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Nearly 50 years ago, during the height of McCarthyism, a contingent of brave Philadelphia lawyers took on the defense of individuals who were accused of plotting to overthrow the United States government. In Pennsylvania and throughout our nation, attorneys are bound by an ethical obligation under the Rules of Professional Conduct to provide voluntary pro bono publico service, even if it means providing representation to unpopular clients.

That obligation is necessary for the administration of justice.

This important tenet was attacked in recent weeks by Charles D. “Cully” Stimson, who serves as a U.S. deputy assistant secretary of defense for detainee affairs. During a January 11 broadcast on Federal News Radio, a commercial radio station in Washington, D.C., Stimson, who is a member of the State Bar of California, made comments about law firms that are providing pro bono service to Guantanamo detainees. He called it “shocking” that some of the nation’s largest and most prominent firms are representing these individuals. He also listed firms providing the services, including several with offices in Philadelphia, and suggested that other corporate clients shun those firms.

Many firms with Philadelphia offices are in fact providing pro bono services to detainees, and to dozens of other clients whom the average person might find offensive. They are to be commended. These lawyers are meeting their obligation

by “accepting a fair share of unpopular matters or indigent or unpopular clients,” according to the Pennsylvania Rules of Professional Conduct. These same rules also make it clear that a “lawyer’s representation of a client, including representation by appointment, does not constitute an endorsement of the client’s political, economic, social or moral views or activities.”

Mr. Stimson’s statements were, in fact, contrary to the fundamental principles of our system of justice. The lawyers representing the detainees were in no way embracing their radical views, but simply attempting to see that justice is upheld.

Lawyers who embark upon the practice of law in this country are obligated to be mindful of deficiencies in the administration of justice, and that the poor and the near-poor cannot afford adequate legal assistance. Therefore, all lawyers are asked to 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.

Throughout our nation’s history, it has been our commitment to basic principles of justice -- even for the most unpopular among us -- that has allowed us to maintain the highest of moral standards, the most strategically important high ground as we struggle to uphold freedom.

The pro bono representation of Guantanamo detainees reminds us that all individuals have a right to habeas corpus review -- a judicial order to bring a prisoner to court and justify the detention. It has been a basic instrument under which courts in common law systems have protected citizens against wrongful imprisonment. In the broader view, this was designed to protect both society and the citizenry. By making the legal system accountable, we ensure that no one is falsely imprisoned.

The writ of habeas corpus in common law countries is one of the most important instruments for the safeguarding of individual freedom, the foundation of democracy.

The Philadelphia Bar Association joins with bar associations from across the country in supporting a resolution being brought before the American Bar Association House of Delegates in February that condemns any attack on the independence of the profession that encourages clients to exert improper influence over their lawyers' choice of other clients, or to penalize lawyers for representing unpopular or controversial clients. The resolution further urges all branches of the government to refrain from any such attack on the independence of the profession.

Everyone who faces loss of liberty deserves legal counsel. The infringement of this tenet on one is a violation to all in our society. This value is the cornerstone of our Constitution. If our nation is truly committed to justice, we must recognize the need for vigorous and impassioned defense of all causes – unpopular or otherwise.

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