**Pakistan’s hoodlum lawyers: they finally showed their colors! (Part-II)**

[Syed Shahabuddin](https://dailytimes.com.pk/writer/syed-shahabuddin/" \o "More Articles by Syed Shahabuddin)

January 11, 2020

A lawyer’s conduct should conform to the requirements of the law, both in professional service to clients and in the lawyer’s business and personal affairs. A lawyer should use the law’s procedures only for legitimate purposes and not harass or intimidate others. A lawyer should demonstrate respect for the legal system and for those who serve it, including judges, other lawyers, and public officials. While it is a lawyer’s duty, when necessary, to challenge the integrity of official action, a lawyer also has to uphold the legal process.

As a member of a learned profession, a lawyer should cultivate knowledge of the law beyond its use for clients, employ that knowledge in reform of the law, and work to strengthen legal education. Also, a lawyer should further the public’s understanding of and confidence in the rule of law and the justice system because legal institutions in a constitutional democracy depend on popular participation and support to maintain their authority. A lawyer should be mindful of the deficiencies in the administration of justice and of the fact that the poor, and sometimes persons who are not poor, cannot afford adequate legal assistance. Therefore, all lawyers should devote professional time and resources and use civic influence to ensure equal access to our system of justice for all those who cannot afford or secure adequate legal counsel because of economic or social barriers.

Many of a lawyer’s professional responsibilities are prescribed in the Rules of Professional Conduct, as well as substantive and procedural law. However, a lawyer is also guided by personal conscience and the approbation of professional peers. A lawyer should strive to attain the highest level of skill, to improve the law and the legal profession and to exemplify the legal profession’s ideals of public service.

The legal profession is mostly self-governing. Although other professions also have been granted powers of self-government, the legal profession is unique in this respect because of the close relationship between the profession and the processes of government and law enforcement. This connection is manifested in the fact that ultimate authority over the legal profession is mainly vested in the courts.

The legal profession’s relative autonomy carries with it special responsibilities of self-government. The profession has a duty to assure that its regulations are conceived in the public interest and not in furtherance of parochial or self-interested concerns of the bar. Every lawyer is responsible for observance of the Rules of Professional Conduct. A lawyer should also aid in securing their compliance with other lawyers. Neglect of these responsibilities compromises the independence of the profession and the public interest, which it serves is unprofessional.

Lawyers play a vital role in the preservation of society. The fulfillment of this role requires an understanding by lawyers of their relationship to our legal system. The Rules of Professional Conduct, when properly applied, serve to define that relationship.

Compliance with the Rules, as with all laws in an open society, depends primarily upon understanding and voluntary compliance, secondarily upon reinforcement by peer and public opinion and finally, when necessary, upon enforcement through disciplinary proceedings. The Rules do not, however, exhaust the moral and ethical considerations that should inform a lawyer for legal rules that can completely define no worthwhile human activity. The Rules provide a framework for the ethical practice of law.

The Rules presuppose that whether discipline should be imposed for a violation and the severity of a sanction depend on all the circumstances, such as the willfulness and seriousness of the violation, extenuating factors, and whether there have been previous violations

Failure to comply with an obligation or prohibition imposed by a Rule is a basis for invoking the disciplinary process. The Rules presuppose that disciplinary assessment of a lawyer’s conduct will be made based on the facts and circumstances as they existed at the time of the conduct in question and in recognition of the fact that a lawyer often has to act with uncertain or incomplete evidence of the situation. Moreover, the Rules presuppose that whether discipline should be imposed for a violation and the severity of a sanction depend on all the circumstances, such as the willfulness and seriousness of the violation, extenuating factors, and whether there have been previous violations.

Careeradvisor.asia suggests an existing code of ethics for lawyers. It indicates that lawyers are bound to abide by a set of rules by an oath they take at the beginning of their legal profession. The International Principles on Conduct for the Legal Profession published by the International Bar Association (IBA) apply to all practicing lawyers across the globe and provides lawyers with a framework to carry out their professional duties in a manner consistent with upholding the dignity and respect of the profession concerning their clients, fostering a climate of understanding about the national and international rules that govern the conduct of lawyers will promote the ideals and integrity of the legal profession worldwide. Among the matters that are covered by the IBA’s International Principles include a lawyer’s conduct concerning his client and other individuals or figures of authority that he comes into contact within the course of his profession; the function of a lawyer as protector of the rights of citizens and legal entities; the importance of considering the requirements of professional and general culture during his public and private appearances, submissions, speeches, and other official acts, and the need to gain and maintain the trust of his client, the judiciary, and other bodies. These principles must be a part of each lawyer’s own conscience and belief.

Pakistani lawyers may have weak bar associations or no association; the international codes still require them to follow the codes prescribed by the IBA and the United Nations guidelines to behave professionally in their behavior relating to their clients and conducting their role professionally. Unfortunately, unprofessional, illegal attacks on the medical facility show that they do not belong in any profession and, specifically, in the legal profession-the question then should be asked: What can be done about this type of behavior? The answer is nothing. In Pakistan, everyone thinks he/she is a king/queen; they can do whatever they want without any consequences and gets away with it. My claim is supported by the fact that as of today, no action has been taken against those hoodlum attorneys and are allowed to practice law even though they have violated codes of conduct and the law.

*The writer is PhD. (USA) and Professor Emeritius (USA)*