

Human Rights and Lawyer’s Oaths

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ABSTRACT

Each lawyer in the United States must take an oath to be licensed to practice law. The first time a lawyer takes this oath is usually a momentous occasion in their career, marked by ceremony and celebration. Yet, many lawyer’s oaths today are unremarkable and irrelevant to modern law practice at best, and at worst, inappropriate, discriminatory, and obsolete. Drawing on a fifty-state survey of lawyer’s oaths in the United States, this Article argues that it is past time to update lawyer’s oaths in the United States and suggests drawing on human rights to make lawyer’s oaths more accessible and impactful.

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“Updating the lawyer’s oath is good for lawyers.”¹

INTRODUCTION

A lawyer’s oath is a formal promise to observe the ethical and other obligations of the legal profession.² Each lawyer in the United States must swear or affirm a lawyer’s oath to be admitted to practice law.³ The lawyer’s oath was, at one time, the principal source for ethical regulation of lawyers.⁴ However, today, lawyer’s oaths are only sometimes subject to enforcement.⁵ In many states, taking a lawyer’s oath is merely a rite of passage, part of the ceremony marking the transition to licensed attorney.⁶

The language used in lawyer’s oaths varies greatly from state to state. Nearly all, but not all, lawyer’s oaths include a pledge to uphold the U.S. Constitution, as well as a pledge to uphold the applicable state constitution.⁷ Only fourteen lawyer’s oaths reference the rules of professional conduct.⁸ A handful of lawyer’s

1. Press Release, W. Va. Sup. Ct. App., Supreme Court Announces Addition of Civility Pledge to the Lawyer’s Oath (May 17, 2021), http://www.courtswwv.gov/public-resources/press/releases/2021-releases/may17b_21.pdf [<https://perma.cc/U8WN-C4ZC>] (quoting Justice Beth Walker).

2. See GEOFFREY HAZARD & ANGELO DONDI, LEGAL ETHICS: A COMPARATIVE STUDY 60 (2004). The terms “lawyer’s oath of office,” “oath of attorney,” and “oath of admission” are used interchangeably by different states to describe the sworn or affirmed statement that a lawyer says upon admission to the bar of each state. See Carol Rice Andrews, *The Lawyer’s Oath: Both Ancient and Modern*, 22 GEO. J. LEGAL ETHICS 3, 4 (2009). For consistency purposes, this article refers to these type of oaths as “lawyer’s oaths.”

3. See Andrews, *supra* note 2, at 5.

4. HAZARD & DONDI, *supra* note 2, at 60; Andrews, *supra* note 2, at 50.

5. Twenty-eight states and Washington, D.C. discipline for violation the lawyer’s oath. See *infra* App. A: Lawyer’s Oaths Chart (Fifty states and Washington, D.C.). The American Bar Association’s Center for Professional Responsibility has compiled a list of state-based professional responsibility resources, including links to state rules of professional responsibility, ethics opinions, and more. *Additional Legal Ethics and Professional Responsibility Resources*, CTR. FOR PRO. RESP., AM. BAR ASS’N, https://www.americanbar.org/groups/professional_responsibility/resources/links_of_interest/ [<https://perma.cc/5G8S-7UN9>] (last visited Mar. 3, 2023). The ABA list does not include links to the state lawyer’s oaths.

6. Devon Bombassei, *Child Abuse Disclosure by Lawyers: An “Agency-Capability” Approach*, 14 WASH. U. JURIS. REV. 1, 3, 16 (2021); Andrews, *supra* note 2, at 50 (“In whatever form, the oath continues to have some regulatory and ethical functions but not to the degree that it once had. It no longer serves as the primary statement of ethics standards for lawyers.”); HAZARD & DONDI, *supra* note 2, at 60.

7. The Connecticut, Maine, Massachusetts, and New Hampshire lawyer’s oaths do not include a pledge to uphold the U.S. Constitution, while all other state lawyer’s oaths, including the lawyer’s oath for the District of Columbia, do include such a pledge. See *infra* App. A; CONN. GEN. STAT. § 1-25 (2017); ME. STAT. tit. 4, § 806 (2023); MASS. GEN. LAWS ch. 221, § 38 (2022); N.H. REV. STAT. ANN. § 311:6 (2023); see also Mary Elizabeth Basile, *Loyalty Testing for Attorneys: When Is It Necessary and Who Should Decide?*, 30 CARDOZO L. REV. 1843, 1844 (2009) (discussing the history of pledges of allegiance in lawyer’s oaths and arguing that those pledges underscore that lawyers are agents of the state and federal governments).

8. Alaska, Arizona, Arkansas, Colorado, Georgia, Hawaii, Idaho, Missouri, Montana, Nevada, New Mexico, Ohio, Oregon, Utah, and Washington’s lawyer’s oaths all include a pledge to uphold the applicable state rules of professional conduct. See *infra* App. A; ALASKA BAR RULES R. 5 § 3 (ALASKA BAR ASS’N 2018); ARIZ. SUP. CT. RULES R. 41(b) (ARIZ. SUP. CT. 2023); ARK. RULES GOVERNING ADMISSION TO THE BAR R. 7 (G) (ARK. SUP. CT. 2017); *Oath of Admission*, COLO. SUP. CT. OFF. OF ATT’Y REGUL. COUNS., <https://coloradosupremecourt.com/Current%20Lawyers/Oath.asp> [<https://perma.cc/BH9T-8HQQ>] (last visited Mar. 3, 2023); GA. RULES GOVERNING ADMISSION TO THE PRAC. OF L. pt. B § 16 (GA. SUP. CT. 2022); HAW. SUP.

oaths are very similar, if not identical, to the oaths of office taken by public officials, such as legislators or clerks of court.⁹ Some oaths provide no ethical guidance whatsoever.¹⁰ While the language of several states' lawyer's oaths has been updated in the last decade,¹¹ many still contain archaic terms that have not been in common use for over a hundred years.¹² A few lawyer's oaths refer only to men;¹³ and no lawyer's oath in the United States refers to women,¹⁴ mentions anti-racism, or requires a pledge of non-discrimination.¹⁵

CT. RULES R. 1.5 (HAW. SUP. CT. 2023); IDAHO CODE § 3-201 (2022); MO. ANN. STAT. R. 8.15 (2023); MONT. CODE ANN. § 37-61-207 (2023); NEV. REV. STAT. Nev. Sup. Ct. Rules R. 73 (2023); N.M. RULES GOVERNING ADMISSION TO THE BAR. R. 15-304 (N.M. SUP. CT. 2010); OHIO REV. CODE ANN. Sup. Ct. Rules for the Gov't of the Bar R. I(9)(A) (West 2023); *Oath of Office for Admission to the Practice of Law in Oregon*, OR. STATE BAR, www.osbar.org/_docs/admissions/forms/OathCOVID.pdf [<https://perma.cc/G3ZY-9KBH>] (last visited Mar. 3, 2023); UTAH RULES OF PROF'L CONDUCT pmbl. [1] (2023); WASH. REV. CODE § 2.48.210 (2023). In addition, the Michigan lawyer's oath states, "I will in all other respects conduct myself personally and professionally in conformity with the high standards of conduct imposed on members of the bar as conditions for the privilege to practice law in this state." This is not a direct quotation to the "rules of professional conduct," but it seems to invoke them. See MICH. COMP. LAWS Rules Concerning the State Bar R. 15, § 3 (2023).

9. The Kentucky, New Jersey, North Dakota, and Tennessee's lawyer's oaths are identical to oaths taken by judges and other public officials in those states. See *infra* App. A; KY. CONST. § 228; N.J. STAT. ANN. § 41:1-2 (2022); N.D. CENT. CODE § 27-11-20 (2023); N.D. CONST. art. XI, § 4; TENN. SUP. CT. RULES R. 6, § 4 (TENN. SUP. CT. 2023). Illinois and Nebraska only require support for both the state and federal constitutions, as well as the faithful discharge of the duties of an attorney "to the best of my ability." See 705 ILL. COMP. STAT. ANN. 205/4 (2022); NEB. REV. STAT. Neb. Ct. Rules § 3-128 (2023).

10. This is true in Illinois, Maryland, Nebraska, New York, North Dakota, Tennessee, West Virginia, and Wyoming. See *infra* App. A; 705 ILL. COMP. STAT. ANN. 205/4; MD. CODE ANN., BUS. OCC. & PROF. § 10-212 (West 2022); NEB. REV. STAT. Neb. Ct. Rules § 3-128; N.Y. CONST. art. XIII, § 1; N.D. CONST. art. XI, § 4; TENN. SUP. CT. RULES R. 6, § 4; W. VA. CODE Rules for Admission to the Prac. of L. R. 7.0(c) (2022); WYO. STAT. ANN. Rules & Procs. Governing Admission to the Prac. of L. R. 504(a) (2023).

11. See, e.g., CAL. RULES OF CT. R. 9.7 (JUD. COUNCIL OF CAL. 2022); CAL. BUS. & PROF. CODE § 6067 (2021); *Attorney's Oath*, STATE BAR OF CAL. (2023), <https://www.calbar.ca.gov/Admissions/Examinations/California-Bar-Examination/Attorneys-Oath> [<https://perma.cc/BMC5-9MQ3>] (last visited Mar. 22, 2023); TENN. SUP. CT. RULES R. 6, § 4; W. VA. CODE Rules for Admission to the Prac. of L. R. 7.0.

12. See, e.g., KY. CONST. § 228.

13. The lawyer's oaths in Maine, Massachusetts, and Rhode Island require "delaying no man" or to "delay no man's cause." ME. STAT. tit. 4, § 806; MASS. GEN. LAWS ch. 221, § 38; R.I. GEN. LAWS Sup. Ct. Rules art. II, R. 8 (2023).

14. See *infra* App. A; Jared A. Picchi, *Massachusetts Attorney's Oath: History that Should Never Be Repeated*, 13 U. MASS. L. REV. 306, 306 (2018). Texas recently amended its lawyer's oath to take out gender-specific pronouns. See Angela Morris, *Practicing Lawyers Invited to Take New Oath with New Lawyers*, TEX. LAW. (Nov. 13, 2015), <https://www.law.com/texaslawyer/almID/1202742430575/> [<https://perma.cc/Q6UV-V4NH>] (providing a recent example of a state legislature purposefully removing gender-specific pronouns from its lawyer's oath).

15. No lawyer's oath in the United States currently mentions "discrimination" or even "equality." See *infra* App. A. This is surprising given the movement by state courts and bar associations to enact anti-discrimination rules. See also *State Court Statements on Racial Justice*, NAT'L CTR. FOR STATE CTS., <https://www.ncsc.org/newsroom/state-court-statements-on-racial-justice> [<https://perma.cc/JJ7V-9MKH>] (last visited Mar. 3, 2023); *Status of Antidiscrimination Rules in Each State*, NAT'L CONF. OF WOMEN'S BAR ASS'NS, <https://ncwba.org/resources/diversityrules/status-of-antidiscrimination-rules-in-each-state/> [<https://perma.cc/FUJ3-V363>] (last visited Mar. 3, 2023).

The history of lawyer's oaths has been examined by legal scholars; however, few have compared the language included in lawyer's oaths throughout the United States.¹⁶ In addition, there is little scholarship on the enforceability of lawyer's oaths for attorney disciplinary purposes, and the procedure by which lawyer's oaths are enacted and amended in each state. Given that state bars appear to be re-evaluating their standards for admission, as demonstrated by the widespread adoption of the Uniform Bar Exam,¹⁷ the time is ripe to reconsider the tradition of lawyer's oaths.

This Article argues that lawyer's oaths may be a tool for building a dignified, respectful, and inclusive legal profession. However, to make lawyer's oaths impactful and accessible, the unremarkable, irrelevant, inappropriate, discriminatory, and obsolete language in lawyer's oaths must be removed and replaced by ethical guidance and aspiration, which, as this Article suggests, may be drawn from human rights norms. The model oath language and practical guidance in this Article are meant to encourage and assist states in amending and updating their lawyer's oaths.

Part I of this Article discusses a variety of theories regarding the purpose, function, and value of the lawyer's oath, concluding that lawyer's oaths may be useful as a tool to build a dignified, respectful, and inclusive legal profession. Part II examines the checkered past of lawyer's oaths and compares the language used in various lawyer's oaths. Part III discusses how lawyer's oaths are enacted and amended, and whether lawyer's oaths are enforced for attorney disciplinary purposes. Part IV suggests drawing on human rights norms for amendments to make lawyer's oaths more accessible and impactful. Part V provides models for incorporating human rights norms into lawyer's oaths. This Article concludes that it is past time to update lawyer's oaths. When considering updates to lawyer's oaths, the focus should be on simple, direct, and modern language. In addition, ethical aspiration and guidance, which may be drawn from human rights norms, should also be included.

I. THE LAWYER'S OATH: A TOOL TO BUILD A DIGNIFIED, RESPECTFUL AND INCLUSIVE LEGAL PROFESSION

A central premise of this Article is that lawyer's oaths can be a tool to help build a dignified, respectful, and inclusive legal profession. Yet, there is a dearth of recent scholarship on lawyer's oaths and not much on oaths in general.¹⁸ With

16. See *infra* Part II.

17. See *Uniform Bar Exam*, NAT'L CONF. OF BAR EXAM'RS, <https://www.ncbex.org/exams/ube/> [https://perma.cc/8NSC-C7TT] (last visited Mar. 3, 2023).

18. See Andrews, *supra* note 2, at 57 ("For too long, the oaths have existed in the shadow of the modern rules of professional conduct."); MATTHEW A. PAULEY, I DO SOLEMNLY SWEAR: THE PRESIDENT'S CONSTITUTIONAL OATH: ITS MEANING AND IMPORTANCE IN THE HISTORY OF OATHS 4 (1999) ("[S]cholarly interest in the President's oath . . . has never been consistently great. And in recent years, such interest appears to have reached an all-time low."); HERBERT J. SCHLESINGER, PROMISES, OATHS, AND VOWS: ON THE

such an apparent lack of scholarly interest in the lawyer's oath, questions emerge as to the function, purpose, and value of the lawyer's oath today: why require lawyers to take an oath at all and what outcomes can be hoped for in administering a lawyer's oath?

The few scholars to have addressed oaths differ greatly in their theories justifying them.¹⁹ Some scholars focus on the function of oaths as promoting ethical guidance and moral aspiration.²⁰ Others have focused on the public nature of oath-taking and have argued that the public ceremony of the oath serves an important purpose, especially for lawyers as public citizens with duties towards the public good.²¹ In addition, arguments have been put forth focusing on the value of the lawyer's oath as a contract that binds the conscience of the lawyer, even when—or especially when—there are no real-world consequences for violating the oath.²² Scholars have also argued that the tradition of the oath promotes uniformity over time and place, connecting new lawyers to the centuries-old legal profession.²³ Lastly, I offer an additional argument: that lawyer's oaths can be an effective goal setting exercise for new attorneys. This Part will discuss each of these theories in turn.

A. OATHS CAN PROMOTE ETHICAL GUIDANCE AND MORAL ASPIRATION

Oaths often recite core values and ethical guidance.²⁴ For example, the oath of office of the President of the United States requires a pledge of faithful execution

PSYCHOLOGY OF PROMISING 4 (2008) (“[P]romise keeping . . . has been almost totally ignored as a focus of systematic study by psychologists.”); see also JONATHAN E. SOEHARNO, *THE VALUE OF THE OATH* (2020) (examining the value of oaths and oath-taking from ancient to modern times).

19. See Andrews, *supra* note 2, at 62.

20. See *id.* (“The oath can and should inspire lawyers as to both their essential ethical duties and their higher calling in their centuries-old profession.”); SOEHARNO, *supra* note 18, at 40–42 (focusing on desires for justice, credibility, and social cohesion as the value of an oath); Lauren E. Bartlett, *A Human Rights Code of Conduct: Ambitious Moral Aspiration for a Public Interest Law Office or Law Clinic*, 91 ST. JOHN'S L. REV. 559, 568 (2017).

21. See, e.g., Andrews, *supra* note 2, at 24; Irma S. Russell, *Introduction—21st Century Law, Technology, and Ethics: The Lawyer's Role as a Public Citizen*, 35 U. MEM. L. REV. 619, 621–23 (2005); see also SOEHARNO, *supra* note 18, at 42–44.

22. See, e.g., Eugene R. Milhizer, *So Help Me Allah: An Historical and Prudential Analysis of Oaths as Applied to the Current Controversy of the Bible and Quran in Oath Practices in America*, 70 OHIO ST. L.J. 1, 58–60 (2009); James S. Bowman & Jonathan P. West, *Oaths of Office in American States: Problems and Prospects*, 50 PUB. PERS. MGMT. 109, 111 (2021); see also PAULEY, *supra* note 18, at 28 (quoting JEREMY BENTHAM, *RATIONALE OF JUDICIAL EVIDENCE* (1827), as quoted and discussed in the entry on “Oath” in JOHN LALOR ET AL., *CYCLOPAEDIA OF POLITICAL ECONOMY, AND OF THE POLITICAL HISTORY OF THE UNITED STATES* (1884) (arguing oaths are irrelevant)); cf. THOMAS HOBBS, *LEVIATHAN*, Part I, Chapter XIV (G.A.J. Rogers & Karl Schuhmann eds., 2005) (“It appears also, that the Oath adds nothing to the Obligation. For a Covenant, if lawfull, binds in the sight of God, without the Oath, as much as with it: if unlawfull, bindeth not at all; though it be confirmed with an Oath.”); SOEHARNO, *supra* note 18, at 45 (“[T]he oath is not a surrogate for non-existent convictions, no requirement that can be sanctioned in and of itself and no magic bullet against misconduct.”).

23. See Andrews, *supra* note 2, at 62 (“The oath can and should inspire lawyers as to both their essential ethical duties and their higher calling in their centuries-old profession.”).

24. See SOEHARNO, *supra* note 18, at 40–41; see also, e.g., Andrews, *supra* note 2, at 8 (discussing the “Hippocratic Oath”).

of the office and a pledge to preserve, protect, and defend the Constitution.²⁵ Doctors taking the ancient Hippocratic Oath swear to abide by ethical principles such as confidentiality and to do no harm.²⁶ Lawyer's oaths also often, but not always, include ethical guidance as well. For example, the West Virginia lawyer's oath states, "I will conduct myself with integrity, dignity and civility,"²⁷ and the Wyoming lawyer's oath states, "I will faithfully and honestly and to the best of my ability discharge the duties of an Attorney and Counselor at Law."²⁸ Other lawyer's oaths include a pledge to uphold the rules of professional conduct.²⁹

Lawyer's oaths can also promote moral aspiration.³⁰ For example, some lawyer's oaths encourage lawyers to strive to "uphold the honor and to maintain the dignity of the profession,"³¹ and to "treat all persons whom I encounter through my practice of law with fairness, courtesy, respect and honesty."³² In those examples, newly admitted attorneys are provided with high-reaching goals to strive to achieve.

Moral aspiration is arguably more important for inclusion in lawyer's oaths than general ethical guidance because ethical guidance is already included in the rules of professional conduct in each state. All too often, the rules focus on what types of behavior are unacceptable, instead of describing what a lawyer should do.³³ In addition, a general lack of moral aspiration for the legal profession perpetuates unhappiness and health problems for attorneys.³⁴

25. U.S. CONST. art. II, § 1, cl. 8.

26. Andrews, *supra* note 2, at 8, 8 n.15 (citing CHARLES J. MCFADDEN, MEDICAL ETHICS 461–62 (6th ed. 1968)).

27. W. VA. CODE Rules for Admission to the Prac. of L. R. 7.0.

28. WYO. STAT. ANN. Rules & Procs. Governing Admission to the Prac. of L. R. 504(a) (internal quotations omitted).

29. The Connecticut, Maine, Massachusetts, New Hampshire, and Vermont's lawyer's oaths do not include a pledge to uphold the U.S. Constitution, while all other state lawyer's oaths, including the lawyer's oath for the District of Columbia, do include such a pledge. *See supra* note 8.

30. *See* Bartlett, *supra* note 20, at 565 (defining moral aspiration as ambitions for highly ethical behavior and quoting Bernard Williams, *Professional Morality and Its Dispositions*, in THE GOOD LAWYER: LAWYERS' ROLES AND LAWYERS' ETHICS 259–69 (David Luban ed., 1983)).

31. *In re* Rules for Admission to the Bar of Montana, AF 11-0244 (Montana Court Order effective Jan. 26, 2017) ("I will strive to uphold the honor and to maintain the dignity of the profession to improve not only the law but the administration of justice.").

32. COLO. SUP. CT. OFF. OF ATT'Y REGUL. COUNS., *supra* note 8 ("I will treat all persons whom I encounter through my practice of law with fairness, courtesy, respect and honesty.").

33. *See* Bartlett, *supra* note 20, at Part II.

34. Bartlett, *supra* note 20, at 566 ("The current lack of moral aspiration is undermining the legal profession, perpetuating unhappiness and health problems that unhappy attorneys face."); *see also* Lawrence S. Krieger & Kennon M. Sheldon, *What Makes Lawyers Happy?: A Data-Driven Prescription to Redefine Professional Success*, 83 GEO. WASH. L. REV. 554 (2015) (discussing the disproportionate number of unhappy people in the legal profession, as well as the reported high levels of emotional distress, dissatisfaction, and drug and alcohol addiction).

B. OATHS CAN EMPHASIZE THE LAWYER'S ROLE AS A PUBLIC CITIZEN WITH DUTIES TOWARDS THE PUBLIC GOOD

Oaths can also help emphasize the lawyer's role as a public citizen,³⁵ with a special responsibility for the quality of justice,³⁶ and with duties towards the public good.³⁷ For example, the Idaho lawyer's oath requires a pledge to "contribute time and resources to public service,"³⁸ and the Colorado lawyer's oath requires a pledge to "use my knowledge of the law for the betterment of society and the improvement of the legal system."³⁹ The Montana lawyer's oath requires a pledge "to uphold the honor and to maintain the dignity of the profession to improve not only the law but the administration of justice."⁴⁰ While some states contain language in the preamble to their rules of professional conduct regarding the lawyer as public citizen,⁴¹ this language is also worthy of emphasis in the lawyer's oath.

The public nature of oath-taking is important as well. Reciting the lawyer's oath in public, surrounded by colleagues, friends, and family, judges, current attorneys, and the general public, helps highlight the public obligations of lawyers.⁴² The public nature of taking the lawyer's oath emphasizes that the contents of the oath are not just relevant to the individual taking the oath—they pertain to the lawyer's community as well.⁴³ Public oath-taking communicates not only the values of the legal profession to the community,⁴⁴ but also the identity of the new entrants to the legal profession.

C. OATHS AS "CONTRACTS" THAT BIND THE LAWYER'S CONSCIENCE

The lawyer's oath is the main vehicle by which new lawyers promise to abide by ethical rules. In reciting the lawyer's oath, a new lawyer puts their integrity on the line by making "profound declaration[s] that 'bind[] the conscience.'"⁴⁵ A

35. See MODEL RULES OF PROF'L CONDUCT pmbl. (2018) [hereinafter MODEL RULES]; Irma S. Russell, *The Lawyer as Public Citizen: Meeting The Pro Bono Challenge*, 72 UMKC L. REV. 439, 446 (2003) (describing lawyers as public citizens whose special role in society is open to interpretation, but invokes an "affirmative commitment to the social goal of a just society"); Andrews, *supra* note 2, at 26; Picchi, *supra* note 14, at 308–09.

36. See MODEL RULES pmbl.

37. See Russell, *supra* note 35, at 446.

38. IDAHO BAR COMM'N RULES R. 220 (BD. OF COMM'RS OF THE IDAHO STATE BAR 2023).

39. COLO. SUP. CT. OFF. OF ATT'Y REGUL. COUNS., *supra* note 8.

40. *In re* Rules for Admission to the Bar of Montana, AF 11-0244 (Montana Court Order effective Jan. 26, 2017).

41. See DEL. LAWS.' RULES OF PROF'L CONDUCT pmbl. (2003).

42. See Andrews, *supra* note 2, at 55; SCHLESINGER, *supra* note 18, at 78, 188–98; Thaddeus Metz, *The Ethics of Swearing: The Implications of Moral Theories for Oath-Breaking in Economic Contexts*, 71 REV. SOC. ECON. 228, 244 (2013).

43. See Andrews, *supra* note 2, at 55; Metz, *supra* note 42, at 244; Richard S. Willen, *Rationalization of Anglo-Legal Culture: The Testimonial Oath*, 34 BRIT. J. SOC., 109, 123 (1983) (arguing that oath taking in public "may be regarded as a ritual expression which certifies the inner moral conscience of a witness"); SOEHARNO, *supra* note 18, at 42–44.

44. See SOEHARNO, *supra* note 18, at 42–44.

45. See Bowman & West, *supra* note 22, at 110–11.

core purpose or function of the lawyer's oath, therefore, is that the oath is a promise to oneself—a contract that binds the lawyer's conscience—to uphold the heavy obligations required by the legal profession.⁴⁶ The words contained in the oath can help bring to the surface the weight of the obligations and can even help bring a magical or spiritual feeling to the admission ceremony.⁴⁷ There are often no real-world consequences for violating an oath.⁴⁸ Therefore, the importance of taking the oath is that the lawyer's integrity is put on the line.⁴⁹

Some scholars have also emphasized a commonsense theory for oaths of “what doesn't get said, doesn't get heard”⁵⁰; this theory emphasizes the act of saying the words out loud—reciting promises being made upon entering the legal profession—and argues that is purpose enough for the lawyer's oath. When reciting the words of the lawyer's oath aloud, the lawyer hears their own promise, thereby binding their conscience.

D. LAWYER'S OATHS CAN PROMOTE UNIFORMITY IN THE LEGAL PROFESSION

Other scholars, including professors Carol Rice Andrews and Jonathan E. Soeharno, have suggested that lawyer's oaths may connect lawyers to age-old traditions.⁵¹ Andrews also argues that keeping traditional language in lawyer's oaths can function to promote uniformity and better connect lawyers to the legal profession.⁵²

However, the age of a tradition does not necessarily justify its continued use.⁵³ Often, calls for “uniformity” and “tradition” can reinforce racist, sexist, and classist systems and lead to the exclusion of people who have been historically marginalized.⁵⁴ This runs counter to the central premise of this Article, which envisions

46. See *id.* at 111, 132.

47. See, e.g., Andrews, *supra* note 2, at 6; SCHLESINGER, *supra* note 18, at 189–98; Helen Silving, *The Oath: I*, 68 YALE L.J. 1329, 1330 (1959) (discussing oaths taken in the courtroom).

48. See *infra* Part III.

49. See Bowman & West, *supra* note 22, at 112.

50. *Id.* at 113 (citing Scott Eblin, *What Doesn't Get Said, Doesn't Get Done*, GOV. EXEC. (Apr. 9, 2010), <https://cdn.govexec.com/b/interstitial.html?v=8.24.1&rf=https%3A%2F%2Fwww.govexec.com%2Fexcellence%2Fexecutive-coach%2F2010%2F04%2Fwhat-doesnt-get-saiddoesnt-get-heard%2F39776%2F> [https://perma.cc/3ZYN-VRH8]).

51. See, e.g., Andrews, *supra* note 2, at 60 (“[T]radition promotes uniformity over time and place and thereby better connects lawyers to their profession.”); SOEHARNO, *supra* note 18 (tracing the tradition of oath taking from the Ancient Assyrians to today, describing one motive of oath as cohesion for the oath-taking community, as well as the tradition of disciplining oath-takers who violate oaths).

52. Andrews, *supra* note 2, at 51–54, 60 (discussing examples of how an oath can be used to exclude specific persons from the legal profession and how oaths can promote uniformity in the legal profession).

53. See David Halpin, Sally Power & John Fitz, *In the Grip of the Past? Tradition, Traditionalism and Contemporary Schooling*, 7 INT'L STUD. SOCIO. EDUC. 3–20 (1997).

54. *Id.*; see Thomas Ross, *The Rhetorical Tapestry of Race: White Innocence and Black Abstraction*, 32 WM. & MARY L. REV. 1, 16 (1990) (“The ‘traditions’ were those of racism.”); Martin S. Flaherty, *Theories of Constitutional Self-Governance: The Better Angels of Self-Government*, 71 FORDHAM L. REV. 1773, 1783 (2003) (“[M]any traditions—racism, gender subordination—do not merit contemporary moral recognition no

a dignified, respectful, and inclusive legal profession. Promoting uniformity in a profession that has always been a good old (white) boys' club⁵⁵ undermines the work of many women and Black, Indigenous, and other lawyers of color, who have been trying to dismantle that view of the legal profession for decades now.⁵⁶ There is no need to connect to age-old traditions, when those traditions include the Jim Crow South,⁵⁷ or even the 1970s, when women were still prohibited from practicing law in some parts of the United States.⁵⁸

Building a dignified, respectful, and inclusive legal profession will require updating lawyer's oaths, continuously, to reflect the relevant values of the legal profession of the day.⁵⁹

E. LAWYER'S OATHS ARE AN EFFECTIVE GOAL SETTING EXERCISE

There is one additional theory to offer regarding the function or purpose of the lawyer's oath—a theory of goal setting. When a new lawyer recites the oath and promises “to treat all persons whom I encounter through my practice of law with fairness, courtesy, respect and honesty,” that lawyer is setting professional and ethical goals to be met throughout their legal career. Goal setting is an important part of strategic planning,⁶⁰ an integral lawyering skill that every attorney must

matter how deep their roots or enduring their existence. ‘Tradition,’ like ‘history,’ may provide important data, but such data requires self-conscious interpretation and evaluation, not blind obedience.”); Russell G. Pearce, Eli Wald & Swethaa S. Ballakrishnen, *Difference Blindness vs. Bias Awareness: Why Law Firms with the Best of Intentions Have Failed to Create Diverse Partnerships*, 83 FORDHAM L. REV. 2407, 2431 (2015).

55. See, e.g., Kimberly Jade Norwood, *Gender Bias as the Norm in the Legal Profession: It's Still a [White] Man's Game*, 62 WASH. U. J.L. & POL'Y 25 (2020); JEROLD S. AUERBACH, *UNEQUAL JUSTICE: LAWYERS AND SOCIAL CHANGE IN MODERN AMERICA* (1977) (arguing that the bar is elitist, racist, and self-interested); Pearce, Wald & Ballakrishnen, *supra* note 54.

56. See, e.g., COMM'N ON WOMEN IN THE PRO., AM. BAR ASS'N, *YOU CAN'T CHANGE WHAT YOU CAN'T SEE: INTERRUPTING RACIAL & GENDER BIAS* (2018), <https://www.americanbar.org/groups/diversity/women/publications/perspectives/2018/october-november/new-you-cant-change-what-you-cant-see-interrupting-racial-gender-bias-the-legal-profession/> [<https://perma.cc/M6WV-4ZJ8>]; Nicole Johnson, *Glass Ceiling or Concrete Wall? Removing the Barriers to Gender Equality in the Legal Field Through Statutory Remedies*, 32 GEO. MASON U. CIV. RTS. L.J. 35, 41 (2021) (discussing the implications of the increase in the number of women in the legal profession); Adjoa Artis Aiyetoro, *Can We Talk? How Triggers for Unconscious Racism Strengthen the Importance of Dialogue*, 22 NAT'L BLACK L.J. 1, 33–34 (2009) [hereinafter Aiyetoro, *Can We Talk?*] (discussing African descendant lawyers' work to end discrimination in the legal profession); Adjoa Artis Aiyetoro, *Truth Matters: A Call for the American Bar Association to Acknowledge Its Past and Make Reparations to African Descendants*, 18 GEO. MASON U. CIV. RTS. L.J. 51, 85–87 (2007) [hereinafter Aiyetoro, *Truth Matters*] (discussing Black lawyers fighting against ABA discrimination).

57. See, e.g., Aiyetoro, *Can We Talk?*, *supra* note 56; Aiyetoro, *Truth Matters*, *supra* note 56.

58. It was not until 1971 that the U.S. Supreme Court prohibited barring women from practicing law. See *Reed v. Reed*, 404 U.S. 71 (1971).

59. See SOEHARNO, *supra* note 18, at 43–44 (“[I]t is up to the entire oath community to continuously update the underlying values to the relevant requirements of the day. Making the oath credible is not only up to the banker, but to the bank. Not just to the lawyer, but also to the bar association.”).

60. See, e.g., Jaime Alison Lee, *From Socrates to Selfies: Legal Education and the Metacognitive Revolution*, 12 DREXEL L. REV. 227, 244 (2020).

master.⁶¹ The practice of goal setting requires one to reflect on the goal, to be open to new ideas and information, and to revise goals when appropriate.⁶² For example, when a new admittee to the bar recites the oath, they may contemplate what it means to respect all persons and how they plan to behave with clients, in and outside of court. In addition, when current members of the bar hear the oath recited by new admittees, they may consider their own goals and think about what changes they may want to undertake.⁶³ The lawyer's oath, therefore, can serve to reinforce the core lawyering skills of goal setting and strategic planning in addition to the other functions and purposes of oaths discussed above.

It is clear from this discussion of form and function that lawyer's oaths can be an important tool to promote professionalism and legal ethics. However, to be effective, many lawyer's oaths need significant overhauls and updates.

II. A BRIEF HISTORY OF LAWYER'S OATHS IN THE UNITED STATES

Legal scholars have chronicled detailed histories of lawyer's oaths, as well as the history of other oaths used in legal processes, ranging from the oath that witnesses take before testifying in court to the President's Oath of Office.⁶⁴ This Part provides a brief synopsis of the history of the language contained in lawyer's oaths, discussing the origins of common language and formats used, as well as recent amendments to lawyer's oaths in the United States. The checkered past of

61. Susan Swaim Daicoff, *Expanding the Lawyer's Toolkit of Skills and Competencies: Synthesizing Leadership, Professionalism, Emotional Intelligence, Conflict Resolution, and Comprehensive Law*, 52 SANTA CLARA L. REV. 795, 862–64 (2012) (naming the top competencies or traits of lawyers as: drive, honesty, integrity, understanding others, obtaining and keeping clients, counseling clients, negotiation, problem solving, and strategic planning); Maureen E. Laflin, *Toward the Making of Good Lawyers: How an Appellate Clinic Satisfies the Professional Objectives of the MacCrate Report*, 33 GONZ. L. REV. 1, 19 (1997–98) (quoting ROBERT MCCRATE, AM. BAR ASS'N, LEGAL EDUCATION AND PROFESSIONAL DEVELOPMENT—AN EDUCATIONAL CONTINUUM, REPORT OF THE TASK FORCE ON LAW SCHOOLS & THE PROFESSION: NARROWING THE GAP 266 (1992): “The MacCrate Report describes the skill of legal problem solving as follows: ‘[A] lawyer should be familiar with the skills and concepts involved in problem solving: identifying and diagnosing a problem, generating alternative solutions and strategies, developing a plan of action, implementing the plan, and keeping the planning process open to new information and ideas.’”); see also Shawn M. Glynn, Lori Price Aultman & Ashley M. Owens, *Motivation to Learn in General Education Programs*, 54 J. GEN. EDUC. 150, 158 (2005) (arguing that goal setting is key to motivation for learning). Clinical legal pedagogy has long recognized goal setting and planning as integral lawyering skills. See, e.g., Minna J. Kotkin, *Creating True Believers: Putting Macro Theory into Practice*, 5 CLIN. L. REV. 95, 97 (1995); Victor M. Goode, *There Is a Method(ology) to This Madness: A Review and Analysis of Feedback in the Clinical Process*, 53 OKLA. L. REV. 223 (2000). The ABA Standards and Rules of Procedure for Approval of Law Schools also now impose on law schools an explicit obligation to “establish and publish learning outcomes designed to achieve these objectives.” STANDARDS AND RULES OF PROCEDURE FOR APPROVAL OF LAW SCHOOLS, Objectives of Program of Legal Education, Standards 301, 302 (Am. Bar Ass’n 2021–22) [hereinafter ABA STANDARDS]. The learning outcomes must include both cognitive goals and skills objectives. Elizabeth Ford, *Toward a Clinical Pedagogy of Externship*, 22 CLIN. L. REV. 113, 118 (2015); see also ABA STANDARDS, *supra*, at Standard 302.

62. See Lee, *supra* note 60, at 244.

63. See, e.g., Andrews, *supra* note 2, at 55; SCHLESINGER, *supra* note 18, at 78, 189–98.

64. See, e.g., Andrews, *supra* note 2; PAULEY, *supra* note 18; Milhizer, *supra* note 22; Picchi, *supra* note 14; Bowman & West, *supra* note 22; Leonard S. Goodman, *The Historic Role of the Oath of Admission*, 11 AM. J. LEGAL HIST. 404, 407 (1967).

the legal profession in the United States, marked by discrimination on the basis of race, gender, class, and more,⁶⁵ shines through in the history of lawyer's oaths. Instead of connecting lawyers to age-old discriminatory practices, lawyer's oaths should transcend the past and be remade as accessible, impactful, and effective tools to promote professionalism and legal ethics.

A. COLONIAL LAWYER'S OATHS

Oaths are an ancient tradition and lawyer's oaths hark back to the founding of the legal profession.⁶⁶ In the 1700s, when lawyer's oaths were first introduced in the American colonies, taking an oath was a solemn, life-changing ritual.⁶⁷ Oaths were understood then to directly implicate the oath-taker's personal sense of honor.⁶⁸ Taking an oath and swearing in blood, in the name of a god, or on a grave, struck listeners with awe.⁶⁹ Many people believed nothing would be able to dissuade the oath-taker from carrying out their intentions.⁷⁰ Oaths were important enough that one of the first acts of the first Congress of the United States in 1789 was to pass a bill regarding the oath for office holders.⁷¹

Though today 37% of lawyers are women, and 14% are people of color,⁷² when many lawyer's oaths in the United States were first enacted in the 1700s, only upper-class white men were admitted to practice law.⁷³ Therefore, the state bar associations, court committees, and others that drafted and enacted the first lawyer's oaths in the United States in the 1700s were likely made up of only upper-class white men.⁷⁴

65. See, e.g., Picchi, *supra* note 14, at 309.

66. Andrews, *supra* note 2, at 6–7.

67. *Id.* at 25.

68. *Id.*

69. *Id.*; SCHLESINGER, *supra* note 18, at 22 (“To swear in such a way struck listeners with awe, for they believed nothing thenceforth would be able to dissuade the swearer from the execution of his intention. He had surrendered control over himself; his pledge would take precedence over all reason.”).

70. SCHLESINGER, *supra* note 18, at 22.

71. See *id.*

72. *Lawyers by Race and Ethnicity*, AM. BAR ASS'N (2020), https://www.americanbar.org/groups/young_lawyers/projects/men-of-color/lawyer-demographics/ [<https://perma.cc/5YLH-7NZL>].

73. See Cynthia Fuchs Epstein, *Positive Effects of the Multiple Negative: Explaining the Success of Black Professional Women*, 78 AM. J. SOCIO. 912, 918–21 (1973) (“Despite American Society’s myth and credo of equality and open mobility, the decision-making elites and elite professions have long remained clublike sanctuaries for those of like kind.”); *History*, N.Y. WOMEN’S BAR ASS’N, <https://www.nywba.org/history2/> [<https://perma.cc/5L3V-RCZ5>]; 14 *Groundbreaking Black Lawyers*, ABA J., https://www.abajournal.com/gallery/groundbreakingblack_lawyers/1918 [<https://perma.cc/FA4J-KYPR>]; cf. AM. BAR ASS’N, *PROFILE OF THE LEGAL PROFESSION 25* (2022), <https://www.americanbar.org/content/dam/aba/administrative/news/2022/07/profile-report-2022.pdf> [<https://perma.cc/D95U-ASNE>] (explaining that the first female lawyer in the United States was Margaret Brent, who was recognized by the legislature as an attorney in 1648 in Maryland after coming over from England). The first female lawyer admitted to a bar in the United States was Arabella Mansfield in 1869 in Iowa. Kelly Buchanan, *Women in History: Lawyers and Judges*, LIBR. OF CONG. (2022), <https://blogs.loc.gov/law/2015/03/women-in-history-lawyers-and-judges/> [<https://perma.cc/NU38-5YVU>].

74. See Nancy E. Dowd, *Diversity Matters: Race, Gender, and Ethnicity in Legal Education*, 15 U. FLA. J. L. & PUB. POL’Y 11, 18 (2003) (“Historically, legal education was limited to white males; the profession and

The language used in the first lawyer's oaths in the United States reflected the gravitas assigned to oath-taking at that time but also the male dominance of the legal profession. For example, the Massachusetts Attorney's Oath of Office, which the state claims is the oldest lawyer's oath in the United States, first adopted in 1701,⁷⁵ reads:

I (repeat the name) solemnly swear that I will do no falsehood, nor consent to the doing of any in court; I will not wittingly or willingly promote or sue any false, groundless or unlawful suit, nor give aid or consent to the same; I will delay no *man* for lucre or malice; but I will conduct myself in the office of an attorney within the courts according to the best of my knowledge and discretion, and with all good fidelity as well to the courts as my clients. So help me God.⁷⁶

The oldest lawyer's oaths in the United States, including this Massachusetts oath, which predates the American Revolution, were adopted long before—in fact, hundreds of years before—states began enacting rules of professional conduct.⁷⁷ Lawyer's oaths served as the principal form of regulation for lawyers until the early 1900s when many states began to enact and adopt rules of professional responsibility.⁷⁸ Early on, lawyer's oaths were also the sole source of formal ethical guidance for new attorneys.⁷⁹ Ethical principles such as honesty, avoiding delay, using one's full intellectual abilities, and fidelity were all present in early lawyer's oaths, and language highlighting these principles endures in oaths today.⁸⁰

Much of the language in early lawyer's oaths came from one of the earliest lawyer's oaths, formulated during the Elizabethan Era.⁸¹ Today, much of the colonial-

legal services were limited to white male lawyers and predominantly white male clients.”); Epstein, *supra* note 73, at 918–21; *see also* Pearce, Wald & Ballakrishnen, *supra* note 54, at 2431 (“Prior to the 1960s, most large elite law firm partners were white Protestant men whose relationships with large elite entity clients were formed around family, socioeconomic and cultural class, and law school connections to business leaders.”).

75. *See* Christopher P. Sullivan, *Massachusetts Attorney's Oath of Office*, MASS. BAR ASS'N LAWS. J. (Nov./Dec. 2017), <https://www.massbar.org/publications/lawyers-journal/lawyers-journal-article/lawyers-journal-2017-november-december/massachusetts-attorney-s-oath-of-office> [<https://perma.cc/US22-AUCB>].

76. MASS. GEN. LAWS ch. 221, § 38 (emphasis added). Some early lawyer's oaths have already been amended to use only gender-neutral terminology, such as changing the word “man” to “person.” *See, e.g.*, N.H. REV. STAT. ANN. § 311:6.

77. In 1887, the Alabama State Bar Association promulgated the first code of ethics for lawyers. Andrews, *supra* note 2, at 35. The ABA adopted and published a national model ethics code (including a model oath) in 1908. *Id.*

78. HAZARD & DONDI, *supra* note 2, at 60; Andrews, *supra* note 2, at 50.

79. *See* Goodman, *supra* note 64, at 410.

80. *Id.*; *see, e.g.*, MASS. GEN. LAWS ch. 221, § 38.

81. The Elizabethan oath read:

Ye shall Swear, That well and truly ye shall serve the King's
People as one of the Serjeants at the Law, and ye shall truly
council them that ye shall be retained with after your Cunning;
and ye shall not defer, tract, or delay their Causes willingly,
for covetous of Money, or other Thing that may turn
you to Profit; and ye shall give due Attendance accordingly;
as God you help, and by the Contents of this Book.

Goodman, *supra* note 64, at 409.

era language contained in the oaths remains largely or entirely unchanged.⁸² In fact, in addition to the Massachusetts lawyer's oath, seventeen additional lawyer's oaths across the United States still require lawyers to pledge not to delay for "lucre or malice."⁸³

The use of obsolete language, such as the phrase "I will delay no man for lucre or malice" in lawyer's oaths today is problematic. It is difficult to feel an oath's gravitas if one does not connect with the words being used. Moreover, if new lawyers being sworn in recite words such as *lucre*,⁸⁴ without knowing exactly what that word means or connecting the words being said with an actual pledge, then there is little point to taking the oath.⁸⁵

B. OTHER EARLY LAWYER'S OATHS IN THE UNITED STATES

Twenty states, the District of Columbia, and most federal courts use very simple oaths, focusing on a promise to uphold the constitution.⁸⁶ These simple lawyer's oaths date back to 1729 with origins in England.⁸⁷ An example of a simple

82. For example, Pennsylvania's Oath reads much as it did more than 250 years ago:

I do solemnly swear (or affirm) that I will support, obey and defend the Constitution of the United States and the Constitution of this Commonwealth and that I will discharge the duties of my office with fidelity, as well to the court as to the client, that I will use no falsehood, nor delay the cause of any person for lucre or malice.

42 PA. CONS. STAT. § 2522 (2022); *see also* KY. CONST. § 228.

83. The lawyer's oaths in Alabama, Delaware, Florida, Kansas, Louisiana, Maine, Massachusetts, Michigan, Minnesota, Mississippi, New Hampshire, New Mexico, Oklahoma, Pennsylvania, Rhode Island, South Dakota, Vermont, and Wisconsin require lawyers not to delay for lucre or malice. *See* ALA. CODE § 34-3-15 (2022); DEL. SUP. CT. RULES R. 54 (DEL. SUP. CT. 2023); FLA. STAT. Oath of Admission to The Florida Bar (2023); KAN. STAT. ANN. Sup. Ct. Rules R. 726 (2022); *Lawyer's Oath*, LA. SUP. CT. COMM. ON BAR ADMISSIONS (2023), <https://www.lascba.org/info/Admission/#oath> [<https://perma.cc/C2ZC-UYFS>]; ME. STAT. tit. 4, § 806; MASS. GEN. LAWS. ch. 221, § 38; MICH. COMP. LAWS Rules Concerning the State Bar R. 15, § 3; MINN. STAT. § 358.07(9) (2023); MISS. CODE. ANN. § 73-3-35 (2023); N.H. REV. STAT. ANN. § 311:6; N.M. RULES GOVERNING ADMISSION TO THE BAR. R. 15-304; OKLA. STAT. ANN. tit. 5, § 2 (2023); 42 PA. CONS. STAT. § 2522; R.I. GEN. LAWS Sup. Ct. Rules art. II, R. 8; S.D. CODIFIED LAWS § 16-16-18 (2023); VT. STAT. ANN. tit. 12, § 5812; WIS. SUP. CT. RULES R. 40.15 (Wis. Ct. Sys. 2022).

84. "Lucre" refers to riches or money, chiefly in a humorous sense, as in "filthy lucre." *See* 1 Timothy 3:3 (King James) ("Not given to wine, no striker, not greedy of filthy lucre; but patient, not a brawler, not covetous.").

85. *See supra* Part I (discussing the purpose of taking an oath of admission).

86. *See* CAL. RULES OF CT. R. 9.7; DEL. SUP. CT. RULES R. 54; GA. RULES GOVERNING ADMISSION TO THE PRAC. OF L. pt. B § 16; 705 ILL. COMP. STAT. ANN. 205/4; MD. CODE ANN., BUS. OCC. & PROF. § 10-212; MINN. STAT. § 358.07(9); MISS. CODE. ANN. § 73-3-35; NEB. REV. STAT. Neb. Ct. Rules § 3-128; N.J. STAT. ANN. § 41:1-2; N.Y. CONST. art. XIII, § 1; N.D. CENT. CODE § 27-11-20; OKLA. STAT. ANN. tit. 5, § 2; OR. STATE BAR, *supra* note 8; 42 PA. CONS. STAT. § 2522; S.C. CT. RULES R. 402(h)(3) (S.C. JUD. BRANCH 2022); S.D. CODIFIED LAWS § 16-16-18; TENN. SUP. CT. RULES R. 6, § 4; VA. CODE ANN. § 54.1-3903 (2023); W. VA. CODE Rules for Admission to the Prac. of L. R. 7.0.; WYO. STAT. ANN. Rules & Procs. Governing Admission to the Prac. of L. R. 504(a); *see also* D.C. CT. APP. RULES R. 46(l) (D.C. CT. APP. 2021); *Attorney Oath of Admission*, U.S. Cts., <http://www.uscourts.gov/forms/attorney-forms/attorney-oath-admission> [<https://perma.cc/PF2Y-7UUV>] (last visited Feb. 28, 2023).

87. Andrews, *supra* note 2, at 48.

lawyer's oath is the oath of admission to the Supreme Court of the United States, which was adopted in 1790 and remains unamended today.⁸⁸ That oath reads, "I, _____, do solemnly swear (or affirm) that as an attorney and as a counselor of this Court I will conduct myself uprightly and according to the law, and that I will support the Constitution of the United States."⁸⁹

While short and seemingly to the point, these simple oaths are also problematic. First, there is no mention of ethical rules or any pledge to follow ethical guidance. Second, the brief pledges that are contained in this oath are vague and inappropriate at the same time. A pledge to support the Constitution in a lawyer's oath is difficult if not impossible to enforce:⁹⁰ Does "support" preclude arguing for a new constitutional convention? Does the pledge to support the Constitution include all doctrines laid down by the Supreme Court, just the written document, or some other conglomeration of laws?⁹¹ Acts of treason, sedition, or other potential violations of a pledge to support the constitution are arguably better dealt with through criminal law and not legal ethics given that there is tricky history there.⁹² Moreover, there are a growing number of scholars arguing that the Constitution is outdated,⁹³ broken,⁹⁴ and even "unworthy of the

88. *Application for Admission to Practice*, U.S. SUP. CT., https://www.supremecourt.gov/bar/bar_application.pdf [<https://perma.cc/2D4G-TFYB>] (last visited Feb 28, 2023).

89. *Id.* at 2. Another example of a simple lawyer's oath is the California lawyer's oath. *See* CAL. RULES OF CT. R. 9.7.

90. *See, e.g.*, Michael Stokes Paulsen, *The Most Dangerous Branch: Executive Power to Say What the Law Is*, 83 GEO. L.J. 217, 260 (1994).

91. There is an entire body of legal scholarship on the subject of the ontology of the U.S. Constitution. *See, e.g.*, Evan D. Bernick, *43rd Annual Symposium Articles: The Morality of the Presidential Oath*, 47 OHIO N.U. L. REV. 33 (2021).

92. *See* Basile, *supra* note 7, at 1847 (discussing the problematic history of the pledge to support the Constitution in lawyer's oaths and arguing that attorneys have often defended clients with unpopular causes and have risked having their own loyalty to the United States called into question). Admittedly, there is overlap between legal ethics regulations and criminal law. *See, e.g.*, MODEL RULES R. 8.4(b). However, given the history of pledges of allegiance being used to exclude certain persons (i.e., lawyers who support "communism" and "anti-war efforts") from the legal profession, it seems wise to avoid using the lawyer's oath in this context. *See* Basile, *supra* note 7.

93. The U.S. Constitution is the oldest written charter of government. *Constitution of the United States*, U.S. SENATE https://www.senate.gov/civics/constitution_item/constitution.htm [<https://perma.cc/D33P-J2R5>] (last visited Mar. 8, 2023). State constitutions, on the other hand, are almost constantly amended. *See* Jonathan L. Marshfield, *Forgotten Limits on the Power to Amend State Constitutions*, 114 NW. U. L. REV. 65, 67–69 (2019); Mila Versteeg & Emily Zackin, *American Constitutional Exceptionalism Revisited*, 81 U. CHI. L. REV. 1641, 1644–45 (2014).

94. *See, e.g.*, Rachel Reed, "Our Original Constitution Was Both Brilliant and Highly Flawed," HARV. L. TODAY (Sept. 15, 2021), <https://hls.harvard.edu/today/brilliant-and-highly-flawed/> [<https://perma.cc/M6WM-VTTJ>]; Ryan D. Doerfler & Samuel Moyn, *Opinion: The Constitution Is Broken and Should Not Be Reclaimed*, N.Y. TIMES (Aug. 19, 2022) (discussing NOAH FELDMAN, *THE BROKEN CONSTITUTION* (2021)); Michael Gerhardt, *Madison's Nightmare Has Come to America*, ATLANTIC (Feb. 13, 2020), <https://www.theatlantic.com/ideas/archive/2020/02/constitution-flawed/606208/> [<https://perma.cc/YA9S-83N6>] ("The lesson in all this isn't that the Constitution has recently broken so much as that its flaws, always present, have been fully revealed."); Richard Albert, *Time to Update the Language of the Constitution*, UT NEWS (Jul. 6, 2020), <https://news.utexas.edu/2020/07/06/time-to-update-the-language-of-the-constitution/> [<https://perma.cc/4X6K-TRMA>]; Greg Coleridge & Jessica Munger, *The U.S. Constitution is Hopelessly Outdated. It's Time to Re-envision It*,

people”⁹⁵ due to concerns that it is undemocratic, racist, and sexist. Instead of focusing on vague pledges to support the constitution, states should require a direct promise to uphold the states’ rules of professional conduct in the lawyer’s oath.⁹⁶

Finally, the simple lawyer’s oaths often contain outdated language. For example, the oath of admission for the Supreme Court of the United States includes a pledge to conduct oneself “uprightly.” “Uprightly” may have referred to strong moral rectitude in 1790;⁹⁷ however, today, “upright” is usually used to refer to being vertical or erect in posture.⁹⁸ This terminology is awkward and ableist for attorneys with disabilities. It should not matter whether an attorney is upright (per today’s definition) when practicing law. Updating the oath with modern, direct language, such as a pledge to conduct oneself with dignity and integrity, would be more accessible, impactful, and inclusive.

Other early lawyer’s oaths include the notorious Kentucky oath, which was enacted in 1849 and remains unchanged today.⁹⁹ The Kentucky oath requires lawyers seeking admission to the Kentucky Bar to swear that they “have not fought a duel with deadly weapons within this State, nor out of it, nor have I sent or accepted a challenge to fight a duel with deadly weapons, nor have I acted as second in carrying a challenge, nor aided or assisted any person thus offending.”¹⁰⁰

SALON (Dec. 10, 2020), <https://www.salon.com/2020/12/10/the-us-constitution-is-hopelessly-outdated-its-time-to-re-envision-it/> [<https://perma.cc/96KB-76VL>] (“Americans view the constitution as a sacred text, even as its flaws are becoming more glaring.”); Jeffrey Toobin, *Our Broken Constitution*, NEW YORKER (Dec. 1, 2013), <https://www.newyorker.com/magazine/2013/12/09/our-broken-constitution> [<https://perma.cc/3L49-D52Y>] (discussing SANFORD LEVINSON, *OUR UNDEMOCRATIC CONSTITUTION* (2006)).

95. See Gabriel J. Chin & Saira Rao, *Pledging Allegiance to the Constitution: The First Amendment and Loyalty Oaths for Faculty at Private Universities*, 64 U. PITT. L. REV. 431, 450 (2003) (“There are respectable arguments that the Constitution is unworthy of the people. . . . The race critique is central; one could understand how, before 1865 or 1954, a person of color would have hesitated to swear loyalty to the Constitution of slavery . . . women had no hand in shaping most of the document and arguably continue to be patronized by it.”).

96. There are several states that do not include a promise to uphold the rules of professional conduct in the lawyer’s oath. See *supra*, note 29.

97. *Upright*, MERRIAM-WEBSTER, <https://www.merriam-webster.com/dictionary/upright> [<https://perma.cc/JGE7-GJDP>] (last visited Feb. 21, 2023).

98. *Id.*

99. KY. CONST. § 228; Adam K. Raymond, *New Kentucky Governor Takes Oath, Swears He’s Never Fought a Duel*, N.Y. MAG. (Dec. 10, 2019), <https://nymag.com/intelligencer/2019/12/new-kentucky-gov-takes-oath-swears-hes-never-fought-a-duel.html> [<https://perma.cc/YN8H-3ETY>].

100. KY. CONST. § 228. The full Kentucky oath reads:

I do solemnly swear (or affirm, as the case may be) that I will support the Constitution of the United States and the Constitution of this Commonwealth, and be faithful and true to the Commonwealth of Kentucky so long as I continue a citizen thereof, and that I will faithfully execute, to the best of my ability, the office of . . . according to law; and I do further solemnly swear (or affirm) that since the adoption of the present Constitution, I, being a citizen of this State, have not fought a duel with deadly weapons within this State, nor out of it, nor have I sent or accepted a challenge to fight a duel with deadly weapons, nor have I acted as second in carrying a challenge, nor aided or assisted any person thus offending, so help me God.

Id. The lawyer’s oath is the same oath that all public officials in Kentucky must take. See *id.*

The Commonwealth of Kentucky is the only state to require newly admitted lawyers today to promise that they will not fight a duel.¹⁰¹ Making new lawyers in Kentucky take the pledge not to duel is superfluous, if not inappropriate. The last known duel in Kentucky took place in the 1860s.¹⁰² Moreover, dueling was entirely limited to wealthy white men in its heyday¹⁰³ and the Kentucky Bar has made commitments to diversify the legal profession.¹⁰⁴ There have been recent efforts to amend the Kentucky oath, but those efforts have been unsuccessful.¹⁰⁵

C. THE 1908 MODEL LAWYER'S OATH

The American Bar Association ("ABA")¹⁰⁶ has historically had a great deal of influence on the language used in lawyer's oaths across the United States. Since its founding in 1878,¹⁰⁷ the ABA has played a central role in developing ethics rules and promoting professionalism in the legal profession.¹⁰⁸ However, the ABA also played a central role in excluding non-white and non-male lawyers from the legal profession, which is reflected in ethical rules and lawyer's oaths.¹⁰⁹ When the ABA released a model lawyer's oath in 1908,¹¹⁰ no female or Black

101. See *infra* App. A.

102. See Raymond, *supra* note 99.

103. See JOE L. COKER, LIQUOR IN THE LAND OF THE LOST CAUSE: SOUTHERN WHITE EVANGELICALS AND THE PROHIBITION MOVEMENT 177 (2007); DICK STEWARD, DUELS AND THE ROOTS OF VIOLENCE IN MISSOURI 86 (2000).

104. *Diversity Statement*, KY. BAR ASS'N, <https://www.kybar.org/page/diversity> [<https://perma.cc/T2ZB-GVWN>] (last visited Feb. 21, 2023).

105. See Stu Johnson, *Kentucky Duels Over Oath of Office*, NPR (Mar. 12, 2010), <https://www.npr.org/2010/03/12/124616129/kentucky-duels-over-oath-of-office> [<https://perma.cc/P8MN-JQRU>].

106. *About the American Bar Association*, AM. BAR ASS'N, https://www.americanbar.org/about_the_aba/?http://utm_medium=sem&utm_source=google&utm_campaign=extension= [<https://perma.cc/2F9H-H5XZ>] (last visited Feb. 21, 2023).

107. See *ABA Timeline*, AM. BAR ASS'N (2020), https://www.americanbar.org/about_the_aba/timeline/ [<https://perma.cc/QYR2-Z8BK>] (last visited Feb. 21, 2023).

108. See Susan D. Carle, *Lawyers' Duty to Do Justice: A New Look at the History of the 1908 Canons*, 24 LAW & SOC. INQUIRY 1, 30 (1999); James M. Altman, *Considering the A.B.A.'s 1908 Canons of Ethics*, 71 FORDHAM L. REV. 2395, 2422–26 (2003); see also Bartlett, *supra* note 20, at 571.

109. The first Black lawyer was not admitted to the ABA until 1950. See AM. BAR ASS'N, *supra* note 107. The first woman was admitted to the ABA in 1918. See *Historical Women*, AM. BAR ASS'N, https://www.abajournal.com/gallery/historical_women/756 [<https://perma.cc/E48Z-MZD8>] (last visited Feb. 21, 2023).

110. The ABA's 1908 *Model Oath* stated:

I DO SOLEMNLY SWEAR:

I will support the Constitution of the United States and the Constitution of the State of . . . ;

I will maintain the respect due the Courts of Justice and judicial officers;

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 client, and will accept no compensation in connection with his business except from him or with his 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;

lawyers were admitted as members to the ABA.¹¹¹ The organization recommended that this *Model Oath* be adopted by all of the U.S. states and territories.¹¹²

Some of the language from the ABA's *Model Oath* was drawn directly from the Elizabethan oath, including the promise not to "delay any man's cause for lucre or malice."¹¹³ However, other language in the 1908 *Model Oath* was new, such the promise to "never reject, from any consideration personal to myself, the cause of the defenseless or oppressed."¹¹⁴

Much of the language from the 1908 *Model Oath* endures in lawyer's oaths across the United States today, more than a hundred years after the *Model Oath* was released. The language of the oaths in five states remains identical or almost identical to the 1908 model lawyer's oath;¹¹⁵ in two additional states, the lawyer's oath remains identical to the *Model Oath* besides the addition of a sentence or two;¹¹⁶ and the "defenseless or oppressed" language also shows up in fourteen state lawyer's oaths today.¹¹⁷ Shortly after its adoption, the ABA shifted its focus away from the *Model Oath* and toward the *Model Rules of Professional*

I will never reject, from any consideration personal to myself, the cause of the defenseless or oppressed, or delay any *man's* cause for lucre or malice. *SO HELP ME GOD.*

CANONS OF PROF'L CONDUCT Canon 3 (1908) [hereinafter 1908 CANONS] (emphasis added).

111. See AM. BAR ASS'N, *supra* note 107.

112. See 1908 CANONS Canon 3 ("We commend this form of oath for adoption by the proper authorities in all the states and territories."). The ABA continued to play a central role in the development of lawyer's oaths in the decades that followed. See, e.g., Basile, *supra* note 7 (discussing the 1950 ABA resolution that "requested state bars to require each attorney to take an 'anti-Communist' oath and to file an affidavit stating whether he was or ever had been a member of the Communist Party or any organization advocating the overthrow of the United States government").

113. 1908 CANONS Canon 3; Goodman, *supra* note 64, at 407–08.

114. See 1908 CANONS Canon 3.

115. The Indiana, Iowa, Michigan, Washington, and Wisconsin Lawyer's oaths are almost identical to the 1908 *Model Oath*. See IND. CODE tit. 34, R. 22 (2023); Roxann Ryan, *Students Propose Statutory Changes in Iowa Lawyer's Oath*, IOWA LAW. 8 (May 2005), https://libguides.law.drake.edu/ld.php?content_id=9410100 [<https://perma.cc/69DM-YQ66>]; MICH. COMP. LAWS Rules Concerning the State Bar R. 15, § 3; WASH. REV. CODE § 2.48.210; WIS. SUP. CT. RULES R. 40.15.

116. The Louisiana lawyer's oath contains one additional sentence: "To opposing parties and their counsel, I pledge fairness, integrity, and civility, not only in court, but also in all written and oral communications." LA. SUP. CT. COMM. ON BAR ADMISSIONS, *supra* note 83. The Florida oath contains the same language, except adds one additional paragraph on conduct towards opposing parties and their counsel. FLA. STAT. Oath of Admission to The Florida Bar.

117. The lawyer's oaths in Arkansas, Colorado, Florida, Idaho, Indiana, Iowa, Louisiana, Michigan, Missouri, New Mexico, South Carolina, South Dakota, Washington, and Wisconsin all contain the term "defenseless or oppressed." ARK. RULES GOVERNING ADMISSION TO THE BAR R. 7(G); COLO. SUP. CT. OFF. OF ATT'Y REGUL. COUNS., *supra* note 8; FLA. STAT. Oath of Admission to The Florida Bar; IDAHO CODE § 3-201; IND. CODE tit. 34, R. 22; Ryan, *supra* note 115; LA. SUP. CT. COMM. ON BAR ADMISSIONS, *supra* note 83; MICH. COMP. LAWS Rules Concerning the State Bar R. 15, § 3; MO. ANN. STAT. R. 8.15; N.M. RULES GOVERNING ADMISSION TO THE BAR. R. 15-304; S.C. CT. RULES R. 402(h)(3); S.D. CODIFIED LAWS § 16-16-18; WASH. REV. CODE § 2.48.210; WIS. SUP. CT. RULES R. 40.15.

Responsibility,¹¹⁸ and later, the *Model Rules of Professional Conduct* (“*Model Rules*”).¹¹⁹

Given that the ABA has never released another version of its *Model Oath* and made only one minor amendment to the oath in 1977,¹²⁰ the ABA should consider drafting and publishing an updated model lawyer's oath taking into consideration the arguments, suggestions, and guidelines contained in this Article. If the ABA were to adopt a new model lawyer's oath that included human rights norms,¹²¹ or even a pledge to uphold human rights, history tells us that many states would be likely to adopt its model oath.¹²²

D. CIVILITY AMENDMENTS TO LAWYER'S OATHS

Recent efforts to address civility in the legal profession have served as an impetus to amend lawyer's oaths. Incivility has long been a concern for the legal profession,¹²³ but the civility movement really gained steam starting the late 1980s and continues to be influential today.¹²⁴ Over the years, a total of thirteen states have amended their lawyer's oaths to add pledges of civility.¹²⁵ West

118. Andrews, *supra* note 2, at 43.

119. *Id.* at 34.

120. *Id.* at 43. No state has adopted the ABA's amended *Model Oath* language. *Id.* at 43–44.

121. For more on what is meant by “human rights norms,” see *infra* Part IV.

122. By 1924, the 1908 *Canons* had been adopted, with minor modifications, by “almost all of the state and local bar associations of the country.” STANDING COMM. ON PRO. ETHICS & GRIEVANCES, AM. BAR ASS'N, REPORT OF THE STANDING COMMITTEE ON PROFESSIONAL ETHICS AND GRIEVANCES, 49 A.B.A. Rep. 466, 467 (1924). It is unclear whether the *Model Oath* was adopted along with the *Canons*. However, 1908 *Model Oath* language endures in seven states' lawyer's oaths today. See FLA. STAT. Oath of Admission to The Florida Bar; IND. CODE tit. 34, R. 22; Ryan, *supra* note 115; LA. SUP. CT. COMM. ON BAR ADMISSIONS, *supra* note 83; MICH. COMP. LAWS Rules Concerning the State Bar R. 15, § 3; WASH. REV. CODE § 2.48.210; WIS. SUP. CT. RULES R. 40.15.

123. See Bartlett, *supra* note 20, at 559 (“Incivility and unethical behavior in the legal profession have long been topics of concern in the United States.”); Eli Wald & Russell G. Pearce, *Being Good Lawyers: A Relational Approach to Law Practice*, 29 GEO. J. LEGAL ETHICS 601, 608–13 (2016) (discussing bar leaders' and scholars' complaints regarding the “decline, betrayal, or death” of civility in the legal profession for more than a generation); David Grenardo, *Making Civility Mandatory: Moving from Aspired to Required*, 11 CARDOZO PUB. L. POL'Y & ETHICS J. 239, 241 (2013); KEITH BYBEE, *HOW CIVILITY WORKS* 3 (2016); Donald E. Campbell, *Raise Your Hand and Swear to Be Civil: Defining Civility as an Obligation of Professional Responsibility*, 47 GONZ. L. REV. 99, 101–02 (2012); see also Amy R. Mashburn, *Professionalism in the Practice of Law: A Symposium on Civility and Judicial Ethics in the 1990s: Professionalism as Class Ideology: Civility Codes and Bar Hierarchy*, 28 VAL. U. L. REV. 657, 675–76 (1994).

124. See, e.g., COMM'N ON PROFESSIONALISM, AM. BAR ASS'N, “. . . IN THE SPIRIT OF PUBLIC SERVICE:” A BLUEPRINT FOR THE REKINDLING OF LAWYER PROFESSIONALISM (1986); Rob Atkinson, *A Dissenter's Commentary on the Professionalism Crusade*, 74 TEX. L. REV. 259, 294 (1995); see also Grenardo, *supra* note 123, at 250 (“The legal profession's response to incivility includes, among other things, numerous state and local bar associations adopting guidelines of civility . . . state bars adding civility in their oaths for newly admitted lawyers, and . . . several states requiring civility.”); Andrews, *supra* note 2, at 46; *Civility Matters*, ABOTA FOUND., https://www.abota.org/Foundation/Foundation/Professional_Education/Civility_Matters.aspx [https://perma.cc/ZK8J-2242] (last visited Mar. 8, 2023).

125. Arkansas, Florida, Hawaii, Iowa, Louisiana, Montana, New Mexico, Ohio, Oregon, South Carolina, Texas, Utah, and West Virginia have all amended their lawyer's oaths in recent years to include civility. See *In re Attorney Oath of Admission*, 2012 Ark. 82 (Arkansas Court Order effective Feb. 23, 2012); *Revised*

Virginia amended its lawyer's oath in 2021 to add: "I will conduct myself with integrity, dignity and *civility* and show respect toward judges, court staff, clients, fellow professionals and all other persons."¹²⁶ Florida, in 2011, based on "concerns . . . about acts of incivility among members of the legal profession," added a pledge of civility to its lawyer's oath, which reads, "I pledge fairness, integrity, and civility, not only in court, but also in all written and oral communications."¹²⁷

Despite much agreement that the legal profession should be more "civil,"¹²⁸ there is still much disagreement over what types of behavior should count as "civil."¹²⁹ While civility pledges may seem to be a good idea in theory, imposing civility can help maintain or exacerbate "racial, gendered, heteronormative, and ableist hierarchies."¹³⁰ In fact, calls for civility can often help expose interests in thwarting more equitable processes and outcomes; oppressed peoples call for equality, dignity, and humanity—rarely civility.¹³¹

Admission Oath Now Emphasizes Civility, FLA. BAR, <https://www.floridabar.org/the-florida-bar-news/revised-admission-oath-now-emphasizes-civility/> [<https://perma.cc/8VP5-5ZHJ>]; HAW. SUP. CT. RULES R. 1.5; Ryan, *supra* note 115; LA. SUP. CT. COMM. ON BAR ADMISSIONS, *supra* note 83; Memorandum in Support of Application Invoking Original Jurisdiction of this Court Pursuant to Section VI, Internal Operating Rules, to Regulate the Bar of Montana, at 1, 4, *In re* Application of the American Board of Trial Advocates (ABOTA), Montana Chapter, Seeking Adoption and Implementation of ABOTA's "Civility Matters" Programs (July 2, 2010); N.M. RULES GOVERNING ADMISSION TO THE BAR. R. 15-304; S.C. CT. RULES R. 402(h)(3); OHIO REV. CODE ANN. Sup. Ct. Rules for the Gov't of the Bar R. I(9)(A); OR. STATE BAR, *supra* note 8; David Chamberlain, *Celebrating Civility: How a New Oath is Uniting Lawyers Across the State*, 78 TEX. BAR J. 858 (2015); UTAH RULES OF PROF'L CONDUCT pmbl. [1]; Press Release, W. Va. Sup. Ct. App., *supra* note 1; *see also* Andrews, *supra* note 2, at 61. In addition, in Arizona and Utah, lawyers swear to adhere to the state civility code while taking the lawyer's oath. The Arizona lawyer's oath requires a pledge to adhere to A Lawyer's Creed of Professionalism of the State Bar of Arizona. *See* ARIZ. SUP. CT. RULES R. 41(h). The Utah lawyer's oath requires lawyers to pledge to "faithfully observe . . . the Standards of Professionalism and Civility." UTAH RULES OF PROF'L CONDUCT pmbl. [1].

126. Press Release, W. Va. Sup. Ct. App., *supra* note 1 (emphasis added).

127. Grenardo, *supra* note 123, at 252 (citing *In re* Fla. Bar, 73 So.3d 149, 149–50 (2011)); Keith W. Rizzardi, *Expectations in the Mirror: Lawyer Professionalism and the Errors Of Mandatory Aspirations*, 44 FLA. ST. U. L. REV. 692, 699 (2017).

128. *See* Grenardo, *supra* note 123, at 242; Cheryl B. Preston & Hilary Lawrence, *Incentivizing Lawyers to Play Nice: A National Survey of Civility Standards and Options for Enforcement*, 48 U. MICH. J. L. REFORM 701 (2015); Atkinson, *supra* note 124, at 259 (discussing "civility" pledges and other moves to mandate courtesy and civility); *see also* Amy R. Mashburn, *Professionalism as Class Ideology: Civility Codes and Bar Hierarchy*, 28 VAL. U. L. REV. 657, 663 (1994) (arguing that civility codes are attempts by an increasingly isolated legal elite to impose their values on other lawyers that they consider less prestigious); Campbell, *supra* note 123, at 105 ("Others, however, are skeptical of the civility movement and see the effort as motivated by the self-interest of a select few to keep the bar as insulated as possible.").

129. *See* BYBEE, *supra* note 123, at 5; Grenardo, *supra* note 123, at 242; Atkinson, *supra* note 124, at 294 (describing incivility as a "know-it-when-I-see-it" problem"); Lynn Mie Itagaki, *The Long Con of Civility*, 52 CONN. L. REV. 446 (2021).

130. Itagaki, *supra* note 129, at 1171; *see* CodeSwitch, *When Civility is Used as a Cudgel Against People of Color*, NPR (Mar. 14, 2019), <https://www.npr.org/sections/codeswitch/2019/03/14/700897826/when-civility-is-used-as-a-cudgel-against-people-of-color> [<https://perma.cc/DDL6-QF3Q>].

131. Itagaki, *supra* note 129, at 1182.

E. PROMISING VS. SWEARING VS. AFFIRMING A LAWYER'S OATH

Traditionally, the lawyer's oath begins with "I swear"¹³² and ends with "so help me God."¹³³ In other words, all oaths were at one time sworn to God.¹³⁴ As late as the 1960s, many jurisdictions required such an oath.¹³⁵ The tradition of sworn oaths is deeply rooted in Christianity and the long-held stereotype that "[p]romises, covenants, and oaths, which are the bonds of human society, can have no hold upon an atheist."¹³⁶

By the end of the twentieth century, every jurisdiction in the United States except Oklahoma had enacted a statute allowing the oath-taker to choose to either swear or affirm an oath.¹³⁷ While attorneys being admitted to the bar have legally had the option to swear or affirm oaths for several decades, the text of many lawyer's oaths do not reflect that choice.¹³⁸ These oaths should be amended to expressly allow for a choice of words—e.g. "I swear or affirm," "I declare,"¹³⁹ or "I promise"¹⁴⁰—or states should consider removing such language altogether.

132. See, e.g., 1908 CANONS Canon 3.

133. See 1908 CANONS Canon 3.

134. See *Torcaso v. Watkins*, 367 U.S. 488, 496 (1961) (holding that the requirement of declaration of a belief in the existence of God, as a test for office, invaded the freedom of belief and religion of the petitioner).

135. See *id.*

136. JOHN LOCKE, A LETTER CONCERNING TOLERATION 32 (1689); Milhizer, *supra* note 22, at 29.

137. Milhizer, *supra* note 22, at 39; see also *Torcaso*, *supra* note 134; *Cox v. State*, 79 S.E. 909, 909 (Ga. Ct. App. 1913); *State v. Davis*, 418 S.E.2d 263, 265 (N.C. Ct. App. 1992), *pet. denied*, 426 S.E.2d 710 (N.C. 1993).

138. The lawyer's oaths in Florida, Georgia, Maine, Massachusetts, Minnesota, Missouri, Nebraska, New Jersey, North Carolina, Oklahoma, Rhode Island, Texas, Utah, and Wyoming all officially use the term "swear" instead of providing the option of affirming. See FLA. STAT. Oath of Admission to The Florida Bar; GA. RULES GOVERNING ADMISSION TO THE PRAC. OF L. pt. B § 16; ME. STAT. tit. 4, § 806; MASS. GEN. LAWS ch. 221, § 38; MINN. STAT. § 358.07(9); MO. ANN. STAT. R. 8.15; NEB. REV. STAT. Neb. Ct. Rules § 3-128; N.J. STAT. ANN. § 41:1-2; N.C. CONST. art. VI, § 7; N.C. GEN. STAT. § 11-11 (2022); OKLA. STAT. ANN. tit. 5, § 2; R.I. GEN. LAWS Sup. Ct. Rules art. II, R. 8; TEX. GOV'T CODE ANN. § 82.037 (West 2021); UTAH RULES OF PROF'L CONDUCT pmb. [1]; WYO. STAT. ANN. Rules & Procs. Governing Admission to the Prac. of L. R. 504(a).

139. The Washington lawyer's oath, for example, does not require swearing or affirming, but instead requires new lawyers to "solemnly declare." WASH. REV. CODE § 2.48.210.

140. Jurisdictions may consider allowing newly admitted lawyers to "promise" instead of "affirm" or "swear." Promises are heavily emphasized in law practice today through contract law and promises are very familiar to attorneys trained to practice in the United States. See, e.g., Aditi Bagchi, *Separating Contract and Promise*, 38 FLA. ST. U. L. REV. 709, 727 (2011) ("[I]t is useful to speak of contract as a kind of promise (distinct from the substantial subset of promise that is private promise) because it highlights certain moral properties that contract has in common with other kinds of promise."); Daniel Markovits, *Contract and Collaboration*, 113 YALE L.J. 1417, 1514 (2004) ("When persons make promises and contracts, they cease to be strangers and come to treat each other, affirmatively, as ends in themselves."); Jody S. Kraus, *The Correspondence of Contract and Promise*, 109 COLUM. L. REV. 1603, 1614 (2009) ("[C]ontract law enforces promises, which create moral obligations, not duties."). Interestingly, only New Jersey uses the word "promise" in its lawyer's oath, requiring newly admitted lawyers to state "I do solemnly promise and swear..." See N.J. STAT. ANN. § 41:1-2.

III. PROCESS AND ENFORCEABILITY CONCERNS FOR AMENDMENTS TO LAWYER'S OATHS IN THE UNITED STATES

There are many good reasons to amend lawyer's oaths, including, as discussed above, to remove inappropriate, discriminatory, and obsolete language. Amending lawyer's oaths is easier in some states than others, especially since many states continue to use the lawyer's oath for attorney disciplinary purposes.¹⁴¹ In the states that continue to enforce their lawyer's oath for attorney disciplinary purposes, amendments must avoid the use of vague language and should differentiate between ethical aspiration and promises that are meant to be enforced, as seen in the examples presented in Part V. This Part discusses each state's approach to enacting and enforcing lawyer's oaths, highlighting how easy it may be for many states to amend lawyer's oaths through bar association or supreme court committees.

Nineteen state legislatures have codified their lawyer's oath as a statute enacted by the state legislature.¹⁴² In Kentucky, New York, and North Dakota, the oath taken by newly admitted lawyers is in the state constitution.¹⁴³ When an oath is codified by statute or incorporated into the state constitution, enacting amendments may be procedurally difficult and time-consuming depending on the state legislative process.¹⁴⁴

Twenty-two states and the District of Columbia have adopted their lawyer's oath as a rule of court or a rule governing admission to the bar.¹⁴⁵ In those

141. Twenty-six states and the District of Columbia enforce their lawyer's oath for attorney disciplinary purposes. Arizona, California, Florida, Idaho, Iowa, Kansas, Minnesota, Montana, Nebraska, New Mexico, South Carolina, South Dakota, Washington, Wisconsin, and the District of Columbia have statutes that provide for the enforcement of the lawyer's oath for attorney disciplinary purposes. *See infra* App. A. In addition, in Arkansas, Colorado, Connecticut, Delaware, Illinois, Maine, Massachusetts, New Hampshire, Ohio, Oregon, Pennsylvania, and Utah, case law suggests that lawyers are disciplined for violations of the lawyer's oath. *See infra* App. A. In the remaining twenty-four states, Alabama, Alaska, Georgia, Hawaii, Indiana, Kentucky, Louisiana, Maryland, Michigan, Mississippi, Missouri, Nevada, New Jersey, New York, North Carolina, North Dakota, Oklahoma, Rhode Island, Tennessee, Texas, Vermont, Virginia, West Virginia and Wyoming, the lawyer's oath is not enforced for attorney disciplinary purposes. *See infra* App. A.

142. Alabama, Connecticut, Illinois, Indiana, Maine, Maryland, Massachusetts, Minnesota, Mississippi, New Hampshire, New Jersey, North Carolina, Oklahoma, Pennsylvania, South Dakota, Texas, Vermont, Virginia, and Washington have codified their lawyer's oath into a statute. *See infra* App. A; AL CODE § 34-3-15; CONN. GEN. STAT. § 1-25; 705 ILL. COMP. STAT. ANN. 205/4; IND. CODE tit. 34, R. 22; ME. STAT. tit. 4, § 806; MD. CODE ANN., BUS. OCC. & PROF. § 10-212; MASS. GEN. LAWS ch. 221, § 38; MINN. STAT. § 358.07 (9); MISS. CODE ANN. § 73-3-35; N.H. REV. STAT. ANN. § 311:6; N.J. STAT. ANN. § 41:1-2; N.C. CONST. art. VI, § 7; N.C. GEN. STAT. § 11-11; OKLA. STAT. ANN. tit. 5, § 2; 42 PA. CONST. STAT. § 2522; S.D. CODIFIED LAWS § 16-16-18; TEX. GOV'T CODE ANN. § 82.037; VT. STAT. ANN. tit. 12, § 5812; VA. CODE ANN. § 54.1-3903; WASH. REV. CODE § 2.48.210.

143. *See infra* App. A; KY. CONST. § 228; N.Y. CONST. art. XIII, § 1; N.D. CONST. art. XI, § 4.

144. *See, e.g.,* Marshfield, *supra* note 93, at 76–77; John Dinan, *The Unconstitutional Constitutional Amendment Doctrine in the American States: State Court Review of State Constitutional Amendments*, 72 RUTGERS U. L. REV. 983, 996 (2020).

145. Alaska, Arizona, Arkansas, Delaware, Georgia, Hawaii, Idaho, Kansas, Michigan, Missouri, Montana, Nebraska, Nevada, New Mexico, Ohio, Rhode Island, South Carolina, Tennessee, Utah, West Virginia, Wisconsin, Wyoming, and the District of Columbia. *See infra* App. A; ALASKA BAR RULES R. 5 § 3; ARIZ.

jurisdictions where a bar or court committee is in charge, amendments to lawyer's oaths may be easier than amending a statute since there are many fewer people involved in the process and all are lawyers or judges.¹⁴⁶ However, many of these same states enforce their lawyer's oaths for attorney disciplinary purposes, which makes the language used in amendments critical.

In California, Colorado, Florida, Iowa, Louisiana, and Oregon, the lawyer's oaths do not appear to be codified or otherwise enacted as a rule, regulation, or statute of any sort.¹⁴⁷ In these states, the amendment process is a mystery. In addition, in all six of these states, the lawyer's oath is enforced for disciplinary purposes.¹⁴⁸ The lack of transparency in these states is problematic, and the language used in those states' amendments will need to be carefully crafted.

Rules of professional conduct have long eclipsed the lawyer's oath as the primary source for attorney regulation.¹⁴⁹ Even when a lawyer's oath is enforced, it is rare that the rules of professional conduct are not cited at the same time.¹⁵⁰ At first, it may be unclear why states continue to enforce lawyer's oaths for the purposes of attorney discipline when their rules of professional conduct are much more detailed and on point. However, some states turn to the lawyer's oath for attorney discipline when the rules of professional conduct are inadequate to reach the certain behavior.

For example, Delaware's rules of professional conduct require candor toward the tribunal under Rule 3.3 and prohibit lawyers from engaging in conduct involving dishonesty, fraud, deceit, or misrepresentation under Rules 8.1 and

SUP. CT. RULES R. 41(h); ARK. RULES GOVERNING ADMISSION TO THE BAR R. 7(G); DEL. SUP. CT. RULES R. 54; GA. RULES GOVERNING ADMISSION TO THE PRAC. OF L. pt. B § 16; HAW. SUP. CT. RULES R. 1.5; IDAHO CODE § 3-201; KAN. STAT. ANN. Sup. Ct. Rules R. 726; MICH. COMP. LAWS Rules Concerning the State Bar R. 15, § 3; MO. ANN. STAT. R. 8.15; MONT. CODE ANN. § 37-61-207; NEB. REV. STAT. Neb. Ct. Rules § 3-128; NEV. REV. STAT. Nev. Sup. Ct. Rules R. 73; N.M. RULES GOVERNING ADMISSION TO THE BAR. R. 15-304; OHIO REV. CODE ANN. Sup. Ct. Rules for the Gov't of the Bar R. I(9)(A); R.I. GEN. LAWS Sup. Ct. Rules art. II, R. 8; S.C. CT. RULES R. 402(h)(3); TENN. SUP. CT. RULES R. 6, § 4; UTAH RULES OF PROF'L CONDUCT pmbl. [1]; W. VA. CODE Rules for Admission to the Prac. of L. R. 7.0; WIS. SUP. CT. RULES R. 40.15; WYO. STAT. ANN. Rules & Procs. Governing Admission to the Prac. of L. R. 504(a); D.C. CT. APP. RULES R. 46(l).

146. See, e.g., Quintin Johnstone, *Bar Associations: Policies and Performance*, 15 YALE L. & POL'Y REV. 193, 198-99 (1996).

147. See *infra* App. A; STATE BAR OF CAL., *supra* note 11; COLO. SUP. CT. OFF. OF ATT'Y REGUL. COUNS., *supra* note 8; RULES REGULATING THE FLA. BAR R. 3-4.7 (FLA. SUP. CT. 2015); IOWA S. CT. ATT'Y DISCIPLINARY BD. RULES OF PROC. R. 35.4(6) (IOWA ATT'Y DISCIPLINARY BD. 2022); LA. SUP. CT. COMM. ON BAR ADMISSIONS, *supra* note 83; OR. STATE BAR, *supra* note 8. In addition, the Iowa Lawyer's Oath is not posted online by the courts, bar association, or otherwise.

148. See STATE BAR OF CAL., *supra* note 11; COLO. SUP. CT. OFF. OF ATT'Y REGUL. COUNS., *supra* note 8; RULES REGULATING THE FLA. BAR R. 3-4.7; IOWA S. CT. ATT'Y DISCIPLINARY BD. RULES OF PROC. R. 35.4(6); LA. SUP. CT. COMM. ON BAR ADMISSIONS, *supra* note 83; OR. STATE BAR, *supra* note 8.

149. See HAZARD & DONDI, *supra* note 2, at 60; Andrews, *supra* note 2, at 50.

150. For example, the Maryland Bar mentioned violating the rules of professional responsibility while disbaring an attorney for violating the Maryland lawyer's oath in 2022. See Att'y Grievance Comm'n of Md. v. O'Neill, 271 A.3d 792, 815 (Md. 2022) ("By violating several rules of professional responsibility, Respondent did not fairly and honorably discharge the ethical duties, embodied in the oath, and required by all members of the Maryland bar. In the aggregate, Respondent's conduct warrants the ultimate sanction of disbarment.").

8.4.¹⁵¹ Yet, the Supreme Court of Delaware disbarred an attorney who had been previously suspended for misrepresentation and deceit to the Board on Professional Responsibility.¹⁵² In that case, the attorney did not lie to a “tribunal” but was found to have lied to the Board on Professional Responsibility on his reinstatement questionnaire submitted when he was seeking restoration of his suspended law license. That was after he had already been suspended by the Board on Professional Responsibility for violating Rules 8.1(a) and 8.4 (b) and (d).¹⁵³ The Delaware Supreme Court found that the attorney’s ongoing misrepresentation and deceit was so aggravated that he no longer possessed the requisite moral character required by the lawyer’s oath and subsequently disbarred the attorney while citing to the Delaware oath.¹⁵⁴

In other cases, courts inexplicably opt to enforce their lawyer’s oath rather their rules of professional conduct. In *Kalil’s Case*, the New Hampshire Supreme Court suspended an attorney for three months for failing to honor a statement in the lawyer’s oath that promised that lawyers “will do no falsehood, nor consent that any be done in the court.”¹⁵⁵ That court held that not only did the attorney “act unprofessionally by attempting to intimidate a pro se litigant outside the courtroom, he abandoned his oath by lying about his conduct when questioned by the judge.”¹⁵⁶ The attorney in that case did not contest violations of Rules 3.3, 4.4, and 8.4, but challenged the severity of the penalty, a three month suspension.¹⁵⁷ In its decision, the New Hampshire court relied on the lawyer’s oath instead of the rules of professional conduct, almost inexplicably. Again, just like the Delaware court, the New Hampshire court emphasized the aggravated fundamental nature of the violation and chose to discipline the attorney for violating the lawyer’s oath.¹⁵⁸

The majority of the time, when a court relies upon the oath in attorney disciplinary proceedings, it also references the rules of professional conduct and sometimes other ethical guidance.¹⁵⁹ For example, the Florida Supreme Court in *In re Code for Resolving Professionalism Complaints* stated that

151. DEL. LAWS.’ RULES OF PROF’L CONDUCT R. 3.3, 8.1, 8.4.

152. *In re Davis*, 43 A.3d 856, 865–66 (Del. 2012).

153. *Id.*

154. *Id.* (“When there can be no reliance upon the word or oath of a party, he is, manifestly, disqualified, and, when such a fact satisfactorily appears the court[s] not only have the power, but it is their duty to strike the party from the rol[l] of attorneys.”).

155. *In re Kalil’s Case*, 773 A.2d 647, 648–49 (N.H. 2001).

156. *Id.*

157. *Id.* at 648.

158. *Id.*

159. See, e.g., Att’y Grievance Comm’n of Md. v. O’Neill, 271 A.3d 792, 815 (Md. 2022); *In re Swier*, 939 N.W.2d 855, 869, 874 (S.D. 2020); *Joiner v. Joiner*, 2005 WL 2805566, at *4 (Tenn. Ct. App. 2005); *In re Giardine*, 392 P.3d 89, 97 (Kan. 2017); *State ex rel. Couns. for Discipline v. Sipple*, 660 N.W.2d 502, 511 (Neb. 2003); *White v. Priest*, 73 S.W.3d 572, 581 (Ark. 2002); *In re Huddleston*, 974 P.2d 325, 330 (Wash. 1999); *In re Breslow*, 590 A.2d 1185, 1186–87 (N.J. 1991).

Members of The Florida Bar shall not engage in unprofessional conduct. "Unprofessional conduct" means substantial or repeated violations of the Oath of Admission to The Florida Bar, The Florida Bar Creed of Professionalism, The Florida Bar Ideals and Goals of Professionalism, The Rules Regulating The Florida Bar, or the decisions of The Florida Supreme Court. Unprofessional conduct, as defined above, in many instances will constitute a violation of one or more of the Rules of Professional Conduct.¹⁶⁰

In this case, the Court lumped the oath in together with all the ethical guidance that could apply. The Florida Supreme Court did not specify which provisions of the oath applied and how those provisions differed from the obligations in Florida's rules of professional conduct or other sources of ethical guidance. In "throwing the book" at the respondent, the court appears to have been reminding the respondent of all of the various professional obligations undertaken when an attorney is admitted to practice law.

States, therefore, enforce lawyer's oaths for attorney disciplinary purposes primarily in conjunction with and indistinguishable from the rules of professional conduct. Sometimes, courts reference oaths when the rules of professional conduct do not quite capture the behavior in question, and other times, it is unclear why courts look to their state's lawyer's oath. This observation is not particularly helpful in determining what amendments to lawyer's oaths should look like in states that enforce the lawyer's oath for attorney disciplinary purposes, except to note that lawyer's oaths are enforceable in many states. It will thus continue to be important to clearly differentiate aspirational language in the lawyer's oath from language that could be enforced.

IV. HOW TO USE HUMAN RIGHTS NORMS TO UPDATE LAWYER'S OATHS

Human rights norms can provide attorneys with ethical aspiration and guidance.¹⁶¹ Human rights are not limited to laws and legal systems; human rights can also be tools and aspirations; they can represent particular norms, and provide guidance in decision making.¹⁶² Human rights also represent a vision of a future in which one would want to live and work.¹⁶³ Human rights are centered on the values of respect for human dignity¹⁶⁴ and non-discrimination.¹⁶⁵ In addition,

160. *In re Code for Resolving Professionalism Complaints*, 116 So.3d 280, 282 (Fla. 2013).

161. See Bartlett, *supra* note 20, at 583–88; Martha F. Davis, *Human Rights and the Model Rules of Professional Conduct: Intersection and Integration*, 42 COLUM. HUM. RTS. L. REV. 157, 180 (2010).

162. Bartlett, *supra* note 20, at 583–88; see also, e.g., U.N. Charter art. 1, ¶ 3; Davis, *supra* note 161, at 180.

163. Bartlett, *supra* note 20, at 584.

164. See Davis, *supra* note 161, at 157 (quoting DAVID LUBAN, *LEGAL ETHICS AND HUMAN DIGNITY* 65–95 (2007)); see also Risa Kaufman, "By Some Other Means": *Considering the Executive's Role in Fostering Subnational Human Rights Compliance*, 33 CARDOZO L. REV. 1971, 2007 (2012) ("A common set of standards comprise the concept of human rights: dignity, justice, fairness, and equality."); G.A. Res. 217 (III) A, Universal Declaration of Human Rights (UDHR), art. 7 (Dec. 10, 1948) [hereinafter UDHR].

165. Davis, *supra* note 161, at 178.

lawyers and scholars have identified self-determination,¹⁶⁶ privacy,¹⁶⁷ accountability,¹⁶⁸ and participation¹⁶⁹ as human rights norms that can help guide an attorney's work and representation of clients. Additionally, there are important human rights norms related to building an inclusive legal profession including cultural sensitivity,¹⁷⁰ accountability for human rights violations,¹⁷¹ and access to justice.¹⁷²

Professor Martha F. Davis has explained that human rights "are relevant to legal ethics both as means, informing the contours of lawyer-client relationships, and as ends, informing legal goals and decision making."¹⁷³ Attorneys drawing on human rights for aspiration will find guidance for navigating ethical dilemmas in law practice and can provide moral direction for the legal profession.¹⁷⁴ As I have noted elsewhere, the negative phrasing of the *Model Rules* provides a baseline and a line that should not be crossed, but the *Model Rules* do not do a great job of providing aspirational goals or ideals.¹⁷⁵ In stark contrast, human rights emphasize respect for human dignity (e.g., rights to self-determination, privacy, non-discrimination), directing attorneys and law students to reach up and aspire

166. International Covenant on Economic, Social and Cultural Rights (ICESCR), Dec. 16, 1966, 993 U.N. T.S. 3 (entered into force Jan. 3, 1976) [hereinafter ICESCR] ("All peoples have the right of self-determination.").

167. Bartlett, *supra* note 20, at 589; see also Mark S. Ellis, *Developing a Global Program for Enhancing Accountability: Key Ethical Tenets for the Legal Profession in the 21st Century*, 54 S.C. L. REV. 1011, 1021 (2003) (discussing the principle of confidentiality as a universal principle of ethical behavior in the legal profession both in the United States and abroad).

168. Bartlett, *supra* note 20, at 589; UDHR, *supra* note 164, at art. 8 ("Everyone has the right to an effective remedy by the competent national tribunals for acts violating the fundamental rights granted him by the constitution or by law.").

169. Bartlett, *supra* note 20, at 589; UDHR, *supra* note 164, at art. 21, 27.

170. See UDHR, *supra* note 164, at art. 27; ICESCR, *supra* note 166, at pmbl.

171. See UDHR, *supra* note 164, at art. 8 ("Everyone has the right to an effective remedy by the competent national tribunals for acts violating the fundamental rights granted him by the constitution or by law."); Organization of American States, American Convention on Human Rights, art. 25, Nov. 22 1969, O.A.S.T.S. No. 36, 1144 U.N.T.S. 123, ("Everyone has the right to simple and prompt recourse, or any other effective recourse, to a competent court or tribunal for protection against acts that violate his fundamental rights recognized by the constitution or laws of the state concerned or by this Convention, even though such violation may have been committed by persons acting in the course of their official duties.").

172. American Convention on Human Rights, *supra* note 171, at art. 25; Martha F. Davis, Risa Kaufman, and Heidi M. Wegleitner, *The Right to Adequate Housing in the United States: The Interdependence of Rights: Protecting the Human Right to Housing by Promoting the Right to Counsel*, 45 COLUM. HUM. RTS. L. REV. 772, 777 (2014) (discussing access to justice as a human right, specifically stating that "[l]egal representation is fundamental to safeguarding fair, equal, and meaningful access to the legal system as a whole, and is critical to safeguarding other human rights").

173. Davis, *supra* note 161, at 176; see Caroline Bettinger-Lopez, Davida Finger, Meetal Jain, JoNel Newman & Sarah Paoletti, *Redefining Human Rights Lawyering Through the Lens of Critical Theory: Lessons for Pedagogy and Practice*, 18 GEO. J. POVERTY L. & POL'Y 337, 384 (2011) (describing a proposal by a law student in the Columbia Human Rights Clinic that suggests adopting eleven principles to guide the ethical behavior of international human rights lawyers).

174. See Bartlett, *supra* note 20, at 583–88.

175. See *id.* at 588.

to high moral and ethical integrity in their interactions with each other, with courts, and with their clients.¹⁷⁶

Drawing on human rights norms to update lawyer's oaths also makes sense in this increasingly globalized world. A growing number of law students and lawyers are familiar with international law and human rights,¹⁷⁷ and thus much of legal practice today is transnational.¹⁷⁸ In addition, domestic laws in the United States are increasingly influenced by human rights.¹⁷⁹ Given the globalized nature of law practice, legal ethics—and lawyer's oaths in particular—should not stand out as separate from human rights.

Yet, as it stands, no lawyer's oath in the United States currently contains the words "human rights." A few lawyer's oaths come close. The Ohio, Colorado, and West Virginia lawyer's oaths stand out by specifically requiring a promise to respect *all* persons.¹⁸⁰ Similarly, the Hawaii lawyer's oath includes a pledge to give "due consideration to the legal needs of those without access to justice."¹⁸¹

A handful of lawyer's oaths require attorneys to pledge to maintain the dignity of the profession,¹⁸² maintain the dignity of the legal system,¹⁸³ or to conduct themselves with dignity.¹⁸⁴ While these pledges use the word dignity, and human

176. See Davis, *supra* note 161, at 157, 178; Bartlett, *supra* note 20, at 588–89.

177. See Deena R. Hurwitz, *Lawyering for Justice and the Inevitability of International Human Rights Clinics*, 28 YALE J. INT'L L. 505, 507 (2003); Davis, *supra* note 161, at 174; Bettinger-Lopez, Finger, Jain, Newman & Paoletti, *supra* note 173, at 337. In the past, Georgetown Law even required that first year students take an international law course. See Farida Ali, *Globalizing the U.S. Law School Curriculum: How Should Legal Educators Respond?*, 41 INT'L J. LEGAL INFO. 249, 266 (2013).

178. Transnational law was famously defined by Philip Jessup as "all law which regulates actions or events that transcend national frontiers." Harold Hongju Koh, *Why Transnational Law Matters*, 24 PENN ST. INT'L L. REV. 745, 750 (2006) (arguing that "transnational law will loom so large in our future"); STEPHEN BREYER, *THE COURT AND THE WORLD: AMERICAN LAW AND THE NEW GLOBAL REALITIES* (2015) (discussing cases before the Supreme Court of the United States that increasingly consider foreign activities and international law).

179. See Tamar Ezer, *Localizing Human Rights in Cities*, S. CAL. REV. L. & SOC. JUST. 68 (2022) ("[C]ities throughout the world have espoused international human rights in various forms. This development has also caught on in the United States with close to a dozen self-designated human rights cities."); see also INDIA THUSI & ROBERT L. CARTER, *HUMAN RIGHTS IN STATE COURTS* 5–6, 47 (2016) (reviewing U.S. state court decisions and Attorney General opinions interpreting human rights treaties, laws, and standards).

180. The Colorado lawyer's oath states, in part, "I will treat all persons whom I encounter through my practice of law with fairness, courtesy, respect and honesty." COLO. SUP. CT. OFF. OF ATT'Y REGUL. COUNS., *supra* note 8. The Ohio lawyer's oath states, in part, "I will conduct myself with dignity and civility and show respect toward judges, court staff, clients, fellow professionals, and all other persons." OHIO REV. CODE ANN. Sup. Ct. Rules for the Gov't of the Bar R. I(9)(A). The West Virginia lawyer's oath states, in part, "I will conduct myself with integrity, dignity and civility and show respect toward judges, court staff, clients, fellow professionals and all other persons." W. VA. CODE Rules for Admission to the Prac. of L. R. 7.0.

181. HAW. SUP. CT. RULES R. 1.5.

182. Alaska and Montana require attorneys to pledge to maintain the dignity of the profession. ALASKA BAR RULES R. 5 § 3; MONT. CODE ANN. § 37-61-207.

183. The South Carolina lawyer's oath requires lawyers to maintain the dignity of the legal system. S.C. CT. RULES R. 402(h)(3).

184. The California, Hawaii, Missouri, and Ohio lawyer's oaths require attorneys to conduct themselves with dignity. See STATE BAR OF CAL., *supra* note 11; HAW. SUP. CT. RULES R. 1.5; MO. ANN. STAT. R. 8.15; OHIO REV. CODE ANN. Sup. Ct. Rules for the Gov't of the Bar R. I(9)(A).

rights norms are centered on respect for human dignity, a pledge to respect human dignity is different than a pledge to maintain the dignity of the profession. These pledges to maintain the dignity of the profession and maintain the dignity of the legal system are not unlike the civility pledges discussed above and may be a veiled attempt to exclude certain groups.¹⁸⁵

Globally, there are lawyer's oaths which include human rights and can serve as models. For example, the Oath of an Advocate from the country of Georgia provides (in its entirety): "I swear to be loyal to the ideas of justice, carry out an advocate's duties in good faith, and protect the Constitution and the laws of Georgia, the code of professional ethics of advocates, and the human rights and freedoms!"¹⁸⁶

Lawyer's oaths in the United States could include a similar pledge to uphold or protect human rights, which would in turn evoke a broad swath of ethical principles.¹⁸⁷

Given that some U.S. states may bristle at a pledge to uphold human rights,¹⁸⁸ another suggestion for updating lawyer's oaths would be to include human rights norms without referring directly to human rights. For example, the oath taken by lawyers in France states (in its entirety): "I swear, as a lawyer, to perform my duties with dignity, conscience, independence, integrity, and humanity."¹⁸⁹

This brief oath puts respect for dignity and humanity, core human rights norms, at the center of the lawyer's professional duties. This is also not too far afield from the new pledge in the West Virginia lawyer's oath to "conduct myself with integrity, dignity and civility."¹⁹⁰ Other states should be open to similar amendments of their oaths.

Thus, human rights can and do provide a source for aspirational language to be used when updating lawyer's oaths. Human rights updates to lawyer's oaths take various forms. It is clear, however, that lawyer's oaths updated with aspirational human rights language can be a useful tool to build a dignified, respectful, and inclusive legal profession.

185. See *supra* Part II.D.

186. The Council of Bars and Law Societies of Europe ("CCBE") has translated the Georgia Oath of an Advocate into English. See LAW OF GEOR. ON THE ADVOC., art. 21¹ Oath of an Advocate (17.11.2009 N 2040) (COUNCIL OF BARS & L. SOC'IES OF EUR. trans.), https://www.ccbe.eu/fileadmin/speciality_distribution/public/documents/National_Regulations/National_Laws_on_the_Bars/EN_Georgia_The-Law-of-Georgia-on-Advocates.pdf [<https://perma.cc/84AR-D2XD>]. The Georgia oath also stands out as including an exclamation point, a good idea to emphasize the excitement that should be brought about by taking the oath. See *id.*

187. Davis, *supra* note 161, at 183.

188. For years, there has been an anti-international law movement afoot in the United States. See, e.g., Martha F. Davis & Johanna Kalb, *Oklahoma State Question 755 and an Analysis of Anti-International Law Initiatives*, AM. CONST. SOC. ISS. BRIEF 1-2 (Jan. 2011), https://www.acslaw.org/wp-content/uploads/2018/04/davis_and_kalb_anti-international_law.pdf [<https://perma.cc/AF69-UHNN>].

189. *Professional Regulations – Obligations*, CONSEIL NATIONAL DES BARREAUX, <https://www.cnb.avocat.fr/en/professional-regulations-obligations> [<https://perma.cc/8GEB-ACSK>] (last visited Feb. 27, 2023).

190. W. VA. CODE Rules for Admission to the Prac. of L. R. 7.0.

V. PROPOSED HUMAN RIGHTS UPDATES TO LAWYER'S OATHS

There are many possibilities for updates to lawyer's oaths. Some oaths could be impactful with only minor updates—the addition or subtraction of just a word or two. Other oaths should be completely overhauled to achieve relevancy and accessibility for new attorneys. This Part proposes minor updates to the Ohio, Missouri, and California lawyer's oaths and a model human rights lawyer's oath that could entirely replace some outdated lawyer's oaths.

The proposals for updating lawyer's oaths offered here focus on making the oaths more accessible and impactful as tools for promoting professionalism and legal ethics—to build a dignified, respectful, and inclusive legal profession. To make oaths more accessible and impactful, the updates draw on human rights norms and focus on including: (1) simple, direct, and modern language; (2) a promise to abide by the rules of professional conduct; and (3) aspirational guidance for fulfilling the lawyer's role as a public citizen.

First, updates to make lawyer's oaths more accessible should focus on simple, direct, and modern language.¹⁹¹ For example, "I promise" should be used instead of "I affirm" or "I swear."¹⁹² All archaic language and activities, such as "lucre" and "duels," should be removed from lawyer's oaths,¹⁹³ and all gender-specific language, such as "delay no man," should be removed from lawyer's oaths.¹⁹⁴

Second, to make a lawyer's oath more impactful, all lawyer's oaths should include a promise to abide by the rules of professional conduct. Adding a promise to abide by the rules of professional conduct seemingly negates the need to highlight specific ethical rules, such as due diligence or confidentiality. Many current lawyer's oaths emphasize only one or two ethical rules, thereby diminishing the importance of the other rules.¹⁹⁵ In addition, a promise to uphold all the rules of professional conduct, and not just specific rules, allows the lawyer's oath to focus on aspirational ethical guidance. Including human rights—such as non-discrimination, respect for all persons, and access to justice—in lawyer's oaths would accomplish this goal of focusing on aspirational ethical guidance.

Third, language providing aspirational guidance for fulfilling the lawyer's role as a public citizen with a special responsibility for the quality of justice should be prioritized.¹⁹⁶ Adding promises to give consideration to access to justice for all

191. See *supra* Part I; cf. Andrews, *supra* note 2, at 60 ("Simplicity does not mean a better oath.").

192. See *supra* Part II.E.

193. See Part II A. Connecticut replaced the word "lucre" with "gain" in its lawyer's oath. See CONN. GEN. STAT. § 1-25. South Carolina replaced the word "lucre" with "profit" in its lawyer's oath. See S.C. CT. RULES R. 402.

194. See, e.g., ME. STAT. tit. 4, § 806.

195. See, e.g., CAL. RULES OF CT. R. 9.7 (emphasizing only due diligence); DEL. SUP. CT. RULES R. 54 (emphasizing fidelity to the courts and client, due diligence, and no falsehood or delay); 705 ILL. COMP. STAT. ANN. 205/4 (emphasizing only due diligence); MD. CODE ANN., BUS. OCC. & PROF. § 10-212 (emphasizing only fair and honorable conduct).

196. See *supra* Part I.B.

and/or to improve the law and legal systems gives newly admitted lawyers specific aspirational goals. Goal setting language can not only provide guidance and help attorneys strive for high ethical aspiration, it can also emphasize the importance of reflection in their work and for the legal profession as a whole.¹⁹⁷

Below, proposals for updates to the Ohio, Missouri, and California lawyer's oaths are discussed and explained. Enforceability and other concerns are also addressed in context. The proposed updates steer away from directly mentioning human rights and instead pull human rights language from other states' lawyer's oaths, to make the updates as friendly as possible for the state bar associations, supreme court committees, and others in charge of drafting and enacting updates to lawyer's oaths.

A. PROPOSED AMENDMENTS TO THE OHIO LAWYER'S OATH

The Ohio lawyer's oath is probably the best example of a lawyer's oath in the United States that already includes many of the updates recommended in this Article. New lawyers currently take the following oath in Ohio:

I, _____, hereby (swear or affirm) that I will support the Constitution and the laws of the United States and the Constitution and the laws of Ohio, and I will abide by the Ohio Rules of Professional Conduct. In my capacity as an attorney and officer of the Court, I will conduct myself with dignity and civility and show respect toward judges, court staff, clients, fellow professionals, and all other persons. I will honestly, faithfully, and competently discharge the duties of an attorney at law. (So help me God.)¹⁹⁸

The language in the Ohio lawyer's oath is already simple, direct, and modern. The language in this oath is also gender neutral and already requires a pledge to abide by the rules of professional conduct and to show respect towards all other persons. The only updates left are to take out the reference to the constitutions, add in a promise instead of swearing or affirming the oath, and emphasize the lawyer's role as a public citizen. Therefore, the proposed updated Ohio lawyer's oath would be refined to state:

I promise to abide by the Ohio Rules of Professional Conduct. I will strive to conduct myself with dignity and show respect toward judges, court staff, clients, fellow professionals, and all other persons. I will give due consideration to safeguarding fair, equal, and meaningful access to justice for all.

This updated version of the Ohio lawyer's oath is quite similar to the current Ohio oath and the proposed updated California lawyer's oath below. The first sentence of the proposed updated Ohio lawyer's oath replaces the words "(swear or affirm)" with a "promise." The phrase "[i]n my capacity as an attorney and

197. See *supra* Part I.E.

198. OHIO REV. CODE ANN. Sup. Ct. Rules for the Gov't of the Bar R. I(9)(A).

officer of the Court” has been removed from the second sentence, as that limitation could be interpreted as a requirement for attorneys to conduct themselves with dignity only when acting as an officer of the court and not at all times. The requirement to conduct oneself with “civility” has also been removed from that sentence in solidarity with arguments that requiring civility may be an under-handed way of trying to control or exclude persons with disabilities, people of color, and women.¹⁹⁹

The word “strive” has been added to the second sentence in an attempt to avoid enforceability issues, as the Ohio oath is enforceable for the purposes of attorney discipline.²⁰⁰ The third and final sentence of the updated Ohio lawyer’s oath has been added to emphasize the right of access to justice and the lawyer’s role as a public citizen. That last sentence contains the same language that is proposed below as an addition to California’s lawyer’s oath. After these suggested amendments, the Ohio oath will read nearly like the proposed amended California oath below, and it will focus on highlighting the rules of professional conduct, aspirational ethical guidance, and the concept of lawyer as public citizen.

B. PROPOSED AMENDMENTS TO THE MISSOURI LAWYER’S OATH

In Missouri, new attorneys take this oath:

I do solemnly swear that I will support the Constitution of the United States and the Constitution of the State of Missouri;

That I will maintain the respect due courts of justice, judicial officers and members of my profession and will at all times conduct myself with dignity becoming of an officer of the court in which I appear;

That I will never seek to mislead the judge or jury by any artifice or false statement of fact or law;

That I will at all times conduct myself in accordance with the Rules of Professional Conduct; and,

That I will practice law to the best of my knowledge and ability and with consideration for the defenseless and oppressed.

So help me God.²⁰¹

The current Missouri lawyer’s oath amounts to an almost perfect mixture of language from the California and Ohio oaths. The Missouri oath contains good language regarding dignity and already requires a pledge to abide by the rules of professional conduct. However, the Missouri oath contains some outdated language, such as “artifice,” and could use some aspirational ethical guidance.

199. See *supra* Part II.D.

200. See Off. of Disciplinary Couns. v. Fowerbaugh, 658 N.E.2d 237, 239–40 (Ohio 1995); *infra* App. A.

201. MO. ANN. STAT. R. 8.15.

The proposed updated Missouri lawyer's oath would be simplified and state:

I promise that I will show respect toward all others and will at all times conduct myself with dignity;

That I will at all times conduct myself in accordance with the Rules of Professional Conduct; and

That I will give due consideration to safeguarding fair, equal, and meaningful access to justice for all.

This updated version of the Missouri lawyer's oath is almost identical to the proposed updated Ohio and California oaths, just slightly reordered based on the order of the current Missouri oath. The first sentence of the proposed updated Missouri oath replaces the words "I do solemnly swear" with "I promise" and the pledges upholding constitutions are removed. The second sentence of the current oath is amended to highlight showing respect for all others at all times, as opposed to respect for just courts and officers of the court. The current sentence regarding the rules of professional conduct is unaltered in the proposed updated Missouri oath. The last sentence mirrors the final sentence of the proposed updated Ohio oath, emphasizing the lawyer as public citizen. Because Missouri does not enforce its oath for the purposes of attorney discipline, the word "strive" is not used here. The result is a much shorter oath. These proposed amendments are meant to mirror language already adopted by other states and are meant to highlight what is most important in terms of ethics and professionalism during the ceremony of admission.

C. PROPOSED AMENDMENTS TO THE CALIFORNIA LAWYER'S OATH

Newly admitted attorneys to the California Bar currently take the following lawyer's oath:

I solemnly swear (or affirm) that I will support the Constitution of the United States and the Constitution of the State of California, and that I will faithfully discharge the duties of an attorney and counselor at law to the best of my knowledge and ability. As an officer of the court, I will strive to conduct myself at all times with dignity, courtesy and integrity.²⁰²

The California oath already includes the core human rights norm of dignity. In addition, this oath requires attorneys to act *at all times* with dignity, instead of limiting the requirement to act with dignity only to interactions with a subset of people, such as the judge or clients, as some other lawyer's oaths do. However, the California oath only requires acting with dignity when the attorney is performing duties as an officer of the court, which does not fully embrace the lawyer as public citizen principle. There is also no mention in the current California oath

202. STATE BAR OF CAL., *supra* note 11.

of the rules of professional conduct, access to justice, or any special responsibility for the quality of justice.

Proposed amendments to the California oath, therefore, focus on adding a promise to abide by the rules of professional conduct and highlight the human rights norms of non-discrimination and access to justice. The proposed updated California lawyer's oath would read:

I promise to abide by the California Rules of Professional Conduct. I will strive to conduct myself at all times with dignity and integrity. I will strive to show respect toward judges, court staff, clients, fellow professionals, and all other persons. I will give due consideration to safeguarding fair, equal, and meaningful access to justice for all.

The first sentence of this proposed oath replaces the words "swear (or affirm)" with a "promise." A promise is simpler and more modern than swearing or affirming and avoids possible religious discrimination.²⁰³ The sentence regarding support for the constitutions has also been removed in this proposed oath.

The first sentence adds a promise to abide by the rules of professional conduct, which should always be included in a lawyer's oath. The second sentence focuses on ethical aspiration—dignity and integrity—drawn from human rights norms.

The third proposed sentence is the last sentence of the current oath, but with the limiting language of "as an officer of the court" removed. That limitation could be interpreted to mean it requires you to conduct yourself with dignity only when acting as an officer of the court, instead of at all times. If professionalism and high ethical aspiration are goals, it would be best for attorneys to strive to conduct themselves with dignity at all times, as opposed to just when carrying out duties as an attorney.

The word "strive" is added to the second and third sentences to indicate that these are aspirational provisions, and not meant to be enforced, taking into consideration that the California oath is enforceable by statute.²⁰⁴ The third proposed sentence emphasizes respect for all persons and draws on language contained in the current Ohio, Colorado, and West Virginia lawyer's oaths.

The fourth and last sentence proposed for the updated California lawyer's oath emphasizes the right to access to justice and the lawyer's role as a public citizen. This last sentence is close to the language in Hawaii's oath requiring a promise to give "due consideration to the legal needs of those without access to justice."²⁰⁵ It is also not so different from the phrase, "never reject, from any consideration personal to myself, the cause of the defenseless or oppressed," which shows up in lawyer's oaths in ten states.²⁰⁶ However this language is also borrowed from an

203. See *supra* Part II.E.

204. See *infra* App. A; STATE BAR OF CAL., *supra* note 11.

205. See HAW. SUP. CT. RULES R. 1.5.

206. See *infra* App. A; COLO. SUP. CT. OFF. OF ATT'Y REGUL. COUNS., *supra* note 8; FLA. STAT. Oath of Admission to The Florida Bar; IDAHO CODE § 3-201; IND. CODE tit. 34, R. 22; LA. SUP. CT. COMM. ON BAR

article by Professor Martha F. Davis and others discussing access to justice as a human right, which states that “[l]egal representation is fundamental to safeguarding fair, equal, and meaningful access to the legal system as a whole, and is critical to safeguarding other human rights.”²⁰⁷

While California’s oath already contains more modern and direct language than many other lawyer’s oaths, these updates would make the oath even more accessible and impactful.

D. PROPOSED MODEL HUMAN RIGHTS LAWYER’S OATH

While the proposed updated lawyer’s oaths above draw on human rights norms, those proposed oaths do not directly reference human rights. The model human rights lawyer’s oath offered below references human rights directly, giving jurisdictions that have already embraced human rights in other contexts the option of going above and beyond. The proposed model human rights lawyer’s oath reads as follows:

I promise to abide by the rules of professional conduct.

I will strive to treat all persons with dignity and respect at all times.

I promise to take action to ensure the full realization of human rights and fundamental freedoms for all.²⁰⁸

This model human rights lawyer’s oath includes a promise to abide by the rules of professional conduct, just like the proposed updates to the California, Ohio, and Missouri oaths above. The second sentence of the model human rights oath centers the human rights norms of the rights to dignity and respect at all times for all persons.

The last sentence includes a promise to take action to protect and enforce human rights for all. This last sentence is a human rights version of the lawyer as public citizen provisions included in the proposed updates to the California, Ohio, and Missouri oaths. Instead of invoking the Colorado and Hawaii oath language, the model human rights lawyer’s oath cites directly to human rights and urges newly admitted attorneys to embrace ambitious ethical aspirations. This model human rights lawyer’s oath is short but still emphasizes the lawyer’s role as a public citizen and includes simple, direct, and modern language, as well as a promise to abide by the rules of professional conduct.

ADMISSIONS, *supra* note 83; MICH. COMP. LAWS Rules Concerning the State Bar R. 15, § 3; N.M. RULES GOVERNING ADMISSION TO THE BAR. R. 15-304; S.D. CODIFIED LAWS § 16-16-18; WASH. REV. CODE § 2.48.210; WIS. SUP. CT. RULES R. 40.15.

207. See Davis, *supra* note 161.

208. Some of this language is taken from the United Nations Stand up for Human Rights Pledge. See *Stand Up for Human Rights Pledge*, UNITED NATIONS ASS’N, U.S., <https://unausa.org/human-rights/take-the-pledge/> [<https://perma.cc/SL82-Q9R4>] (last visited Feb. 27, 2023).

CONCLUSION

Lawyer's oaths are an important tool for promoting professionalism and legal ethics. Yet, many lawyer's oaths used in the United States are problematic and include irrelevant, inappropriate, discriminatory, and obsolete language and terminology. In addition, many lawyer's oaths have not been amended for hundreds of years. It is past time to update lawyer's oaths. When considering updates to lawyer's oaths, the focus should be on simple, direct, and modern language. In addition, ethical aspiration and guidance, which may be drawn from human rights norms, should also be included. This Article can serve as a guide for jurisdictions considering updates to lawyer's oaths.

APPENDIX A: LAWYER’S OATH CHART (FIFTY STATES AND WASHINGTON, D.C.)

Enforceable by Statute	15	DC, WI, WA, SD, SC, NM, NE, MT, MN, KS, IA, ID, FL, CA, AZ
Enforceable (but not by statute)	12	UT, PA, OR, OH, NH, MA, ME, IL, DE, CT, CO, AR
Reference (but oath alone not enforced for attorney discipline)	17	WY, WV, VT, TN, RI, OK, NY, NV, NJ, ND, MS, MI, MD, LA, KY, IN, GA
No Reference (to oath violations used for attorney discipline)	7	VA, TX, NC, MO, HI, AL, AK

State	Status	Lawyer’s Oath	Relevant Text/Source(s) for Enforceability
Alabama	No Reference	ALA. CODE § 34-3-15 (2022).	No reference to state lawyer’s oath violations.
Alaska	No Reference	ALASKA BAR RULES R. 5 § 3 (Alaska Bar Ass’n 2018).	No reference to state lawyer’s oath violations.
Arizona	Enforceable by Statute	ARIZ. SUP. CT. RULES R. 41 (ARIZ. SUP. CT. 2023).	ARIZ. SUP. CT. RULES R. 31(a)(2)(E), 41 (g), 54(i); <i>In re Martinez</i> , 462 P.3d 36, 43 (Ariz. 2020) (“The Bar contends that the panel erred by characterizing Rule 41(g) as aspirational. Although we do not interpret the panel’s decision as applying an incorrect standard, we clarify that because unprofessional conduct is actionable under Rule 41(g), the rule is not merely aspirational.”).

Arkansas	Enforceable	ARK. RULES GOVERNING ADMISSION TO THE BAR R. 7 (G) (Ark. Sup. Ct. 2017).	Wernimont v. State <i>ex rel.</i> Little Rock Bar Ass’n, 142 S.W. 194, 196 (Ark. 1911) (“The purpose of the proceedings for suspension and disbarment is to protect the court and the public from attorneys who, disregarding their oath of office, pervert and abuse those privileges which they have obtained by the high office they have secured from the court.”); White v. Priest, 73 S.W.3d 572, 581 (Ark. 2002) (“We cite the foregoing examples of the general tone of disrespect for the code of ethics and Mr. Stilley’s breach of his oath of office as an attorney-at-law. . . . Because this matter implicates a breach of the Model Rules of Professional Conduct, we refer Mr. Stilley to the Professional Conduct Committee and request the Committee to take whatever action it believes his actions warrant under the Model Rules of Professional Conduct.” (emphasis added)).
California	Enforceable by Statute	<i>Attorney’s Oath</i> , STATE BAR OF CAL. (2023), https://perma.cc/BMC5-9MQ3 .	CAL. BUS. & PROF. CODE §§ 6068 (2019), 6103 (2023); CAL. RULES OF CT. R. 9.7 (JUD. COUNCIL OF CAL. 2022); Ramirez v. State Bar, 619 P.2d 399, 405 (Cal. 1980) (“It appears clear petitioner has violated his oath and duties as an attorney and is subject to discipline therefor . In support of the recommended discipline, this court has heretofore disciplined attorneys for violating their oath and duties in making unjustified and demeaning allegations against judicial officers.” (emphasis added)).

Colorado	Enforceable	<i>Oath of Admission</i> , COLO. SUP. CT. OFF. OF ATT’Y REGUL. COUNS., https://perma.cc/BH9T-8HQQ (last visited Mar. 3, 2023).	People v. Selby, 396 P.2d 598, 599 (Colo. 1964) (“Lawyers should ever remember that it is their duty to act with dignity, restraint and fairness in the hallowed process of seeking justice through our judicial system. Those who forget, or deliberately violate, this injunction violate their oath and obligation as lawyers and officers of the Court. Mr. Selby, you are . . . solemnly warned that repetition of these violations or any other breach of your duty as a lawyer will be sufficient cause for more severe disciplinary action.” (emphasis added)); People v. Wallin, 621 P.2d 330, 330 (Colo. 1981) (“Mr. Wallin, you stand before the Supreme Court of Colorado to be publicly censured for violating your oath as an attorney. ” (emphasis added)).
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Connecticut	Enforceable	CONN. GEN. STAT. § 1-25 (2017).	Grievance Comm. v. Woolfson, 2 Conn. Supp. 122, 127, 134 (1935) (“The inquiry here is whether Woolfson has committed any unprofessional acts in violation of his oath of office as an attorney His offense may be characterized as ‘sharp practice’, a total lack of comprehension of the duty of a lawyer to the public in general, a failure to possess a full realization of the obligation owed by the attorney to the Court, a willingness to walk so close to the line separating right from wrong that the pressure of self-interest may temporarily cause a slipping to the side of wrong. The said Ralph G. Woolfson is suspended from the practice of law.” (emphasis added)); Disciplinary Couns. v. Johnson, No. HHDCV126034033, 2021 WL 4295352, at *8 (Conn. Super. Ct. Aug. 30, 2021) (“The Respondent’s conduct over a three-year period was in violation of his oath as an attorney , disrespectful to the trial court, unfair to and expensive for the other parties, and incompatible with well-established Connecticut law. The Respondent’s frivolous and baseless pleadings confused the issues and obscured the true facts, delayed final resolution of both lawsuits, and significantly increased the costs to the opposing parties. In the face of such misconduct, this court is duty-bound to impose sanctions.” (emphasis added)).
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Delaware	Enforceable	DEL. SUP. CT. RULES R. 54 (DEL. SUP. CT. 2023).	<i>In re</i> Davis, 43 A.3d 856, 865–66 (Del. 2012) (“Notwithstanding this Court’s adoption of the Delaware Lawyers’ Rules of Professional Conduct, the oath remains the primary statement of core ethical values for Delaware lawyers. Two fundamental ethical principles in the Delaware oath are to act with fidelity to the Court and to use no falsehood. The record reflects that Davis violated these fundamental ethical principles before and during his suspension, and thereafter, when he sought reinstatement.”).
Florida	Enforceable by Statute	FLA. STAT. Oath of Admission to The Florida Bar (2023).	RULES REGULATING THE FLA. BAR R. 3-4.7 (FLA. SUP. CT. 2015); <i>In re</i> Code for Resolving Professionalism Complaints, 116 So.3d 280, 282 (Fla. 2013) (“Members of The Florida Bar shall not engage in unprofessional conduct. ‘Unprofessional conduct’ means substantial or repeated violations of the Oath of Admission to The Florida Bar, The Florida Bar Creed of Professionalism, The Florida Bar Ideals and Goals of Professionalism, The Rules Regulating The Florida Bar, or the decisions of The Florida Supreme Court. Unprofessional conduct, as defined above, in many instances will constitute a violation of one or more of the Rules of Professional Conduct.”).

Georgia	Reference	GA. RULES GOVERNING ADMISSION TO THE PRAC. OF L. pt. B § 16 (GA. SUP. CT. 2022).	Williford v. State, 194 S.E. 384, 388 (Ga. Ct. App. 1937) (“‘An attorney is guilty of misconduct whenever he so acts as to be unworthy of the trust and confidence involved in his official oath , and is found wanting in the honesty and integrity which must characterize members of the bar in the performance of their professional duties.’ . . . This may involve misconduct towards the court, misconduct towards a fellow attorney, or moral delinquency showing the attorney to be unfit to exercise the privilege of practicing before the courts.” (citations omitted)).
Hawaii	No Reference	HAW. SUP. CT. RULES R. 1.5 (HAW. SUP. CT. 2023).	No reference to state lawyer’s oath violations.
Idaho	Enforceable by Statute	IDAHO BAR COMM’N RULES R. 220 (BD. OF COMM’RS OF THE IDAHO STATE BAR 2023).	IDAHO CODE § 3-301 (2022) (replaced C.S. § 6578 in 1929); <i>In re Downs</i> , 268 P. 17, 17 (Idaho 1928) (“[A]n attorney may be disbarred for ‘any violation of the oath taken by him or his duties as such attorney and counselor.’ These duties are prescribed by C. S. § 6572, among others, to support the laws of this state and maintain the respect due to the courts of justice and judicial officers. C. S. § 6580, authorizes proceedings by this court for violation of C. S. § 6578, on matters within its knowledge or upon the information of another.” (emphasis added)).

Illinois	Enforceable	705 ILL. COMP. STAT. ANN. 205/4 (2022).	<i>In re Stillo</i> , 368 N.E.2d 897, 899 (Ill. 1977); (“When a lawyer, further, converts a client’s funds to his own personal use he commits an act involving moral turpitude, and, in the absence of mitigating circumstances, such conversion is a gross violation of the attorney’s oath, calling for the attorney’s disbarment.” (emphasis added)).
Indiana	Reference	IND. CODE tit. 34, R. 22 (2023).	<i>In re Helman</i> , 640 N.E.2d 1063, 1065 (Ind. 1994) (“Every individual who has taken this Court’s oath of attorneys should be aware that lying is, at best, an ethically irresponsible practice.”).
Iowa	Enforceable by Statute	Available in Roxann Ryan, <i>Students Propose Statutory Changes in Iowa Lawyer’s Oath</i> , IOWA LAW. 8 (May 2005), https://perma.cc/69DM-YQ66 .	IOWA S. CT. ATT’Y DISCIPLINARY BD. RULES OF PROC. R. 35.4(6) (IOWA ATT’Y DISCIPLINARY BD. 2022) (“A true copy of any complaint against a current member of the grievance commission or the disciplinary board involving alleged violations of an attorney’s oath of office or of the Iowa Rules of Professional Conduct.”).
Kansas	Enforceable by Statute	KAN. STAT. ANN. Sup. Ct. Rules R. 726 (2022).	KAN. STAT. ANN. Sup. Ct. Rules R. 203; <i>In re Giardine</i> , 392 P.3d 89, 97 (Kan. 2017) (“‘‘Acts or omissions by an attorney . . . which violate the attorney’s oath of office or the disciplinary rules of the Supreme Court shall constitute misconduct and shall be grounds for discipline, whether or not the acts or omissions occurred in the course of an attorney-client relationship.’” (emphasis added)).

Kentucky	Reference	KY. CONST. § 228.	<i>In re Wells</i> , 168 S.W.2d 730, 732 (Ky. 1943) (“An attorney is guilty of misconduct sufficient to justify his suspension or disbarment whenever he so acts as to be unworthy of the trust and confidence involved in his official oath and is found to be wanting in that honesty and integrity which must characterize members of the bar in the performance of their professional duties.”).
Louisiana	Reference	<i>Lawyer’s Oath</i> , LA. SUP. CT. COMM. ON BAR ADMISSIONS (2023), https:// perma.cc/ C2ZC-UYFS .	<i>In re Morphis</i> , 831 So. 2d 934, 940 (La. 2002) (“‘High standards of honesty and righteousness have been erected for those engaged in the legal profession and all members of it are required to take an oath to uphold these ideals upon their admission to the Bar.’ Respondent has disregarded and ignored his obligation to uphold the ideals that he assumed when he took the oath as a member of the bar of this state. He has used his law license not to foster the high standards of the profession, but as a license to steal from the citizens of Louisiana. This court cannot and will not tolerate such conduct. Respondent must be permanently disbarred.” (citation omitted) (quoting <i>La. State Bar Ass’n v. Haylon</i> , 198 So. 2d 391, 392 (La. 1967))).

Maine	Enforceable	ME. STAT. tit. 4, § 806 (2023).	Strout v. Proctor, 71 Me. 288, 291 (1880) (“[R]espondent, prostituting to corrupt uses his professional standing and influence, and in violation of his official oath, by means of false pretenses and false advice to Mrs. Haskell, whom he knew was trusting him as a lawyer and a friend, did all in his power to consummate a gross wrong and fraud upon her, of which he himself, directly or indirectly, was to reap the benefit . . . requires the removal of Daniel W. Proctor from the office of attorney and counselor of this court.”); <i>In re Dineen</i> , 380 A.2d 603, 604 (Me. 1977) (“The ‘Attorney’s Oath,’ required of all Maine attorneys, includes several provisions against which an attorney’s actions may be properly measured.”).
Maryland	Reference	MD. CODE ANN., BUS. OCC. & PROF. § 10-212 (West 2022).	Att’y Grievance Comm’n of Md. v. O’Neill, 271 A.3d 792, 815 (Md. 2022) (“By violating several rules of professional responsibility, Respondent did not fairly and honorably discharge the ethical duties, embodied in the oath, and required by all members of the Maryland bar. In the aggregate, Respondent’s conduct warrants the ultimate sanction of disbarment.”).

Massachusetts	Enforceable	MASS. GEN. LAWS ch. 221, § 38 (2022).	<i>In re Balliro</i> , 899 N.E.2d 794, 804 (Mass. 2009) (“When the respondent was admitted as an attorney in this Commonwealth, she took an oath of office . . . in which she solemnly swore, among other things, that she would ‘do no falsehood, nor consent to the doing of any in court.’ . . . Notwithstanding the substantial mitigating factors in this case, we cannot condone the actions of an attorney in giving false testimony under oath, irrespective of the circumstances. We conclude that the appropriate disciplinary sanction for the respondent’s misconduct is a six-month suspension from the practice of law.”); <i>In re Randall</i> , 93 Mass. 473 (1865) (“The more reasonable inference is that the power of removal was given, not as a mode of inflicting a punishment for an offence, but in order to enable the courts to prevent the scandal and reproach which would be occasioned to the administration of the law, by the continuance in office of those who had violated their oaths or abused their trust, and to take away from such persons the power and opportunity of injuring others by further acts of misconduct and malpractice.”).
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Michigan	Reference	MICH. COMP. LAWS Rules Concerning the State Bar R. 15, § 3 (2023).	Grievance Adm’r v. Fieger, 719 N.W.2d 123, 134 (Mich. 2006) (“This oath provides that the lawyer will, upon being accorded the privileges provided by membership in the bar, (1) maintain the respect due to courts of justice and judicial officers, (2) abstain from all offensive personality, and (3) conduct himself or herself personally and professionally in conformity with the high standards of conduct imposed on members of the bar as conditions for the privilege to practice law in Michigan.”).
Minnesota	Enforceable by Statute	MINN. STAT. § 358.07(9) (2023).	MINN STAT. § 481.15; <i>In re Kennedy</i> , 15 N.W.2d 26, 26 (Minn. 1944) (“Respondent’s conduct clearly calls for censure and reprobation. It constitutes a wilful violation of his oath and of the duties imposed upon him as an attorney at law, justifying his removal or suspension under [§ 481.15]. It cannot be ignored.” (emphasis added)).
Mississippi	Reference	MISS. CODE. ANN. § 73-3-35 (2023).	Rogers v. Miss. Bar, 731 So. 2d 1158, 1166 (Miss. 1999) (“The Rules of Discipline for the Mississippi State Bar state that the grounds for discipline include ‘[a]cts or omissions by an attorney, individually or in concert with any other person or persons, which violate the Attorney’s Oath of Office or the Code of Professional Responsibility as now set forth or as hereafter amended, shall constitute misconduct and shall be grounds for discipline, whether or not the acts or omissions occurred in the course of an attorney-client relationship.’” (emphasis removed)). (No other reference to enforcement of this rule found).

Missouri	No Reference	MO. ANN. STAT. R. 8.15 (2023).	No reference to state lawyer’s oath violations.
Montana	Enforceable by Statute	<i>Written Oath of Admission to the Bar of the State of Montana</i> , MONT. SUP. CT. (2017), https://perma.cc/N4KT-TSDS .	MONT. CODE ANN. § 37-61-301 (2023); <i>In re McCue</i> , 261 P. 341, 347 (Mont. 1927) (“[Montana law] provides for disbarment for ‘willful disobedience or violation of an order of the court, violation of the oath taken by [an attorney], or of his duties as such attorney.’ Clearly, it is the duty of an attorney to remit money collected to his client, and a willful omission to do so constitutes a violation of his duty and will subject the attorney to punishment where no deceit is practiced.”).
Nebraska	Enforceable by Statute	NEB. REV. STAT. Neb. Ct. Rules § 3-128 (2023).	NEB. REV. STAT. § 7-104 (2022) (does not expressly provide for discipline when violation of lawyer’s oath occurs; however, case law seems to suggest Nebraska courts use it to enforce attorney conduct); <i>State ex rel. Couns. for Discipline v. Sipple</i> , 660 N.W.2d 502, 511 (Neb. 2003) (“Although the referee made no finding in this regard, we conclude that by virtue of respondent’s conduct, we find by clear and convincing evidence that . . . respondent has violated the attorney’s oath of office. ” (emphasis added) (citing NEB. REV. STAT. § 7-104)).
Nevada	Reference	NEV. REV. STAT. Nev. Sup. Ct. Rules R. 73 (2023).	<i>In re Raggio</i> , 487 P.2d 499, 501 (Nev. 1971) (“A member of the bar, however, stands in a different position by reason of his oath of office and the standards of conduct which he is sworn to uphold. Conformity with those standards has proven essential to the administration of justice in our courts.”).

New Hampshire	Enforceable	N.H. REV. STAT. ANN. § 311:6 (2023).	<i>In re</i> Silverstein’s Case, 236 A.2d 488, 490 (N.H. 1967) (“[A]n attorney is an officer of the court whose oath binds him to do no falsehood. The defendant’s conduct was not of the high order which the public has the right to demand from members of the legal profession. . . . Jerome L. Silverstein [is] suspended from the practice of law for a period of three months.” (citations omitted)); <i>In re</i> Kalil’s Case, 773 A.2d 647, 648–49 (N.H. 2001) (“Every attorney admitted to practice law in this State takes an oath The oath begins: ‘You solemnly swear or affirm that you will do no falsehood, nor consent that any be done in the court[.]’ The respondent failed to honor this obligation. Not only did he act unprofessionally by attempting to intimidate a pro se litigant outside the courtroom, he abandoned his oath by lying about his conduct when questioned by the judge. . . . Accordingly, the respondent is suspended from the practice of law for three months.” (citations omitted)).
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New Jersey	Reference	N.J. STAT. ANN. § 2A:13-1 (2023).	<i>In re Breslow</i> , 590 A.2d 1185, 1186–87 (N.J. 1991) (“The most obvious difference, and the one that most clearly justifies differential treatment of the subjects of the two proceedings, is that at the time of his or her past delinquency, the bar applicant was not bound by the solemn oath taken by every attorney and by the strictures of our Rules of Professional Conduct, as every practicing lawyer is. That oath and those Rules cast a different light on otherwise-identical misconduct because the attorney, unlike the applicant, acts in contravention of standards to which he or she has knowingly and affirmatively acceded. The weight to be accorded proof of rehabilitation, then, varies, depending on whether the transgression occurs before or after admission and, beyond that, depending on the nature of the transgression itself.”).
New Mexico	Enforceable by Statute	N.M. RULES GOVERNING ADMISSION TO THE BAR. R. 15-304 (N.M. SUP. CT. 2010).	N.M. STAT. ANN. § 36-2-18 (2023).
New York	Reference	N.Y. CONST. art. XIII, § 1.	<i>In re Nearing</i> , 229 N.Y.S.2d 567, 569 (N.Y. App. Div. 1962) (“[A]n appraisal of the character of the offender is the true guide, but the nature, seriousness and surrounding circumstances of his offense are most significant factors as indicia of what may be expected in the future. The attorney’s attitude toward the obligations and duties implicit in taking the oath of office as an attorney is probably the most decisive factor in reaching a determination.”).

North Carolina	No Reference	N.C. GEN. STAT. § 11-11 (2022).	No reference to state lawyer's oath violations.
North Dakota	Reference	N.D. CONST. art. XI, § 4.	<i>In re Crum</i> , 215 N.W. 682, 683 (N.D. 1927) (Where attorney at issue was Special Assistant Attorney General of the state of North Dakota, "[i]n a disbarment proceeding . . . such evidence is ample proof of conduct violative of the oath of office of the attorney and of a willful violation of the duties of an attorney at law.").
Ohio	Enforceable	OHIO REV. CODE ANN. Sup. Ct. Rules for the Gov't of the Bar R. I(9)(A) (West 2023).	<i>Off. of Disciplinary Couns. v. Fowerbaugh</i> , 658 N.E.2d 237, 239–40 (Ohio 1995) ("A lawyer who engages in a material misrepresentation to a court or a pattern of dishonesty with a client violates, at a minimum, the lawyer's oath of office that he or she will not 'knowingly . . . employ or countenance any . . . deception, falsehood, or fraud.' . . . For the foregoing reasons, we order that respondent be suspended from the practice of law in the state of Ohio for six months." (citation omitted)).
Oklahoma	Reference	OKLA. STAT. tit. 5, ch. 1, app. 5, R. 1 (2023).	<i>State Bar Comm'n. ex rel. Williams v. Sullivan</i> , 131 P. 703, 707 (Okla. 1912) ("The oath which an attorney is required to take before being permitted to practice law in the courts of this state is not simply to be obedient to the Constitution and laws of the state, but to maintain at all times the respect due the courts of justice and judicial officers, and for a violation of these duties an attorney may be suspended or disbarred." (citation omitted)) (case decided before Rules of Professional Conduct enacted in Oklahoma).

Oregon	Enforceable	<i>Oath of Office for Admission to the Practice of Law in Oregon</i> , OR. STATE BAR, https://perma.cc/G3ZY-9KBH (last visited Mar. 3, 2023).	<i>In re McKechnie</i> , 330 P.2d 727, 728 (Or. 1958) (“The intentional violation of an Act designed to carry out the purposes of government itself, whether done with corrupt intent or not, conflicts with the moral duty of a citizen and most certainly violates the oath of an attorney taken to uphold the constitution and laws of the United States. The petitioner took such an oath and his violation of that oath subjects him to disciplinary action.”).
Pennsylvania	Enforceable	42 PA. CONS. STAT. § 2522 (2022).	<i>In re Schofield</i> , 66 A.2d 675, 685 (Pa. 1949) (“We are unanimous in our conclusion that respondent’s insubordination described above, constituted violation of his oath of office requiring punishment. The rule must therefore be made absolute. It is therefore ordered that respondent . . . appear for public reprimand and censure at the bar of his court.”); <i>In re Austin</i> , 5 Rawle 191, 204 (Pa. 1835) (“Expulsion may be proper, where there has been no contempt at all; as in cases of brutality, drunkenness, and the whole circle of infamous crimes. . . . In fact the court may have recourse to both together, and there is no reason, therefore, why it should not be at liberty to proceed on the ground of unfitness, and waive the contempt. It is not doubted that any breach of the official oath is a valid cause, for proceeding for the former; for the man who deliberately violates the sanctions of a lawful oath , proves himself to be unworthy of further confidence; society has no other hold upon him.” (emphasis added)).

Rhode Island	Reference	R.I. GEN. LAWS Sup. Ct. Rules art. II, R. 8 (2023).	Carter v. Kamaras, 478 A.2d 991, 992 (R.I. 1984) (“[K]eeping in mind the obligation placed upon a lawyer at the time he takes his oath, we are of the opinion that the respondent’s actions are of a type that bring disrepute to the legal profession. . . . The respondent’s conduct before the trial justice of the Family Court reflects upon his fitness to practice law and warrants the imposition of discipline.”).
South Carolina	Enforceable by Statute	S.C. CT. RULES R. 402(h)(3) (S.C. JUD. BRANCH 2022).	S.C. CT. RULES R. 413(7)(a)(6); <i>In re</i> Craig, 352 S.C. 8, 10, 572 S.E.2d 278, 279 (2002) (“Respondent has also violated . . . [Rule 413(7)(a)(6)] (violating the Oath of Office taken upon admission to the practice of law).”).

South Dakota	Enforceable by Statute	S.D. CODIFIED LAWS § 16-16-18 (2023).	S.D. CODIFIED LAWS § 16-19-32; <i>In re</i> Gorsuch, 75 N.W.2d 644, 649 (S.D. 1956) (“The purpose of the proceedings for suspension and disbarment is to protect the court and the public from attorneys who, disregarding their oath of office, pervert and abuse those privileges which they have obtained by the high office they have secured from the court.”); <i>In re</i> Swier, 939 N.W.2d 855, 869, 874 (S.D. 2020) (“Moreover, the statutory oath for admission to become a licensed attorney in South Dakota . . . is not a one-time obligation; ‘[e]ach day of an attorney’s [professional] life demands that these requirements be met anew.’ . . . Furthermore, Swier must submit an affidavit to this Court stating under oath that: 1. He has reviewed the Oath of Attorney and the Rules of Professional Conduct; 2. He fully recognizes that his conduct violated the Rules of Professional Conduct by which he is bound; 3. He pledges to devote every effort in his future practice to fully abide by the Rules of Professional Conduct and Oath of Attorney . . .”).
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Tennessee	Reference	TENN. SUP. CT. RULES R. 6, § 4 (TENN. SUP. CT. 2023).	Joiner v. Joiner, 2005 WL 2805566, at *4 (Tenn. Ct. App. 2005) (“Acts or omissions by an attorney, individually or in concert with any other person or persons, which violate the Attorney’s Oath of Office, the Rules of Professional Conduct of the State of Tennessee, or T.C.A. § 29-308, shall constitute misconduct and shall be grounds for discipline, whether or not the act or omission occurred in the course of an attorney-client relationship.” (footnote omitted)) (This decision is not reported, and no other reference to the Oath was found.).
Texas	No Reference	TEX. GOV’T CODE ANN. § 82.037 (West 2021).	No reference to state lawyer’s oath violations.
Utah	Enforceable	UTAH RULES OF PROF’L CONDUCT pmb1. [1] (2023).	<i>In re Platz</i> , 132 P. 390, 391 (Utah 1913) (“From the facts found by the referee it is concluded that the said Arthur A. Platz has violated his oath and his duties as an attorney and is morally unfit to be a member of the bar of this court and should be permanently disbarred therefrom.”).

Vermont	Reference	VT. STAT. ANN. tit. 12, § 5812 (2023).	<i>In re Jones</i> , 39 A. 1087, 1091 (Vt. 1898) (“Fidelity to his client’s interests, and honesty and frankness in dealing with the judge in regard to discharging a duty towards him and the state, required by law, are prime qualifications of every attorney,— made so by his oath of office. It is not contended that if these charges are to stand proven, and are such that the respondent is answerable for them, as an attorney, to this court, they do not demand suspension or disbarment. It matters not that his deception of the judge occurred when he was not acting as a member of the county court, nor in the trial of a cause. It occurred when he was discharging a duty imposed by law. . . . Judgment that said Joseph C. Jones is removed from the office of attorney at law and from the office of solicitor in chancery.”).
Virginia	No Reference	VA. CODE ANN. § 54.1-3903 (2023).	No reference to state lawyer’s oath violations.

Washington	Enforceable by Statute	WASH. REV. CODE § 2.48.210 (2023).	WASH. REV. CODE § 2.48.220; <i>In re Huddleston</i> , 974 P.2d 325, 330 (Wash. 1999) (“The oath requires attorneys to abide by the laws of Washington as well as the laws of the United States. Additionally, by taking the oath, attorneys pledge to abide by the Rules of Professional Conduct. Violating the attorney’s oath subjects an attorney to discipline. . . . In this case, the hearing examiner concluded that Huddleston violated the Rules of Professional Conduct as well as several criminal statutes. By committing the crimes of theft and wire or mail fraud, Huddleston certainly violated his attorney’s oath.” (citations omitted)); <i>In re Ballou</i> , 295 P.2d 316, 319 (Wash. 1956) (“The discipline and punishment to be meted out to an attorney who violates his oath of office or canons of ethics is exclusively reserved to the supreme court; the degree of punishment is left to the discretion of this court.”).
West Virginia	Reference	W. VA. CODE Rules for Admission to the Prac. of L. R. 7.0(c) (2022).	Comm. on Legal Ethics of W. Va State Bar v. Taylor, 437 S.E.2d 443, 447 (1993) (“The respondent’s actions, or the lack thereof in this case, adversely reflect upon the respondent’s ability to carry out and uphold the laws and ethics of this State. This type of deceitful misconduct by a lawyer will not be tolerated by this Court, as it is in direct contravention of the oath the respondent took when he became a member of the West Virginia Bar.”).

Wisconsin	Enforceable by Statute	Wis. SUP. CT. RULES R. 40.15 (Wis. Ct. Sys. 2022).	Wis. SUP. CT. RULES R. 20:8.4(g); <i>In re Richter</i> , 204 N.W. 492, 497 (1925) (“[T]he court finds that the respondent has been guilty of misconduct which justifies a revocation of his license . . . in that he did in said case advance facts prejudicial to the honor and reputation of . . . the plaintiff therein. . . . The advancement of such facts was not required by the justice of the cause, and the same was done by the respondent in violation of his oath as an attorney of this court. . . . It is the order and decree of this court that the license of the respondent . . . be and the same hereby is revoked, canceled, and annulled.”).
Wyoming	Reference	WYO. STAT. ANN. Rules & Procs. Governing Admission to the Prac. of L. R. 504(a) (2023).	State Bd. of L. Exam’rs of Wyo. v. Brown, 77 P.2d 626, 631–32 (Wyo. 1938); (“The respondent’s oath of office as an attorney and counselor at law is not only binding here . . . but everywhere. He cannot put it aside or renounce it at pleasure. It abides with him at all times and places, and he will be held responsible to this court for his misconduct as an attorney so long as his name continues on the roll; nor can he put himself in a position which will place him beyond the inherent power of this court to purify the bar of its unworthy members, and to keep its roster clean.” (quoting <i>People ex rel. Colo. Bar Ass’n v. Lindsey</i> , 283 P. 593, 546 (Colo. 1929))).
Washington, D.C.	Enforceable by Statute	D.C. Ct. App. RULES R. 46(l) (D.C. Ct. App. 2021).	D.C. BAR RULES R. XI, § 2(b) (D.C. Ct. App. 2022).