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Foreword Ethics for Colorado Lawyers

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The articles in this special issue of *The Colorado Lawyer* are a valuable contribution to the professional ethics of the Bar. An aspect of developing and maintaining high ethical standards is the exchange of opinions and approaches by members of the profession. It is especially appropriate that the exchanges be among practicing lawyers, as reflected in these articles. Exchanges among lawyers reflect the actual ethical issues that arise in law practice, as distinct from the theoretical issues typically addressed in academic writing on professional ethics.

As these articles demonstrate, many ethical dilemmas arise because of, or in the context of the fact that, the practice of law is a vocation in which lawyers earn their livelihood. In this mundane sense, the practice of law is a business. That fact does not obscure or diminish the proposition that the practice of law is a profession, of long and stalwart tradition. But practicing lawyers have always had to take into account the realities that clients are "customers" in the most practical sense. Clients ordinarily select a lawyer, pay the lawyer, and can at any time discharge the lawyer. Sometimes clients are not very good customers in that they have difficulty in providing necessary facts, refuse to take advice, and may be reluctant or recalcitrant in paying. But they are entitled to our diligent and conscientious service.

The relationship between clients and lawyers, therefore, involves elements of conflict, at least potential conflict. It is not "conflict of interest" in the traditional or technical sense—that, in various circumstances, a lawyer cannot properly undertake a representation. Rather, it is simply divergence of purpose in that the client's aims and interests are not perfectly coordinate with those of the lawyer. Indeed, that unavoidable divergence is the impetus for the concepts and rules of ethics. The rules of ethics provide guidance in handling the divergences.

It would be a good thing if the members of the Bar took more frequent opportunity to engage in discussions, such as in these articles, of the rules of ethics and how they apply in everyday practice. This special issue is an excellent example of the kind of "conversation" that should be pursued equally well and more often. Congratulations.

—Professor Geoffrey C. Hazard, Jr.

*Professor Geoffrey C. Hazard, Jr., is Trustee Professor of Law, University of Pennsylvania Law School, and Sterling Professor of Law Emeritus at Yale Law School. He also is Director Emeritus of the American Law Institute; has authored nine major books, including Law of Lawyering (with William Hodes); and is widely regarded as the country's leading scholar on legal ethics and professional responsibility.*
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