boards of your community. Help out, pro bono, those that you are able. Financially support the causes that you believe in. Treat those with whom you come into contact with respect. Practice random acts of kindness. Add value to the lives of others. Through your actions show your community that attorneys are interested in the well being of their communities. Be a role model to those around you.

There is a story of a young reporter in India sent out to cover Ghandi's visit to his town. He got tied up and missed Ghandi's speech. He arrived at the train station just as Ghandi's train was pulling out of the station. He located Ghandi's window and as he ran alongside the train below Ghandi's open window, he said, "Mr. Ghandi, I missed your speech, can you give me a message that I can report on?" Ghandi looked out his window and as the train pulled away said, "My life is my message." Your life is also your message. Live your life to be a message to others that our profession is a respectable profession.

Atticus Finch's life was his message, he was a role model to his community and was looked up to because of his genuine concern and contributions to his town and his country.

ATTICUS FINCH LIVED HIS LIFE TO PURSUE JUSTICE

Our profession is about the pursuit of justice. And so it was with Atticus Finch.

Atticus recognized that our profession exists to provide for the pursuit of justice. He took Tom Robinson's case not to make himself popular. He took it to pursue the ultimate goal of justice for Tom Robinson. He practiced law in the same manner in which he lived his life. He took the case because it was the right thing to do.

How many cases do each of us take simply because it is the right thing to do?

In his closing to the jury in the Tom Robinson trial Atticus expresses the significance of our judicial system and of what each of us do as attorneys:

We know all men are not created equal in the sense some people would have us believe-some people are smarter than others, some people have more opportunity because they're born with it, some men make more money than others, some ladies make better cakes than others — some people are born gifted beyond the normal scope of most men.

But there is one way in this country in which all men are created equal: There is one human institution that makes a pauper the equal of a Rockefeller, the stupid man the equal of an Einstein, and the ignorant man the equal of any college president. That institution, gentlemen, is a court. It can be the Supreme Court of the United States or the humblest J.P. court in the land, or this honorable court which you serve. Our courts have their faults, as does any human institution, but in this country our courts are the greatest

levelers, and in our courts all men are created equal.

Even at a time when the legal system was failing him, Atticus recognized the importance of the process, the system and his role in both. He was supportive of the judicial branch even when he didn't feel that justice resulted. There is no scene in the book or movie where Atticus criticizes the judicial process or system.

We need to pursue our jobs as attorneys to see that justice is done. Our profession is about doing justice. It is the very foundation that sets our country apart from every other. As Martin Luther King, Jr. once said, "We are not satisfied, and we will not be satisfied until justice rolls down like waters and righteousness like a mighty stream." That is the justice that we each are pursuing.

We are members of the greatest legal system in the world. It is far from perfect, but it is the best. As Atticus Finch recognized his role in the system, so should each of us. We need to pursue justice in each and every step of our career.

STAND UP, AN ATTORNEY IS PASSING

As Atticus left the courtroom, all of those in the balcony rose to their feet and stood in honor of him. Reverend Sykes spoke to Scout, "Miss Jean Louise, stand up, your father's passin'." If we live the lives that each of us should live and we "do the right thing" in practicing law each day, we will each be treated as individuals of honor and the practice of law will be a profession of honor. The choice is ours.

AS WE GO INTO THE NEXT MILLENNIUM

As I wind down my comments

as the last president of this millennium, I look a thousand years into the future. I wonder what life will be like when the last president of 2999 gives her outgoing speech. I wonder if this young country, America, with the greatest legal system that this world has ever seen, will still be around. And will it remain the greatest country in the world. Will "justice roll down like waters and righteousness like a mighty stream?" If it is to be, it is we who must be responsible to see to it that justice will continue. The very existence of our country depends on it. And it rests on each of our shoulders.

We must learn from those who have gone before us. Anything that we enjoy today without sacrifice is because others before us have paid a sacrifice. When we drink from the well we must remember those who dug it. How do we thank those who came before us? We leave a legacy for those who follow... We give our best to our profession and we leave it a better profession than when we first joined it.

We are standing on the shoulders of the generations of lawyers who went before us. We are standing on the shoulders of giants. We can see farther than anyone who has walked this path before us. We have the knowledge of the years. We have the wisdom of the years. We must remember what Oliver Wendell Holmes said, "The great thing in this world is not so much where we stand as in what direction we are moving." We need to improve on everything that we can. Roscoe Pound wrote, "The law must be stable, but it must not stand still." We need to build on the foundations of the past, yet continue to move forward to the future.

We need to recognize that these are "the good ole' days" that we are

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going to miss when we get older. People often say, "remember the good ole' days." Well, we are living in the good ole' days. Twenty years from now, we will be talking about how these 1900s were the good ole' days. Enjoy these days and celebrate them, they will be gone before we know it and we'll look back at them years from now.

As we look through the window into the next millennium and reach for the doorknob of tomorrow, we assess where we are today.

From the people that I have met during this last year as your president, I can tell you that I look forward to the new millennium with both excitement and enthusiasm.

We have a great Supreme Court led by Chief Justice Pamela Minzner, one that makes me proud to be a member of this bar. Justice

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It should be able to go without saying, but unfortunately is is still necessary: Male / Female / Undecided, White / Black / Yellow / Orange, it doesn't matter. We do not discriminate for or against based on sex, race, religion or anything else that's irrelevant to your qualifications for the job. We DO discriminate on how well you do your job.



Minzner, we appreciate the job that you are doing. We have a strong Court of Appeals with good leadership in Chief Judge Lynn Pickard. Judge Pickard, thank you for your efforts.

We also have strong leadership in our State Bar with our Board of Bar Commissioners from our incoming President Steve Doerr on down. Steve, your work is ahead; I believe in you. You'll do a great job in the year ahead. We have the best State Bar staff in the country led by the most dedicated and committed executive director a state bar could have, Cheryl Bruce. Cheryl, thank you for all that you give to make us be the best.

CLOSING

So what can we learn from Atticus Finch?

- Live a life of integrity.
- · Keep your family a priority.
- Be active in your community.
- Be professional in all that you do both as an attorney and as a citizen.
- Pursue justice with the power given you as an attorney as that is truly why our legal system is the greatest that this world has ever seen.

We need all of the Atticus Finch's that our bar can find and develop as

we go into the next millennium.

So I ask again, "Is there an Atticus Finch in the house?" "Well, is there?"

I am convinced that I am among many Atticus Finches in the room today. There are many of you that live your life as Atticus Finch lived his. And it makes me proud to be a lawyer. It makes me proud to be a New Mexico lawyer. And it is as a member of this most noble profession that I plan to start my day on Monday and in several weeks to start the first day of a new millennium.

Thank you for your attention today. As I pass the torch tomorrow to Steve Doerr, I thank you for the opportunities that you have given me this past year. I have truly enjoyed serving as your president; it is a year that I will never forget.

I hope and pray that something that I have said, written, or done over the last year has made a difference in your life by improving you both as a person and as an attorney.

Thank you again, and may God Bless each one of you each day of your life. Ahead ...

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a 24-hour Helpline is available to any lawyer who feels he or she may have a problem.

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