

## STATUTORY LAW imposing a LEGAL duty;

Texas Government Code; Sec. 82.037. Oath of Attorney

a. Each person admitted to practice law shall, before receiving a license, take an oath that the person will:

1. support the constitutions of the United States and this state;

## The Texas Lawyer's Creed: A Mandate For Professionalism

Promulgated by The Supreme Court of Texas and The Court of Criminal Appeals

I am a lawyer. **I am entrusted by the People of Texas to preserve and improve our legal system.** I am licensed by the Supreme Court of Texas. I must therefore abide by the Texas Disciplinary Rules of Professional Conduct, but I know that Professionalism requires more than merely avoiding the violation of laws and rules. I am committed to this Creed for no other reason than it is right.

### II. Lawyer To Client

1. I will endeavor to achieve my client's lawful objectives in legal transactions and in litigation as quickly and economically as possible.
7. I will advise my client that we will not pursue conduct which is intended primarily to harass or drain the financial resources of the opposing party.
8. I will advise my client that we will not pursue tactics which are intended primarily for delay.
9. I will advise my client that we will not pursue any course of action which is without merit.
11. I will advise my client regarding the availability of mediation, arbitration, and other alternative methods of resolving and settling disputes.

### III. Lawyer to Lawyer

I will readily stipulate to undisputed facts in order to avoid needless costs or inconvenience for any party.

### IV. Lawyer And Judge

Lawyers and judges owe each other respect, diligence, candor, punctuality, and protection against unjust and improper criticism and attack. **Lawyers** and judges are equally **responsible to protect the dignity and independence of the Court** and the profession.

1. I will always recognize that the position of judge is the symbol of both the judicial system and administration of justice. I will refrain from conduct that degrades this symbol.
  2. I will conduct myself in Court in a professional manner and demonstrate my respect for the Court and the law.
  3. I will treat counsel, opposing parties, the Court, and members of the Court staff with courtesy and civility.
  4. I will be punctual.
  5. I will not engage in any conduct which offends the dignity and decorum of proceedings.
  6. I will not knowingly misrepresent, mischaracterize, misquote or miscite facts or authorities to gain an advantage.
  7. I will respect the rulings of the Court.
- 

## **Texas Disciplinary Rules of Professional Conduct:**

### **III. ADVOCATE**

#### **Rule 3.01 Meritorious Claims and Contentions**

A lawyer **shall not** bring or **defend** a proceeding, **or assert or controvert an issue therein,** **unless the lawyer reasonably believes that there is a basis for doing so that is not frivolous.**

#### **Rule 3.02 Minimizing the Burdens and Delays of Litigation**

**In the course of litigation, a lawyer shall not take a position that unreasonably increases the costs or other burdens of the case or that unreasonably delays resolution of the matter.**

#### **Unreasonable Delay**

**3. Dilatory practices indulged in merely for the convenience of lawyers bring the administration of justice into disrepute and normally will be unreasonable within the meaning of this Rule**

#### **Rule 8.04 Misconduct**

**(a) A lawyer shall not:**

**(1) violate these rules, knowingly assist or induce another to do so, or do so through the acts of another, whether or not such violation occurred in the course of a client lawyer relationship;**

**(2) commit a serious crime or commit any other criminal act that reflects adversely on the lawyer's honesty, trustworthiness or fitness as a lawyer in other respects;**

**(3) engage in conduct involving dishonesty, fraud, deceit or misrepresentation;**

**(4) engage in conduct constituting obstruction of justice;**

**(12) violate any other laws of this state relating to the professional conduct of lawyers and to the practice of law.**

---

CHAPTER 39. ABUSE OF OFFICE, Texas Penal Code

§ 39.02. ABUSE OF OFFICIAL CAPACITY.

(a) A public servant commits an offense if, with intent to obtain a benefit **or with intent to harm** or defraud another, he intentionally or knowingly:

(1) **violates a law relating to the public servant's office** or employment; [includes Texas Disciplinary Rules of Professional Conduct – Attorneys as Professionals / Court Officers] or

(2) misuses government property, services, personnel, or any other thing of value belonging to the government that has come into the public servant's custody or possession by virtue of the public servant's office or employment.

(b) An offense under Subsection (a)(1) is a Class A misdemeanor.

(c) An offense under Subsection (a)(2) is:

(1) a Class C misdemeanor if the value of the use of the thing misused is less than \$20;

(2) a Class B misdemeanor if the value of the use of the thing misused is \$20 or more but less than \$500 ;

(3) a Class A misdemeanor if the value of the use of the thing misused is \$500 or more but less than \$1,500;

(4) a state jail felony if the value of the use of the thing misused is \$1,500 or more but less than \$20,000;

(5) a felony of the third degree if the value of the use of the thing misused is \$20,000 or more but less than \$100,000;

(6) a felony of the second degree if the value of the use of the thing misused is \$100,000 or more but less than \$200,000; or

(7) a felony of the first degree if the value of the use of the thing misused is \$200,000 or more.

§ 39.03. OFFICIAL OPPRESSION.

(a) A public servant acting under color of his office or employment commits an offense if he:

(1) intentionally subjects another to mistreatment or to arrest, detention, search, seizure, dispossession, assessment, or lien that he knows is unlawful;

(2) intentionally denies **or impedes** another in the exercise or **enjoyment of any right,** privilege, power, or immunity, knowing his conduct is unlawful; or

(b) For purposes of this section, a public servant acts under color of his office or employment if he acts or purports to act in an official capacity **or takes advantage of such actual or purported capacity.**

[“Color” includes using the title “Attorney” as all Attorneys are “Public Servants” / an “Office” (professional) by Oath, §82.037 Tex. Gov. Code, as well as by using title of employment by our Government of Texas. An Attorney “knows” what is unlawful. As one educated in the Law they cannot claim mistake of law / ignorance of the law. Claim of not “knowing” is admission of incompetence, disqualification of license to practice]

(d) An offense under this section is a Class A misdemeanor.

---

## SUBCHAPTER A. COMPLICITY

### § 7.01. PARTIES TO OFFENSES.

(a) A person is criminally responsible as a party to an offense if the offense is committed by his own conduct, by the conduct of another for which he is criminally responsible, or by both.

**(b) Each party to an offense may be charged with commission of the offense.**

(c) All traditional distinctions between accomplices and principals are abolished by this section, and each party to an offense may be charged and convicted without alleging that he acted as a principal or accomplice.

Acts 1973, 63rd Leg., p. 883, ch. 399, § 1, eff. Jan. 1, 1974.

Amended by Acts 1993, 73rd Leg., ch. 900, § 1.01, eff. Sept. 1, 1994.

### § 7.02. CRIMINAL RESPONSIBILITY FOR CONDUCT OF ANOTHER.

(a) A person is criminally responsible for an offense committed by the conduct of another if:

(1) acting with the kind of culpability required for the offense, he causes or aids an innocent or nonresponsible person to engage in conduct prohibited by the definition of the offense;

(2) acting with intent to promote or assist the commission of the offense, he solicits, encourages, directs, aids, or attempts to aid the other person to commit the offense; **or**

**(3) having a legal duty to prevent commission of the offense and acting with intent to promote or assist its commission, he fails to make a reasonable effort to prevent commission of the offense.**

(b) If, in the attempt to carry out a conspiracy to commit one felony, another felony is committed by one of the conspirators, all conspirators are guilty of the felony actually committed, though having no intent to commit it, if the offense was committed in furtherance of the unlawful purpose and was one that should have been anticipated as a result of the carrying out of the conspiracy.

---

## Sec. 82.037. Oath of Attorney

- a. Each person admitted to practice law shall, before receiving a license, take an oath that the person will:
  1. **support the constitutions of the United States and this state;**
  2. honestly demean himself in the practice of law; and
  3. discharge the attorney's duty to his client to the best of the attorney's ability.

The oath shall be endorsed on the license, subscribed by the person taking the oath, and attested by the officer administering the oath.

The ORDER of the Court  
On entry of Judgment titled The Texas Lawyers Creed

## **ORDER OF THE SUPREME COURT OF TEXAS AND THE COURT OF CRIMINAL APPEALS**

The conduct of a lawyer should be characterized at all times by honesty, candor, and fairness. In fulfilling his or her primary duty to a client, a lawyer must be ever mindful of the profession's broader duty to the legal system.

The Supreme Court of Texas and the Court of Criminal Appeals are committed to eliminating a practice in our State by a minority of lawyers of abusive tactics which have surfaced in many parts of our country. We believe such tactics are a disservice to our citizens, harmful to clients, and demeaning to our profession.

The abusive tactics range from lack of civility to outright hostility and obstructionism. Such behavior does not serve justice but tends to delay and often deny justice. The lawyers who use abusive tactics instead of being part of the solution have become part of the problem.

The desire for respect and confidence by lawyers from the public should provide the members of our profession with the necessary incentive to attain the highest degree of ethical and professional conduct. These rules are primarily aspirational. **Compliance with the rules depends primarily upon understanding and voluntary compliance, secondarily upon re-enforcement by peer pressure and public opinion, and finally when necessary by enforcement by the courts through their inherent powers and rules already in existence.**

These standards are not a set of rules that lawyers can use and abuse to incite ancillary litigation or arguments over whether or not they have been observed.

We must always be mindful that the practice of law is a profession. As members of a learned art we pursue a common calling in the spirit of public service. We have a proud tradition. Throughout the history of our nation, the members of our citizenry have looked to the ranks of our profession for leadership and guidance. Let us now as a profession each rededicate ourselves to practice law so we can restore public confidence in our profession, faithfully serve our clients, and fulfill our responsibility to the legal system.

The Supreme Court of Texas and the Court of Criminal Appeals hereby promulgate and adopt **"The Texas Lawyer's Creed - A Mandate for Professionalism"** as attached hereto and made a part hereof.

*In Chambers, this 7th day of November, 1989.*

**The Supreme Court of Texas**

Thomas. R. Phillips, Chief Justice

Franklin S. Spears  
C. L. Ray  
Raul A. Gonzales  
Oscar H. Mauzy  
Eugene A. Cook  
Jack Hightower  
Nathan L. Hecht  
Lloyd A. Doggett  
Justices

### **The Court of Criminal Appeals**

Michael J. McCormick, Presiding Judge  
W. C. Davis  
Same Houston Clinton  
Marvin O. Teague  
Chuck Miller  
Charles F. (Chuck) Campbell  
Bill White  
M. P. Duncan, III  
David A. Berchermann, Jr

---

as received Sunday, 22 April 2007 from,  
[Ed H,](#)  
[Executive Director](#)  
[INFORMED CITIZENS](#)  
[Houston, Texas 77055](#)

[ed44@sbcglobal.net](mailto:ed44@sbcglobal.net)

Found on: <http://www.freedom-school.com/>