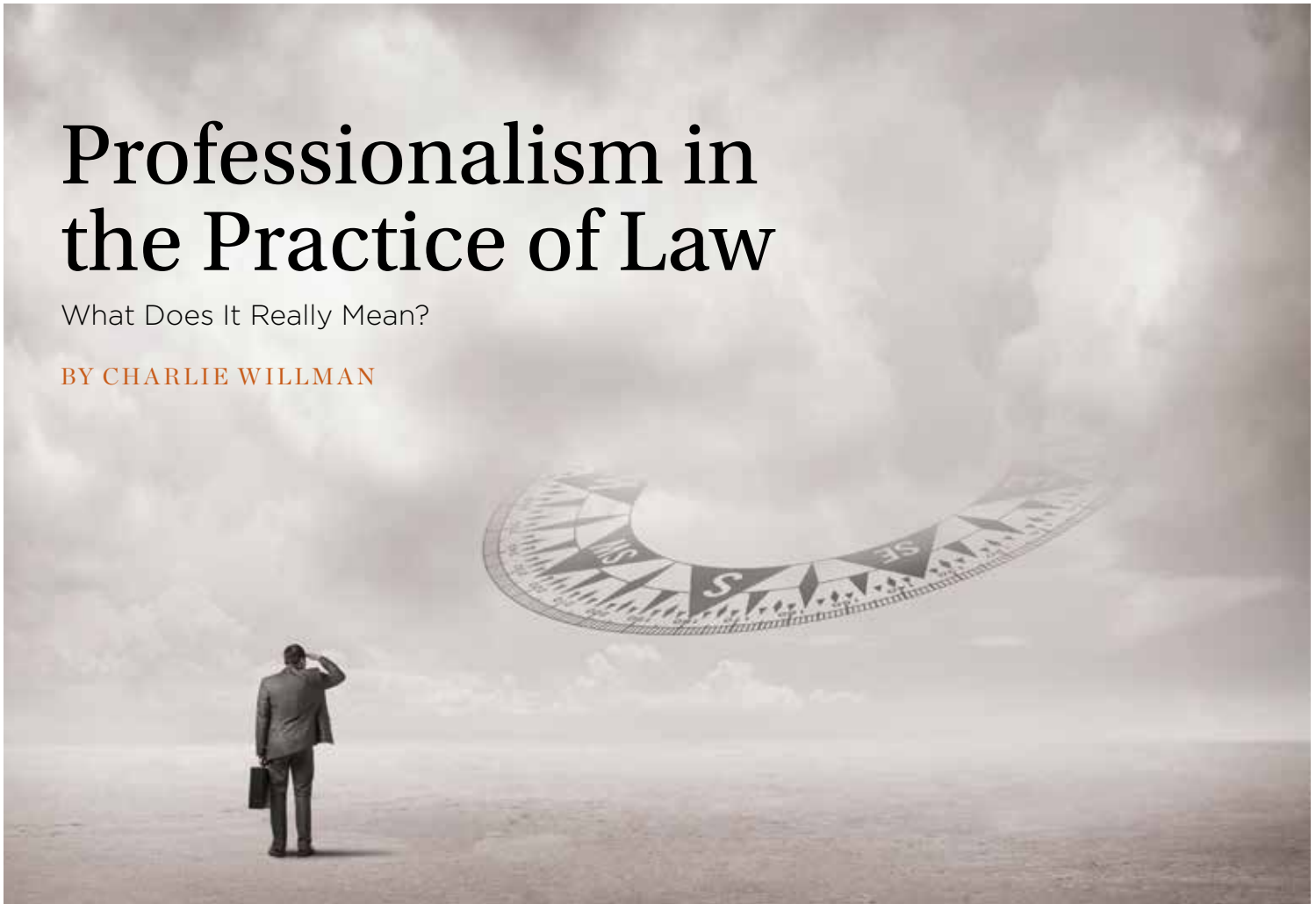


# Professionalism in the Practice of Law

What Does It Really Mean?

BY CHARLIE WILLMAN



“Professionalism is conduct reflecting the values embodied in the Colorado Attorney Oath of Admission, the Colorado Principles of Professionalism, and the Colorado Rules of Professional Conduct. These values require attorneys always to act competently, civilly, and with integrity and to commit themselves to the public good and to furthering the interests of justice.”<sup>1</sup>



In more than 50 years of practicing law, I have seen a noticeable change. What was once taken for granted—respect for opposing counsel, the court, and our clients—is no longer automatic. Professionalism is often discussed, but it is not always practiced.

As specialization has increased and concerns over malpractice have grown, some attorneys, in striving to zealously represent their clients, have lost sight of the more enduring obligation to treat fellow litigants and the court with respect and professionalism.

## What Is Required in Colorado?

The Preamble to the Colorado Rules of Professional Conduct (Rules) provides: “As advocate, a lawyer zealously asserts the client’s position under the rules of the adversary system.”<sup>2</sup> It also cautions that lawyers should use legal procedures only for legitimate purposes—not to harass or intimidate—and should demonstrate respect for the legal system and those who serve it, including judges, lawyers, licensed legal paraprofessionals, and public officials.<sup>3</sup>

The Rules further require attorneys to advance only meritorious claims,<sup>4</sup> to exhibit candor toward the court,<sup>5</sup> and to treat opposing parties and counsel with fairness and respect.<sup>6</sup>

CRS §§ 13-17-101 et seq. and CRCP 11 also provide guidelines and rules for lawyers’ conduct during litigation and reinforce these obligations by authorizing sanctions and fees for improper conduct.

The Colorado Supreme Court and the Office of Attorney Regulation Counsel underscore these standards. All legal professionals who wish to practice law in Colorado must attend a “Practicing with Professionalism” course, presented by the Office of Attorney Regulation Counsel in cooperation with CBA-CLE, and must pass the Multistate Professional Responsibility Examination.

The Oath of Admission likewise requires professionalism in the law. Attorneys must swear to maintain the respect due to courts and judicial officers; employ only means consistent with truth and honor; and treat all persons encountered in practice with fairness, courtesy, respect, and honesty.

### Rethinking “Zealous” Advocacy

The concept of zealous representation traces back to 1820, when Lord Brougham asserted that loyalty to the client is paramount—even above the interests of the nation.<sup>7</sup>

In 1983, however, the American Bar Association’s Model Rules of Professional Conduct introduced a more nuanced approach to “zealous advocacy,” clarifying that diligent representation does not require offensive tactics and encouraging parties to treat one another with courtesy and respect.<sup>8</sup>

In 2005, Steve C. Briggs, while serving as CBA president, addressed the tension between client representation and ethical duties.<sup>9</sup> He observed that some lawyers equate zealous advocacy with ruthlessness—even dishonesty—and warned that “too many lawyers rely on their duty to be a zealous advocate to subvert our adversary system into a mechanism for distorting truth, subverting justice, and treating others with incivility.”<sup>10</sup>

Briggs urged lawyers to stand up to clients who demand victory at any cost, to educate clients about our true duties, and to ensure that our conduct at work reflects the morals and values we claim elsewhere.<sup>11</sup>

### Promoting Civility in Colorado

Concerns about civility persist. In a March 2020 newsletter, Attorney Regulation Counsel Jessica Yates addressed the ongoing problem with civility in Colorado and noted that courts are increasingly articulating clear expectations regarding professionalism and civility.<sup>12</sup>

Statements of professionalism are now commonly found on counsel tables, reminding lawyers of their duty to act civilly and respectfully toward the court, opposing counsel, parties, and witnesses.<sup>13</sup>

The Colorado Supreme Court established the Colorado Mentoring Program in 2013, rebranded

in 2025 as the Colorado Office of Attorney Professional Excellence (APEX).<sup>14</sup> This evolution reflects a broader commitment to mentoring, competence, innovation, well-being, and civility as hallmarks of Colorado’s legal profession.

APEX is grounded in the belief that civility is not merely courtesy—it is a professional competency. It produces better outcomes, builds trusted reputations, and fosters healthier workplaces. Excellence is civility in action: technical skill guided by integrity, humility, and respect.


### Conclusion

Progress is being made. Lawyers are consistently reminded of their duty of civility and professionalism. Ryann Peyton, director of APEX, has recently offered thoughtful insights into modern professionalism.<sup>15</sup> The CBA Council on Equity and Inclusive Excellence has produced the Inclusive

Communities Toolkit to help lawyers overcome structural barriers and build sustainable professional relationships.<sup>16</sup>

Yet no program or rule can substitute for individual commitment. Professionalism thrives only through daily choices. At the end of each day, we should ask ourselves:

- Did I treat my staff and colleagues with respect?
- Did I treat opposing counsel and parties with professionalism?
- Did I serve my clients with integrity and honesty?
- Did I show proper respect to the court and its staff?
- What can I do tomorrow to improve?

Professionalism is not aspirational rhetoric. It is a standard of conduct we affirm through daily action. 

### NOTES

1. Statement adopted by the CBA/DBA Professionalism Coordinating Council (Mar. 11, 2015), <https://www.cobar.org/For-Members/Committees/Professionalism-Coordinating-Council#9699548-other-locations-for-research-on-professionalism-issues>.
2. Colo. RPC Preamble [2].
3. Colo. RPC Preamble [5].
4. Colo. RPC 3.1.
5. Colo. RPC 3.3.
6. Colo. RPC 3.4.
7. See Rudin and Hutchings, *Zealous Advocacy: A Doctrine Whose Time Has Passed*, New York Bar Association (Aug. 20, 2024).
8. ABA Model Rule 1.3, cmt. [1].
9. Briggs, “The Myth and the Mischief of Zealous Advocacy,” 34 *Colo. Law.* 33 (Jan. 2005).
10. *Id.* at 34.
11. *Id.*
12. Yates, *Civility Orders*, Newsletter (Mar. 2020), <https://www.coloradolegalregulation.com/wp-content/uploads/Newsletters/March2020/Civility%20Orders.htm>.
13. See, e.g., *Courtroom 409 Respect and Civility Order*, [https://www.coloradojudicial.gov/sites/default/files/2025-02/Courtroom%20409%20respect%20and%20civility%20order%20January%202025%20%281%29\\_0.pdf](https://www.coloradojudicial.gov/sites/default/files/2025-02/Courtroom%20409%20respect%20and%20civility%20order%20January%202025%20%281%29_0.pdf).
14. “History and Vision,” <https://coloradoattorneyexcellence.org/about-the-office-of-attorney-professional-excellence/history-vision>.
15. Peyton, “Civility Is Performative,” 55 *Colo. Law.* 16 (Apr. 2025), <https://cl.cobar.org/departments/civility-is-performative>.
16. <https://www.cobar.org/Portals/COBAR/Repository/Council%20for%20Equity%20and%20Inclusive%20Excellence/Inclusive%20Communities%20Toolkit.pdf?ver=8igBs-r82etw1MXCv4oGmA%3d%3d>.

### CORRECTION

The November 2025 issue of *Colorado Lawyer* contained in error. On page 51 (“Welcome to the 5-0”), David Myler was identified as the first town attorney of Snowmass Village. In fact, Walter E. Brown III was the first town attorney, and Myler was the second. We apologize for the error. The online version of the article has been corrected.