# LEGAL AND JUDICIAL ETHICS

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Conduct which is the test of greatness in a profession and behavior which is the perpetual mirror of our inner personalities, are assets which each profession tries to perfect and to best reflect as the embodiment of its highest ideals. Lawyers, being no exception must to a certain extent, conform to the accepted norms of legal and judicial ethics if the law profession is to maintain the unspotted respect of public faith and the sacred bestowal of public trust and confidence essential to the establishment and the dispensing of justice to a high point of efficiency.

## PART I. LEGAL ETHICS

### I. Admission to the Practice of Law

In the year 1961 our Supreme Court was faced with two significant questions pertaining to the admission to the Philippine Bar, namely:

(1) May there be an exception to the requirement that, before anyone can practice the legal profession in the Philippines, he must first pass the bar examinations? [1]

(2) May the Executive Department validly enter into a treaty which has the effect of modifying or amending said requirement by creating an exception thereto?

These two questions were poised in the case of *In Re: Petition for Admission to the Philippine Bar without taking the examination, Arturo Efren Garcia, petitioner.*[2] In this case, Arturo E. Garcia applied for admission to the practice of law in the Philippines without submitting to the required bar examinations. In his petition, he averred, among others, that he is a Filipino citizen; that he had finished law and thereafter was admitted to practice the law profession in Spain; and that under the provisions of the Treaty on Academic Degrees and the Exercise of Professions between the Republic of the Philippines and the Spanish State, he is entitled to practice the law profession in the Philippines without submitting to the required bar examination. Article III of said treaty provides:

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* Bachelor of Science in Jurisprudence, U.P. (1962). Member, Student Editorial Board, *Philippine Law Journal*, 1961-62.

[1] See Sections 1, 2, 9 and 19, Rule 127, Rules of Court.

[2] Promulgated Aug. 15, 1961.

> The nationals of each of the two countries who shall have obtained recognition of the validity of their academic degrees by virtue of the stipulations of this treaty, can practice their professions within the territory of the other. . . .

In denying the petition, the Court said that it can clearly be discerned from this article that said treaty was intended to govern Filipino citizens desiring to practice their profession in Spain, and the citizens of Spain desiring to practice their professions in the Philippines. *Petitioner is a Filipino citizen desiring to practice the law profession in the Philippines. He is therefore subject to the laws of his own country and is not entitled to the privileges extended to Spanish nationals desiring to practice in the Philippines.*[3]

By this ruling one gathers the impression that had petitioner been a Spanish National, his petition would have been granted and the effect of this would be that the Treaty in question would validly extend to the law profession. The Supreme Court, however, made an observation which precludes this conclusion. It stated: "The Treaty could not have intended to modify the laws and regulations governing admission to the practice of law in the Philippines, for the reason that the Executive Department may not encroach upon the constitutional prerogative of the Supreme Court to promulgate rules for admission to the practice of law in the Philippines, the power to repeal, alter or supplement such rules being reserved only to Congress." [4]

The rule, therefore, is that the Executive Department may not validly enter into agreements which would have the effect of modifying or altering the authority of the Supreme Court to promulgate rules concerning admission. In a previous case,[5] the Court stated: "The primary power and responsibility which the Constitution recognizes, continue to reside in this Court. Congress may repeal, alter and supplement the rules promulgated by this Court *but the authority and responsibility over the admission, suspension, disbarment and reinstatement of attorneys-at-law and their supervision remain vested in the Supreme Court.*" [6]

## II. Advertising and Solicitation

How has the line been drawn between proper and improper advertising and solicitation? The lawyer's letterhead showing name

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[3] Emphasis supplied.
[4] The Court cited Sec. 13, Art. VIII of the Philippine Constitution.
[5] *In re Cunanan*, 50 O.G. 1602 (1954).
[6] *Ibid.* (emphasis supplied)

or names, address and profession is to some extent an advertisement, perhaps depending upon the use made of it. Custom and the informational value to addressee justifies such minor publicity, but self-laudatory blubs are not within the justification and are not in keeping with the dignity of the profession.[7]

The lawyer may advertise by use of an office sign or shingle, so long as it is done in a dignified manner.[8] The utility of the sign in aiding clients to locate a lawyer already selected outweighs the lesser solicitation effect of the sign. But since its justification is that it enables one to find the lawyer's office, no extraneous information should be included in it.[9]

The lawyer may advertize in the classified section of the telephone directory because this, too, enables one to locate a lawyer already selected. The classified telephone directory listing should, however, be dignified and the client seeking the address or telephone number of a lawyer already selected should need no aid from eye catching devices. Therefore the listing in the telephone book should not be in a distinctive type [10] or contain display advertising such as the words "Legal Guidance" or "Legal Clinic." [11]

## III. Attorney-Client Relationship

Where does the duty to client begin and end? General standards may indicate that the lawyer should reject employment which for any reason he is likely unable to handle effectively.[12] Certainly he has the freedom in the Philippines to reject any and all tendered employment. But having accepted employment, he owes, in the language of Canon 15 of the Canons of Legal Ethics "his entire devotion to the interest of his client, warm zeal in the maintenance and defense of his rights and the exertion of the utmost learning and ability to the end that nothing be taken or be withheld from him, save by the rule of law legally applied. Canon 15 stresses that the range permitted by the law is the scope of the attorney's duty, saying that "the great trust of the lawyer is to be performed within and not without the bounds of the law." The lawyer accordingly cannot knowingly use perjured testimony [13] or bribe witnesses [14] or file false oaths.[15]

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[7] J. F. Sutton, *Guidelines to Professional Responsibility*, 39 Texas Law Review 891 April, 1961.

[8] Orkin, *Legal Ethics* 182 (1957) "Since the size and design of the name-plate are to some extent matters of taste no hard fast rule can be laid down."

[9] Drinker, *Legal Ethics* 231 (1953).

[10] ABA Opinion 295 (1959). SBT Opinion 200 (1960).

[11] N.Y. City Opinions 596.

[12] Cf. Ex Parte Mayo, 212 U.S. S.W. 2d 164.

[13] As to disbarment for commission of perjury, see Annot. 9 ALR 189, 43 ALR 107 55 ALR 1373.

[14] Cf. *Anderson v. State*, 94 SW 2d 749.

[15] *May v. State*, 67 S.W. 2d 266. Matter of Tinney, 176 NY Supp. 102.

In the case of *Antonio et al. v. Ramos et al.*[16] concerning the recovery of personal property, defendant was declared in default for failing to appear either by himself or counsel. A motion for new trial was filed on time and defendant alleged that their failure to appear was due to accident, mistake and excusable negligence under section 1(a) of Rule 37. Counsel for the defendant explained that he received a registered envelope containing the notice of hearing but the envelope was lost before he could read its contents. Was this excusable? The Court definitely ruled in the negative, and said:

> Counsel did not exercise ordinary prudence. The fact that the envelope which contained the notice of hearing came from the court made said envelope and its contents so important that he should have immediately opened the same and not just put it aside; furthermore, counsel for defendant-appellant had all the time from March 24, 1956 until the date of the trial on August 20, 1956 to inquire from the Court records or Clerk of Court about the nature of the registered notice. This is what a diligent counsel should do as required by ordinary prudence. Lawyers should always be vigilant and alert, in order to properly safeguard the rights and interests of their clients. Upon the lawyers especially devolve the duty to evaluate the urgency and importance of registered letters coming from the courts.

A. Notice to Attorney is Notice to Client

Sec. 2 of Rule 27 provides:

> " . . . If any of such parties has appeared by an attorney, or attorneys, service upon him shall be made upon his attorneys or one of them, unless service upon the party himself is ordered by the Court."

In the case of *Ballesteros et al. v. Caoile et al.*,[17] the hearing on the application for the registration of a parcel of land was postponed several times at the instance of plaintiff's counsel. When the case was set for the last time, neither plaintiff nor their counsel appeared although notice was given to said plaintiff's counsel. The Court thus allowed the oppositors to present their evidence and thereafter decreed the registration of the land in their name. After the lapse of 10 years, plaintiffs brought the present action praying that they be declared owners of the land. When the court dismissed the complaint, they appealed contending that they were deprived of the opportunity to present their evidence. But the Supreme Court affirmed the decision of the lower court and said:

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[16] G.R. No. L-15124, prom. June 30, 1961.
[17] G.R. No. L-16056, May 31, 1961.

> It is true that their counsel now claim that plaintiff's failure to appear at the hearing was due to the failure of their former counsel to notify them thereof even if he received the notice of the Court, but the claim is clearly untenable, for under our rules, notice to counsel is notice to the party he represents. In fact, the rule requires that the notice of hearing should be served upon counsel, unless the court directs otherwise.

### B. A Client is Bound by the Mistakes of his Lawyer

In the case of *Fernandez v. Tan Tiong Tick*[18] plaintiff was a third-party claimant in an action by defendant for recovery of scrap iron stockpiled at the yard of Tan Tay Cuan. Because of the indemnity bond filed by defendant, the scrap iron was not returned to plaintiff. In an action for damages by plaintiff against defendant and after plaintiff had rested his case, defendant's counsel abruptly rested their case without informing defendant-appellant. Question is now presented whether the act of defendant's counsel constituted a confession of judgment and also whether the negligence of counsel in not informing defendant constituted excusable negligence as to be a ground for new trial. The court resolved both questions in the negative and said that "At most, it might be considered a mistake or lack of foresight or preparation on the part of counsel. But a client is bound by the action of his counsel in the conduct of a case and cannot be heard to complain that the result might have been different had he proceeded differently. If such grounds (mistakes, lack of preparation, etc.) were to be admitted as reasons for reopening cases, there would never be an end to a suit so long as new counsel could be employed who could allege and show that prior counsel had not been sufficiently diligent or experienced, or learned."

## IV. Dismissal or Withdrawal as Counsel

> A client may at any time dismiss his attorney or substitute another in his place, but if the contract between client and attorney has been reduced to writing and the dismissal of the attorney was without justifiable cause, he shall be entitled to recover from the client the full compensation stipulated in the contract.[19]

Republic Act 636 which gave us the above quoted amendment to sec. 24 of Rule 127 of the Rules of Court is, in the words of the sponsor of the Act: [20] "designed to protect the members of the Philippine bar from the unscrupulous and unethical practices of numer-

[18] G.R. No. L-15877, April 28, 1961.
[19] Sec. 24 of Rule 127 as amended by R.A. 636
[20] Senator V. J. Francisco; see explanatory note to Senate Bill No. 90.

ous litigants (who) in expectation of litigation, or having an actual case in court, retain the services of an attorney just to place him under the ethical obligations and deprive the adverse party of his services." [21]

1. Formal Petition Required

In the case of *Baquiran v. Court of Appeals*,[22] Maximo Bacquiran brought an action in the CFI of Ilocos Norte, for the recovery of real property. Decision was adverse. An appeal was made to the Court of Appeals but CFI refused to elevate the record on appeal on the ground that the appeal was filed out of time. A writ of mandamus was filed in the Court of Appeals which, however, was denied. An appeal by certiorari to the Supreme Court was finally interposed by appellant contending that the service of the CFI judgment to Atty. Ranada on July 25, 1957 had no force or effect because said attorney was no longer his counsel and he was represented by another counsel. But the court dismissed this contention and said that "When Atty. Ranada received the notice of the CFI judgment, this attorney was still the attorney of record of the appellant of the time. The withdrawal as counsel of a client in a case or the dismissal by the client of his counsel, must be made in a formal petition filed in the case."

B. Manifestations are Insufficient for Withdrawal or Dismissal

In the same case, it was contended that Atty. Ranada had stated in the motion for reconsideration that "since the appellant had engaged the services of another lawyer to handle his mandamus case in the Court of Appeals he honestly believed that he was relieved as counsel for appellant." It was also contended that appellant likewise stated in his motion for reconsideration of the resolution of the Court of Appeals that he condemned the conduct observed by Atty. Ranada and "has therefore separated himself from said counsel." But the Court stated that "such manifestations did not constitute withdrawal or dismissal of counsel as contemplated in the law."

## V. RIGHT TO COMPENSATION

A. Court's Authority to Fix Amount; Rule When Case is Settled Fully or Partially out of Court.

The compensation which an attorney may receive and recover for his services cannot be more than what is reasonable in each case, taking into consideration, among other things, the importance of

[21] *Ibid.*
[22] G.R. No. L-14661, promulgated July 31, 1961.

the subject matter of the controversy, the professional standing of the attorney, and the extent of the services rendered.[23] While a contract, if present, usually controls, still the same if excessive, unreasonable, or unconscionable, may be reduced by the courts, of which the attorney is an officer and to which he is, therefore, subject to control.[24] In such a case, it is not material that the action is between debtor and creditor, and not between client and counsel.

Thus in the case of *Santiago et al. v. Dimayuga et al.*,[25] it was ruled that where a contract does not expressly provide that a fixed amount by way of attorney's fees shall be paid by defendant in case of collection *even if the same is subsequently settled by compromise,* it is just and fair to reduce the amount of counsel fee, in the court's exercise of its discretionary power, where the case is partially settled out of court. The case involved an action on five promissory notes executed for the payment of automobiles purchased by defendants from the plaintiff. The case was amicably settled, partially, then a stipulation of facts was entered into wherein defendant admitted his liability for costs of materials and repairs of the automobiles as well as his liability for accrued interests. Before the commencement of the action, defendant had already made several installment payments on the five promissory notes subject of the action. Taking into account these circumstances, the lower court reduced the amount of attorney's fees stipulated in the promissory notes, which is 33⅓% of the principal obligation, to only 30% thereof. On appeal, the Supreme Court affirmed this action of the lower court as justified.

## VI. Disciplinary Actions

In the year 1961, our Supreme Court, as in previous years, continued to be a firm disciplinarian to members of the law profession. For conduct unbecoming of members of Bar, it meted out the various penalties of disbarment, suspension, and censure, according to the gravity of the act committed.

### A. Nature of disbarment proceedings; inapplicability of the defense of double jeopardy.

In *De Jesus-Paras v. Vailoces* [26] respondent Quinciano Vailoces, in his capacity as notary public, acknowledged the execution of a document purporting to be the last will and testament of one Tarcela Visitacion de Jesus. The instrument was later found to be forged and respondent was convicted of the crime of falsification of public

[23] Section 22, Rule 127, Rules of Court.
[24] Bachrach v. Golingco, 39 Phil. 138 (1918); Sison v. Suntay, G.R. No. L-10000, December 30, 1959.
[25] G.R. No. L-17883, December 30, 1961.
[26] Adm. Case No. 439, prom. April 12, 1961.

document. Subsequently, the offended party instituted disbarment proceedings. One of the respondent's contentions was that his disbarment would place him in double jeopardy. The Supreme Court rejected this defense as untenable. Such defense, it said, can only be availed of when the accused is in the predicament of being prosecuted for the same offense or frustration thereof, or for any offense necessarily included therein within the meaning of the law on criminal procedure.[27] Such is not the case with petitioner. The disbarment of an attorney does not partake of a criminal proceeding. Rather, it is intended "to protect the court and the public from the misconduct of officers of the court." [28]

B. Falsification of public document a crime involving moral turpitude

Another defense of the respondent in the *De Jesus-Paras v. Vailoces case* [29] was that the crime of which he was convicted does not involve moral turpitude. It will be remembered in this connection that, under Section 25, Rule 127 of the Rules of Court, one of the grounds for which a member of the bar may be removed or suspended from his office as attorney is that he has been convicted of a crime involving moral turpitude. The Court, in dismissing this position of the respondent, restated the definition of moral turpitude enunciated in the case of *In re Basa* [30] that it "includes any act deemed contrary to justice, honesty or good morals." It then proceeded to state that the crime of falsification of public document is indeed of this nature, for the act is clearly contrary to justice, honesty and good morals. The crime, therefore, involves moral turpitude. Having been found guilty and convicted of a crime involving moral turpitude, respondent rendered himself amenable to disbarment under the aforementioned rule of the Rules of Court. Respondent was ordered removed from the role of attorneys.

C. Gross misconduct as ground for disbarment: Ratifying affidavit in the absence of affiant does not constitute gross misconduct; censurable, however.

Another ground for the disbarment or suspension of attorneys under Section 25 of Rule 127 is gross misconduct in office. In *National Bureau of Investigation v. Morada,*[31] this ground was availed of to disbar Atty. Minerva L. Morada. It appears that respondent was employed in the office of the construction firm P. V. Agana and Associates. This firm entered into a contract with the Bureau of

[27] See in particular Sec. 9, Rule 113, Rules of Court.
[28] The Court cited the case of *In Re Montague and Dominguez*, 8 Phil. 77.
[29] De Jesus-Paras v. Vailoces, *supra*.
[30] 41 Phil. 275.
[31] Adm. Case No. 321, prom. July 31, 1961.

Public Highways for the construction of a road under the terms of which said Bureau was to furnish the contractor 15,300 bags of cement free of charge. A memorandum was issued by the Department Secretary providing that before any cement is released, the contractors should file an affidavit stating that the cement would be used exclusively for the construction of the road. Before P. V. Agana left Manila for Bacolod City, he informed respondent that if the Bureau required the submission of such affidavit for the further release of cement while he was in Bacolod City, he would send her by mail the required affidavit duly signed for her to ratify and submit to the Bureau. While Agana was in Bacolod, he sent respondent two affidavits signed by him, one asking for the release of 8,640 bags of cement and another in blank. Upon receipt thereof, respondent ratified the affidavit and presented the same to the Bureau. Respondent, however, was required to submit another affidavit to cover previous and future releases. In view of this suggestion, respondent filled the blanks in the second affidavit sent by Agana, ratified the same and submitted it to the Bureau. Before the Bureau could act thereon, agents of the NBI discovered the document and took possession thereof. Hence the disbarment proceedings for gross misconduct. The Supreme Court held:

> While respondent acted without malice in submitting the affidavit to the Bureau of Public Highways, and her only misdeed is that she ratified said affidavit in the absence of the affiant, *which act is not so serious as to constitute a gross misconduct that would warrant her disbarment under Section 25, Rule 127 of the Rules of Court, nevertheless, the practice of administering the oath in an affidavit in the absence of the affiant is censurable in a notary public.* Consequently, respondent is hereby admonished to be henceforth more careful in the performance of her duties as notary public and as member of the Bar, with the warning that a repetition of similar acts will be dealt with more drastically.

### D. Rule When Immoral Acts are Committed Not for Monetary Consideration But Only Out of Pure Generosity.

In *Acuña v. Dunca et al.*,[32] respondent Timoteo David was the employer of Adoracion Acuña who fell in love with Alfonso Eugenio, a married man but who was willing to marry her provided she subscribed to a written statement professing her knowledge of his marital status. So Adoracion sought the help of her employer to prepare the requested statement. Respondent David at first refused, explaining to her that such an affidavit would be immoral and illegal. Because however of Adoracion's pleas, respondent David finally drafted the affidavit which was notarized by respondent

[32] Adm. Case No. 138, promulgated, May 31, 1961.

Dunca. Complainant herein, father of Adoracion, instituted the present proceeding to disbar the respondents.

The court held that the affidavit is immoral. Respondents' only explanation is that they did not have the courage to deny help to Adoracion. Respondents, therefore, have committed disgraceful acts which constitute gross misconduct in office and a violation of their oath of office as attorneys, for which they may be disciplined by the Courts. However, having committed the immoral acts not for monetary consideration but only out of pure generosity, respondents are entitled to a lenient treatment. They are hereby severely censured, with admonition that a repetition of the same or similar acts in the future will be dealt with more severely.

### E. Contempt of Court as Constituting Violation of Lawyer's Oath of Office

In the *Matter of Attorney Filoteo Dranala Jr.*,[33] said attorney when required to explain why disciplinary action should not be taken against him for failing to file the appellant's brief wthin the 30-day period despite extensions granted to him, stated that he could not get in touch with appellant or his relatives. The Court did not consider the explanation satisfactory and by resolution imposed upon him a fine of ₱50.00 which amount he failed to pay within the period allowed him and so he was warned that if he did not pay said fine within 10 days from notice he would be ordered arrested and confined in jail. This warning not having been heeded, the Court gave him 10 days from notice to explain why he should not be suspended from the practice of law. He received notice of this resolution but he did not even care to explain his behavior.

The Court held: "Respondent's behavior shows his contumacity and unwillingness to comply with the lawful orders of this Court of which he is an officer or to conduct himself as a lawyer should, in violation of his oath of office. Wherefore, he is hereby suspended from the practice of law for a period of three months."

## PART II. JUDICIAL ETHICS

Who is fit to be a judge? Rufus Choate before the Massachusetts Constitutional Convention, says "One who knows nothing about the parties, everything about the case, who shall do everything for justice, nothing for himself."

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[33] Promulgated January 28, 1961.

## Disqualification of Judges

Section 1 of Rule 126 provides:

> No judge or judicial officer shall sit in any case in which he, or his wife or child is pecuniarily interested as heir, legatee, creditor or otherwise, or in which he is related to either party within the sixth degree of consanguinity or affinity, computed according to the rules of Civil law, or in which he has been executor, administrator, guardian, trustee or counsel, or in which he has presided in any inferior court when his ruling or decision is the subject of review, without the written consent of all the parties in interest, signed by them and entered upon the record.

In the case of *Gutierrez v. Santos et al.*,[34] a petition for prohibition was filed in the CFI of Pampanga to prevent the Secretary of Public Works and Communications from hearing an adminstrative case concerning the removal of obstructions across navigable waters and communal fishing ground. Rogelio de la Rosa filed a motion to disqualify the Judge from trying the case on the ground that previously he had acted as counsel for fishpond owners, like the petitioner, in an administrative investigation involving the same or at least similar issues and properties. After due hearing on the matter the respondent judge issued an order disqualifying himself. Petitioner brought mandamus and contended that the case does not fall under any one of the grounds mentioned in Sec. 1 Rule 126. Rejecting this contention, the Court stated that "Assuming arguendo that the case of respondent judge does not fall under any one of the grounds stated in the Rules, "the true intention or real ground for the disqualification of a judge—which is the impossibility of rendering an impartial judgment upon the matter before him—cannot be disregarded."

> Due process of law requires a hearing before an impartial and disinterested tribunal, and that every litigant is entitled to nothing less than the cold neutrality of an impartial judge. Moreover, second only to the duty of rendering a just decision, is the duty of doing it in a manner that will not arouse suspicion as to its fairness as well as to the integrity of the judge. Consequently, we take it to be the true intention of the law that no judge shall preside in a case in which he is not wholly free, disinterested, impartial and independent. . . . In the present case, respondent judge himself has candidly stated that the opinion expressed by him in a letter dated June 1, 1948 addressed by him as counsel for Manuel Borja and others to the then Secretary of Interior "might, some way or another, influence his decision in the case at bar." The fear he thus expressed does not appear to be capricious and whim-

[34] G.R. No. L-15824, promulgated May 30, 1961.

> sical, he having reiterated in his order denying petitioner's motion for reconsideration that in the aforesaid letter he informed the Secretary of Interior that rivers subject of the present petition were among those that he considered private in nature.[35]

It is to be observed that this case seems to be at variance with the ruling in prior cases including *Govt. v. Heirs of Abella* [36] where the Court held: "Mere participation of a judge in prior proceedings relating to the subject in the capacity of an administrative officer does not necessarily disqualify him from acting as a judge," which ruling was reiterated in the 1960 case of *Liddell & Co. v. Collector of Internal Revenue.*[37]

It is to be noted however that in the case of *Liddell & Co. v. Collector of Internal Revenue,* Judge Umali of the Court of Tax Appeal refused to disqualify himself and stated that he had not in any way participated, nor expressed any definite opinion, on any question raised by the parties when this case was presented for resolution before the Bureau. Furthermore, after careful examination of the records, he had not found any indication that he had expressed any opinion or made any decision that would tend to disqualify him from participating in the consideration of the said case in the Tax Court. This led the Court, speaking thru Associate now Chief Justice Bengzon, to say: "At this juncture, it is well to consider that petitioner did not question the truth of Judge Umali's statements. In view thereof, this tribunal is not inclined to disqualify said judge."

There is thus no conflict. Doubt as to any apparent conflict can be resolved thus: It is not questioned that a judge can be compelled by mandamus to disqualify himself on any one of the grounds mentioned in sec. 1 of Rule 126. But if the judge is in doubt or entertains an honest fear or feels in his conscience that he cannot decide the case impartially, freely and disinterestedly, and chooses to disqualify himself, his discretion in so deciding to disqualify himself will be respected and he cannot be compelled by mandamus to disqualify himself *unless* the exercise of his discretion is patently whimsical and capricious.[38]

As a conclusion, it is worthwhile to quote Wilkin in his work *The Spirit of the Legal Profession* [39] when he said:

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[35] Gutierrez v. Santos *et al., loc. cit.*
[36] 49 Phil. 374.
[37] G.R. No. L-9687, promulgated June 30, 1960.
[38] See Gutierrez v. Santos, *supra;* also Liddel & Co. v. Collector, *supra.*
[39] Quoted in Sutton Jr., J. F., *Guidelines to Professional Responsibility,* 39 *Texas Law Review,* 39, April, 1961.

> Humanity has a constant need for a secondary system of laws; a code of decorum and taste which cannot be crystallized into legislation or enforced by judicial decree. The observance of such code is voluntary. It is inculcated by example. It is binding only upon those who feel it. But it is an essential element in social evolution.[40]

[40] *Ibid.*