

The Cost of Unexamined Zeal

Reclaiming the Ideals Embedded in the Practice of Law

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During my first year of law school, I participated in a workshop with lawyers and judges that was designed to hone our interview skills. As part of an exercise, I was asked to explain why I wanted to be a lawyer. I gave the same answer I had told myself when I applied to law school: I wanted to stand up for the oppressed, be a voice for the voiceless, and fight for those who could not fight for themselves. I could almost feel the gold star I expected to be affixed to my forehead—an expectation quickly dismantled by the unenthused judge who dismissed my answer as “overly idealized” and “out of touch.” My righteous sensibilities were offended. How dare he? I wrote him off as tired, cynical, and carrying a chip on his shoulder. Yet within a few short months of obtaining my license to practice law, my view of the profession began to resemble his. It took remarkably little time for my once-noble notions of law to be recast as the naïve ramblings of inexperience and ignorance.

I suspect, however, that my 1L answer to the question “why do you want to be a lawyer?”

strikes a nostalgic chord for many attorneys who once framed their professional identities around similar aspirations of justice and equity. Over time, the vulnerability of that early “idealism” is hardened by relentless conflict and unpredictable outcomes; we begin to retreat into the safest, most distinct conception of our role: zealous advocate. In doing so, we often forsake the grayer, more demanding obligations to which our professional identities are equally bound—obligations that require reflection, restraint, independent judgment, and a bit of what we now label “idealism.”

We know what zealous advocacy looks like. I’m sure many have heard the joke that when parents tell their child they would make a great lawyer someday, it’s just a nice way of telling them that they’re a jerk. Well, the truth is that many of us know how to fight; we know how to persevere; we know how to overpower; we know how to press forward despite resistance; and we know how to conflict. In other words, we know how to zealously advocate. Zealous advocacy requires far less guesswork than, say, the role of advisor

envisioned by the Rules of Professional Conduct, which demands good-faith assessment of legal, moral, economic, and human consequences.¹

Zealous advocacy becomes the shield we wield not only against opposing parties and opposing counsels, but also against burnout, moral fatigue, and the uncomfortable complexity of human conflict. Yet, in restricting the scope of our professional identity to advocacy alone, we quietly abandon equally essential roles—roles that often require the “idealism” we shed early on for the sake of what some may call reality but what I would argue is survival. Along that path, a difficult question emerges: at what point does our singular role of advocate make us an accelerant of the harm we are meant to moderate?

Just as the law is rarely black and white, neither is the practice of law. Too often, we measure the successful fulfillment of our role by how completely we mirror, or even amplify, our client’s appetite for conflict—fighting exactly as they want us to fight, without pause or reflection, until the matter ends, win or lose. Advocacy

untethered from critical thought dissolves our professional platform into a vehicle through which harmful dynamics are exacerbated. When a client's conduct is controlling, punitive, or abusive, unexamined advocacy can transform the attorney into an extension of that behavior—deepening conflict, escalating cost, and inflicting collateral damage on families, courts, and the profession itself.

But zealous advocacy does not exist in isolation. It is one component of a broader professional framework that also calls upon lawyers to serve as public citizens with a special responsibility for the quality of justice;² as advisors providing clients with informed understandings of their rights, obligations, and practical realities;³ as negotiators seeking results advantageous to our clients “but consistent with requirements of honest dealings with others”;⁴ and as evaluators who examine and report on clients’ legal affairs.⁵ As lawyers, we are called upon to “use the law’s procedures only for legitimate purposes and not to harass or intimidate others”; to “demonstrate respect for the legal system and for those who serve it, including judges, other lawyers, licensed legal paraprofessionals, and public officials”;⁶ to “seek improvement of the law, access to the legal system, the administration of justice and the quality of service rendered by the legal system”;⁷ and to be “guided by personal conscience and the approbation of professional peers.”⁸

These obligations are not aspirational extras. They are structural. The Rules of Professional Conduct are intended to be read harmoniously, with zealous advocacy operating within—not above—the broader ethical framework.⁹ When difficult questions of professional discretion arise, the Rules direct us to resolve them through the exercise of sensitive professional and moral judgment. Zealousness, they remind us, does not under any circumstances justify conduct that is unprofessional, discourteous, or uncivil toward anyone involved in the legal system.¹⁰

In reexamining our Rules of Professional Conduct, and our Oaths of Admission¹¹ for that matter, the idealism many of us once carried into the profession is not a symptom of naïveté but embedded in the very framework governing our work and upon which we have

committed our education, our money, and a substantial portion of our very lives. Perhaps the only reason why these ideals seem unrealistic or a product of childish ignorance is because we have collectively abandoned them—not out of indifference but as a survival response to systemic pressures that reward relentless advocacy, penalize moderation, and leave little

room for the emotional, ethical, and financial realities of sustained legal conflict. Nevertheless, it is our choices that inform whether or not these ideals become reality. The Rules already give us the framework. What remains is a choice: to be shaped entirely by the system as it is, or to remember that we still hold the power—and responsibility—to improve it. 



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NOTES

1. “In representing a client, a lawyer shall exercise independent professional judgment and render candid advice. In rendering advice, a lawyer may refer not only to law but to other considerations such as moral, economic, social and political factors, that may be relevant to the client’s situation. In a matter involving or expected to involve litigation, a lawyer should advise the client of alternative forms of dispute resolution that might reasonably be pursued to attempt to resolve the legal dispute or to reach the legal objective sought.” Colo. RPC 2.1.
2. See Colo. RPC, pmbl. [1].
3. Colo. RPC, pmbl. [2].
4. *Id.*
5. *Id.*
6. See Colo. RPC, pmbl. [5].
7. “As a public citizen, a lawyer should seek improvement of the law, access to the legal system, the administration of justice and the quality of service rendered by the legal profession. As a member of a learned profession, a lawyer should cultivate knowledge of the law beyond its use for clients, employ that knowledge in reform of the law and work to strengthen legal education. In addition, a lawyer should further the public’s understanding of and confidence in the rule of law and the justice system because legal institutions in a constitutional democracy depend on popular participation and support to maintain their authority. A lawyer should be mindful of deficiencies in the administration of justice and of the fact that the poor, and sometimes persons who are not poor, cannot afford adequate legal assistance. Therefore, all lawyers should devote professional time and resources and use civic influence to ensure equal access to our system of justice for all those who because of economic or social barriers cannot afford or secure adequate legal counsel. A lawyer should aid the legal profession in pursuing these objectives and should help the bar regulate itself in the public interest.” Colo. RPC, pmbl. [6].
8. Colo. RPC, pmbl. [7].
9. “A lawyer’s responsibilities as a representative of clients, an officer of the legal system and a public citizen are usually harmonious. Thus, when an opposing party is well represented, a lawyer can be a zealous advocate on behalf of a client and at the same time assume that justice is being done.” See Colo. RPC, pmbl. [8].
10. See Colo. RPC, pmbl. [9].
11. The Colorado Attorney Oath of Admission states: “I do solemnly swear (or affirm) that: I will support the Constitution of the United States and the Constitution of the State of Colorado; I will maintain the respect due to courts and judicial officers; I will employ such means as are consistent with truth and honor; I will treat all persons whom I encounter through my practice of law with fairness, courtesy, respect and honesty; I will use my knowledge of the law for the betterment of society and the improvement of the legal system; I will never reject, from any consideration personal to myself, the cause of the defenseless or oppressed; I will at all times faithfully and diligently adhere to the Colorado Rules of Professional Conduct.” Office of Attorney Regulation Counsel, <https://www.coloradolegalregulation.com/current-lawyers/oath>.