



ACTIVE PRACTICE

Charles G. Kels

IT ALL STARTED with a blog post. In early 2010, the announced retirement of Connecticut's senior U.S. senator prompted the state's attorney general to run for his seat, which prompted Connecticut's secretary of state to switch her focus from the gubernatorial nomination to the race for attorney general. Political dominoes aside, an East Hartford attorney had a question, and he took to his blog to pose it: was the new candidate for attorney general legally qualified to serve in the office she was now seeking?¹

The reaction to the post was sufficiently explosive that two days later, the candidate herself had personally responded on the blogger's site;² four months later, the state supreme court had definitively weighed in (declaring that she was not qualified);³ a year later, a legislative effort was underway to amend the attorney general

Charles G. Kels is an attorney for the Department of Homeland Security and a major in the U.S. Air Force Reserve. To the best of his knowledge, he is actively engaged in the practice of law. Opinions expressed in this article are those of the author alone and do not necessarily reflect those of the Departments of Homeland Security, Air Force, or Defense.

¹ Ryan McKeen, *Is Susan Bysiewicz Legally Qualified To Serve As Attorney General?* A Conn. L. Blog, Jan. 13, 2010, aconnecticutlawblog.com/2010/01/is-susan-bysiewicz-legally-qualified-to-be-attorney-general/.

² Susan Bysiewicz, *Susan Bysiewicz Responds*, A Conn. L. Blog, Jan. 15, 2010, aconnecticutlawblog.com/2010/01/susan-bysiewicz-responds/.

³ *Bysiewicz v. Dinardo*, 6 A.3d 726 (Conn. 2010). The court issued its order on May 18, 2010, and its written opinion on Oct. 22, 2010.

statute.⁴ Somewhere along the way, a dispute over electoral qualifications had unearthed a larger debate over what it means to engage in active practice as an attorney at law.

LAWYER IN ACTIVE PRACTICE

The statutory language describing the prerequisites for service as Connecticut's attorney general has remained the same since the office was established in 1897. In terms of professional qualifications, the attorney general must be "an attorney at law of at least ten years' active practice at the bar of this state."⁵

When Susan Bysiewicz announced her bid for attorney general, she had been a licensed attorney for over twenty-three years in Connecticut and New York. In the late 1980s and early 1990s, Bysiewicz had practiced corporate law at a Hartford firm for roughly four years, followed by two years as an in-house counsel in the insurance industry. Prior to that, she had worked briefly at a New York firm. Beginning in 1992 with her election to the state assembly, Bysiewicz's focus turned to politics. She served six years as a state representative, followed by twelve years as secretary of state.⁶

Counting her law firm and in-house counsel careers, it appeared that Bysiewicz had six years of active practice in Connecticut (or potentially upwards of eight years if her brief foray into New York could be added to her Connecticut tally). Given that secretary of state is a full-time position,⁷ the presumption was that Bysiewicz needed to show she was also working as a lawyer while occupying her part-time assembly seat in the mid-1990s in order to have any chance of meeting the ten-year statutory threshold.⁸

Bysiewicz disagreed. She claimed that her time as a state legislator and executive officer constituted continuous "public service as

⁴ H.B. 6342, 2011 Gen. Assem., Reg. Sess. (Conn. 2011).

⁵ CONN. GEN. STAT. § 3-124 (2011).

⁶ McKeen, *supra* note 1. Bysiewicz's official biography was formerly posted at www.ct.gov/sots/ but has been replaced by that of her successor.

⁷ CONN. GEN. STAT. § 3-77 (2011).

⁸ McKeen, *supra* note 1.

Active Practice

an attorney.”⁹ In order to vindicate her candidacy, Bysiewicz sought a declaratory judgment affirming her eligibility¹⁰ and advanced alternative interpretations of the qualifications statute that would permit her to occupy the state’s chief legal billet.¹¹ She succeeded in the state superior court, but then lost on appeal in the state supreme court.

Lawyer as Licensee

First, she contended that “active practice” means only possessing an active bar license. This view denied any distinction between being a lawyer and practicing law.¹² It equated the legal ability to practice with practice itself.

Bysiewicz’s preliminary argument faced two insurmountable hurdles. The first was that the statute itself says both “attorney at law” and “active practice,” and to view bar membership as dispositive would essentially allow the former phrase to swallow the latter. Given that the designation “attorney at law” implies bar member-

⁹ Bysiewicz, *supra* note 2.

¹⁰ To do this, ironically, she had to sue both her own political party and her own office, which oversees elections in the state.

¹¹ Bysiewicz also contended, unsuccessfully, that the statute was unconstitutional in light of the attorney general’s inclusion as a constitutional (rather than merely statutory) office in 1970. *See* CONN. CONST. art. 4, § 1 (amended 1970). The Connecticut Constitution states that “every elector who has attained the age of eighteen years shall be eligible to any office in the state.” *Id.* at art. 6, § 10 (amended 1970). The constitutionality of the qualifications statute was challenged once before by a frustrated candidate in 1978, but the issue never came to a head because the candidate ultimately withdrew his lawsuit and abandoned his run for office. *See* Henry S. Cohn, *The Creation and Evolution of the Office of Connecticut Attorney General*, 81 Conn. Bar J. 345, 352-3 (Dec. 2007).

¹² A concurring opinion in an earlier Maryland case had endorsed precisely this argument. Judge Eldridge wrote that the term “practiced law” was interchangeable with “learned in the law,” which means “simply admission to the bar of the particular state involved.” *Abrams v. Lamone*, 919 A.2d 1223, 1270 (Md. 2007). Judge Wilner replied disapprovingly that under such a regime, “a person could pass the Bar Examination, be admitted to practice, open a liquor store, never do anything that could conceivably, under any definition, constitute the practice of law, become politically active, and ten years later be elected as Attorney General of Maryland.” *Id.* at 1275.

ship, Bysiewicz's suggested reading rendered the term "active practice" superfluous.¹³

The second hurdle was that the argument produced absurd results. Taken to its logical conclusion, Bysiewicz's position would make the "unauthorized practice of law" an oxymoron, not to mention undercut the qualitative analysis of attorneys' practice history undertaken by some states to determine out-of-state applicants' eligibility for expedited admission to the bar.¹⁴ During Bysiewicz's lengthy deposition,¹⁵ she was forced to concede that under her definition, a licensed Connecticut attorney pursuing a career as a rock 'n' roll singer or kindergarten teacher, or who just decided to "go fishing everyday for ten years," was engaged in the active practice of law simply by virtue of her bar membership.¹⁶ While it is certainly reasonable from a public policy perspective to maintain that weeding out such inexperienced or unserious candidates for elective office should fall to the voters as opposed to the courts, the century-old qualifications statute clearly anticipated some meaningful floor of professional experience for viable attorneys general.

Lawyer as Technician

Second, Bysiewicz advanced a more nuanced and interesting argument that defined "active practice" as broadly encompassing any activity in which an attorney is called upon to employ her skills and expertise as a legal professional.¹⁷ Even though the secretary of

¹³ Op. Att'y Gen. Conn. No. 2010-001 (Feb. 2, 2010).

¹⁴ Here I reject the notion that the practice of law can, or should, have radically different meanings in different contexts.

¹⁵ The Connecticut Republican Party intervened in the case as a defendant and deposed Bysiewicz on Mar. 31 and Apr. 5-6, 2010.

¹⁶ Bysiewicz Dep. 40:24-43:2, Apr. 5, 2010, available at idisk.mac.com/ctblogger//Public/040510_bysiewicz.pdf.

¹⁷ Before resorting to litigation, Bysiewicz requested a formal opinion from the Connecticut attorney general regarding her eligibility for the position. The attorney general opined that "active practice" connotes "more than merely being a member of the Connecticut bar in active status," but "the determination of whether particular conduct constitutes the 'active practice' of law must be left to

state need not be, and historically often has not been, an attorney, Bysiewicz contended that an attorney occupying that position is nonetheless practicing law by applying her legal training to the job. This argument resonated historically because prior to the creation of the attorney general's office, Connecticut state agencies are reported to have followed an informal rule that "whenever the secretary of state was an attorney, he would try to answer legal questions" from requesting officials.¹⁸ Bysiewicz's supporters believed that the secretary of state's office remains an essentially "law-like institution."¹⁹

The Connecticut secretary of state is the business registrar and commissioner of elections, whose written guidance is generally "presumed as correctly interpreting and effectuating the administration of elections and primaries."²⁰ Among other duties, the secretary is statutorily tasked with advising local election officials and preparing regulations and instructions regarding the conduct of state elections.²¹ Bysiewicz maintained that these advisory and rule-promulgating functions, coupled with her legislative advocacy, constituent correspondence, and supervision of staff attorneys, constituted the ongoing practice of law in her official capacity as secretary of state.²² These activities, said Bysiewicz's attorney at oral argument, were the "sine qua non" of legal practice: "the application of a trained legal mind to facts and circumstances of a particular case, to provide advice that is to somebody's benefit."²³ Bysiewicz's position appeared at least cursorily compatible with the rules for the superior court, which define the practice of law as "ministering to the legal

judicial determination pursuant to established judicial procedures." Op. Att'y Gen. Conn. No. 2010-001, *supra* note 13.

¹⁸ Cohn, *supra* note 11, at 346.

¹⁹ Douglas S. Malan, *What's "Active Practice"? Experts Can't Say*, CONN. L. TRIB., Feb. 1, 2010, www.ctlawtribune.com/getarticle.aspx?ID=36230.

²⁰ CONN. GEN. STAT. § 9-3 (2011).

²¹ CONN. GEN. STAT. § 9-4 (2011).

²² *Bysiewicz v. Dinardo*, No. HHD-CV-10-6008194S, 2010 WL 1838604, at *26 (Conn. Super. May 5, 2010).

²³ Transcript of Oral Argument at 25, *Bysiewicz v. Dinardo*, 6 A.3d 726 (Conn. 2010) (No. SC18612).

needs of another person and applying legal principles and judgment to the circumstances or objectives of that person.”²⁴

Unfortunately for Bysiewicz, she undermined her own argument in this regard, having certified, on several occasions while secretary of state, that she did not engage in the practice of law, apparently to secure a 50% discount on the annual Client Security Fund fee. This inconsistency, referred to as “a big oops” by Bysiewicz’s eventually victorious primary challenger, proved politically embarrassing but not legally fatal.²⁵ Indeed, the trial court validated Bysiewicz’s position that “her active collaboration” as secretary of state in “finding and recommending legal solutions” on behalf of the state’s citizens met the standard for practicing law.²⁶

However, Bysiewicz’s argument suffered from two major flaws. First, it did not distinguish legal advice from advice in general.²⁷ The former is a specialized subset of the latter, provided by a trained professional (an attorney) in her capacity as such (practicing law). Whereas a non-attorney cannot permissibly dispense legal advice while holding herself out as an attorney, an attorney can certainly offer non-legal advice in a wide variety of contexts, to include while occupying a position (such as a political advisor or policy specialist) in which having a law degree is an asset but not a requirement. The fact that town clerks and election officials may rely on the secretary of state for advice about elections, therefore, does not prove that such advice can be classified as legal. These local officials are turning to the secretary because she occupies a special position, explicitly authorized by statute to give quasi-authoritative opinions. Whether

²⁴ CONN. PRACTICE BOOK § 2-44A (2011). The qualifier “active” before the word “practice” in the attorney general statute would seem to indicate a certain degree of frequency or intensity, rather than fundamentally changing the meaning of “practice” as used in the superior court rules.

²⁵ Jon Lender, *Bysiewicz Sends Check, Amends Statement that “I Do Not Engage in the Practice of Law”; but Controversy Endures*, Capitol Watch, Jan. 26, 2010, blogs.courant.com/capitol_watch/2010/01/bysiewicz-sends-check-amends-s.html.

²⁶ *Bysiewicz*, 2010 WL at *41.

²⁷ Transcript of Oral Argument, *supra* note 23, at 37 (Justice Peter Zarella: “Is all advice legal advice?”).

or not she happens to be a lawyer is beside the point.²⁸ The ultimate incoherence of Bysiewicz's position was revealed at oral argument, when her attorney was forced to admit that their definition of active practice would include a radio talk show host who happens to be a lawyer and dispenses wisdom of a legal nature, such as "you should never talk to the police without a lawyer."²⁹

Understandably from a political perspective, Bysiewicz's contention that her public service constituted legal practice was an invitation for her opponents to seek to professionally demean her. Among the concessions extracted from Bysiewicz at deposition were that she had only been to court to be sworn into the bar and to represent herself in a small claims matter, and had never been introduced in a judicial setting as the attorney in a case; that she had never before participated in a deposition or discovery; that her secretarial calendar was filled exclusively with political events and appointments; that her official correspondence advised constituents (appropriately) to seek legal advice elsewhere; that she had no Lexis or Westlaw password (no doubt these companies would be pleased to hear they constitute a litmus test for active practice); and that she tasked her staff attorneys with legal research rather than undertaking it herself.³⁰ It is no wonder that Bysiewicz initially sought to block release of the deposition transcripts.³¹

Yet it is difficult to say whether the apparent deficits in Bysiewicz's professional resume indicate that she was not practicing law, or merely that she was probably not the ideal candidate for the post of attorney general. Physicians, I suppose, would have an easier task in this regard. No one imagines, for instance, that doctors Ron

²⁸ See Bysiewicz Dep. 112:22-115:15, Mar. 31, 2010, available at idisk.mac.com/ctblogger//Public/033110_bysiewicz.pdf (last visited Jul. 4, 2011).

²⁹ Transcript of Oral Argument, *supra* note 23, at 41.

³⁰ Bysiewicz Dep. 104:16, 105:10-107:11, Mar. 31, 2010; 62:20, Apr. 5, 2010; 49:18, 83:3, Apr. 6, 2010, available at idisk.mac.com/ctblogger//Public/040610_bysiewicz.pdf (last visited Jul. 4, 2011).

³¹ Jon Lender, *Bysiewicz Abruptly Withdraws Request to Seal Testimony*, Capitol Watch, Apr. 6, 2010, blogs.courant.com/capitol_watch/2010/04/bysiewicz-abruptly-withdraws-r.html.

and Rand Paul are practicing medicine in their capacity as legislators, or that Howard Dean was doing so in his successive roles as governor, presidential candidate, and chair of the Democratic National Committee. Of course, these physicians may very well bring their skills and knowledge as doctors to bear on important issues, such as healthcare reform. (They would also probably come to divergent conclusions in applying this professional wisdom to questions of policy, which may tell us more than we prefer to know about whether medicine is really any more of an exact science than law.)

The second major problem with Bysiewicz's argument was that it obfuscated the distinction between a client and a constituent. Bysiewicz tried to position herself as the defender of public interest lawyers, claiming that her detractors sought to "interpret 'active practice' to mean only private practice."³² Ironically, though, her position could be viewed as deeply offensive to government attorneys, because it equated working as a government lawyer with working as a government non-lawyer.³³ Bysiewicz's contention that her advocacy on behalf of the people of Connecticut constituted legal practice overlooked the linchpin of law as a profession: the identification of, and duty owed to, the client. Most anyone who has worked as a government attorney knows that many agencies also employ individuals who happen to be lawyers in non-legal billets. It is widely understood that the practicing attorneys and non-practicing attorneys perform different roles, and it would no doubt cause considerable tension with the office of general counsel if the "lay" lawyers began supplementing or questioning its legal advice.

³² Bysiewicz, *supra* note 2.

³³ In *Abrams v. Lamone*, *supra* note 12, the Maryland Court of Appeals determined that exclusively federal practice in Maryland by a Department of Justice attorney not licensed in the state did not count towards the ten-year requirement of having "practiced law in this state" for attorney-general eligibility. The *Abrams* court did not question the legitimacy of federal practice, only whether it constituted Maryland-specific practice when undertaken within the state's borders, pursuant to federal supremacy and 28 U.S.C. § 517, by an attorney not admitted to the Maryland bar.

Most disquietingly, Bysiewicz's position actually called into question whether government attorneys serve clients at all. Her legal team conceded that the "traditional attorney-client privileges" did not apply to her relationship with the voting public of Connecticut, but added, "that's true for most government lawyers."³⁴ Actually, that is not true. Government attorneys may have institutional, rather than individual, clients, but the rules of professional responsibility still apply and in some cases may be heightened.³⁵ Given that government lawyers at the federal, state, and local levels make up a substantial subset of practicing professionals,³⁶ the legal profession has an important stake in not conflating practice as a government lawyer with being a lawyer and working for the government. The trouble with Bysiewicz's argument was that "anyone with a law degree and an active registration who tangentially uses their skills and training in performing a governmental function" would fit her definition of an active practitioner.³⁷ Nevertheless, the superior court embraced it, and ruled in her favor.

LAWYER AS LITIGATOR

In overturning the superior court's decision, the Connecticut high court went further than simply correcting the mistaken notion that Bysiewicz's constituents were her clients and that the ad hoc application of her legal background constituted the active practice of law. The supreme court also held that as used in the attorney general statute, "the phrase 'attorney at law of at least ten years' active practice at the bar of this state' means an attorney with at least some

³⁴ Transcript of Oral Argument, *supra* note 23, at 28.

³⁵ Comment 9 to Model Rule of Professional Conduct 1.13, Organization as Client, notes that "The duty defined in this Rule applies to governmental organizations." It also notes that additional duties may exist: "In addition, duties of lawyers employed by the government or lawyers in military service may be defined by statutes and regulation." MODEL RULES OF PROF'L CONDUCT R. 1.13 cmt. (2002).

³⁶ According to the latest Lawyer Statistical Report, the figure is 7.5% (10.1% if the judiciary is included). CLARA N. CARSON, AMERICAN BAR FOUNDATION, THE LAWYER STATISTICAL REPORT 28 (2004).

³⁷ Transcript of Oral Argument, *supra* note 23, at 2.

experience litigating cases in court.”³⁸ The court professed to base this conclusion on two main factors. First, at the time the office of the attorney general was created, “nonattorneys could engage in any conduct that attorneys could engage in *except* appearing in court.”³⁹ Second, a contemporary version of *Black’s Law Dictionary* differentiated “attorney” from “attorney at law,” and indicated that the latter “was understood to mean a person who litigated cases in court.”⁴⁰

Bysiewicz had made no secret of the fact that she considered herself “a corporate lawyer, not a litigator.”⁴¹ She pointed out – perhaps accurately or perhaps not, but doubtless irrelevantly – that then-Supreme Court nominee Elena Kagan might not qualify under the court’s standards for the state’s attorney general position.⁴² The larger problem, however, was that George Jepsen – Bysiewicz’s “replacement” on the Democratic ticket and the eventual winner of the race – had said virtually the same thing about his own litigation experience, or lack thereof. Thus, just days after the supreme court issued its written decision in the Bysiewicz case, the Republican nominee for attorney general, a self-described environmental litigator, turned to the courts to have Jepsen, a self-described corporate transactions attorney, removed from the ballot. The superior court declined to issue a ruling prior to the election. Although Jepsen naturally dismissed his opponent’s litigation as “a political stunt, brought by a candidate who is behind in the polls,” it is entirely possible that had the Republicans continued pursuing their suit after

³⁸ Bysiewicz, 6 A.3d at 740 (Conn. 2010). In a concurring opinion, two justices disagreed with the majority’s determination that litigation experience was required. *Id.* at 758.

³⁹ *Id.* at 739-740 (emphasis in original).

⁴⁰ *Id.* at 740.

⁴¹ Bysiewicz Dep. 100:8, Mar. 31, 2010.

⁴² Jon Lender, *Bysiewicz: Obama’s Court Nominee Wouldn’t Qualify for AG*, Capitol Watch, May 19, 2010, blogs.courant.com/capitol_watch/2010/05/bysiewicz-obamas-court-nominee.html. Kagan’s time as a law professor/dean, law clerk, associate in a firm, associate White House counsel, and solicitor general well exceeded ten years, and one would imagine that any amount of time as solicitor general qualifies as “at least some experience litigating cases in court.”

losing the election, or had Jepsen committed the same error as Bysiewicz in seeking a declaratory ruling on his eligibility, the current attorney general would have met the same fate as his one-time rival in the Democratic primary.⁴³ Moreover, it is no longer a given that even former Connecticut attorneys general possessed the requisite practice experience as defined by the court in the Bysiewicz case. Senator Joseph Lieberman, for instance, was a year out of Yale law school when he co-chaired Robert Kennedy's presidential campaign, three years out of law school when he was elected to the state senate, and fifteen years out of law school when elected attorney general. How many of those fifteen years were spent in active practice, and was there sufficient overlapping litigation work during that time?

As one might imagine, the announcement that only litigators could be attorney general was about as popular with Connecticut lawyers as a policy restricting the job of surgeon general to surgeons would be with most physicians, or reserving all general officer billets to pilots would be with the vast majority of Air Force officers, who have never seen the inside of a cockpit. Cordoning off a profession's most coveted or honorary titles to exclude all but those who practice the most glorious or made-for-television aspects of the job is bound to be deeply offensive to the myriad "worker bees" whose daily, largely behind-the-scenes efforts make the maintenance of the profession possible. This is especially true when it comes to law, where some (but obviously not all or even close to most) of those who could be termed litigators actually occupy the lesser-regarded echelons of the profession. As the blogger who started it all astutely noted in the aftermath of the court's decision, lawyers' "egos wouldn't allow them to believe that because they practice corporate

⁴³ Thomas B. Scheffey, *Is Jepsen Eligible?* CONN. L. TRIB., Nov. 1, 2010, www.ctlawtribune.com/getarticle.aspx?ID=38748. See also the dueling commentaries between the attorney general nominees: Martha Dean, *Next AG Requires 'Many Years of Litigating Experience,'* CONN. L. TRIB., Nov. 1, 2010, www.ctlawtribune.com/getarticle.aspx?ID=38745; George Jepsen, *Last Words: 'Long Record of Leadership, Experience and Advocacy,'* CONN. L. TRIB., Nov. 1, 2010, www.ctlawtribune.com/getarticle.aspx?id=38740.

transactional work” they were ineligible for the attorney general post, whereas “some guy with his face on a bus may be qualified to serve.”⁴⁴ It is no surprise, then, that the Connecticut Bar Association’s executive committee unanimously advocated a legislative proposal replacing “at least ten years’ active practice” with “admitted to the bar . . . for a continuous period of at least ten years immediately prior to taking office.”⁴⁵

While there is no question that such a statutory standard would be considerably easier to interpret and apply, it leaves open the possibility that the state’s legal profession is seeking simplicity at the expense of coherence. Just because the notion of practicing law is not completely devoid of ambiguity does not mean that we should abandon the fight to define it at all. To the extent that it makes sense to mandate professional qualifications for an elected post in any situation, it is not unreasonable to add a practice requirement on top of a licensure one. Job postings in all professions, especially for more senior or supervisory positions, routinely establish a specified experience level as a prerequisite. To throw up our hands, essentially declaring that legal practice is so indefinite that an attorney’s active years can never be counted, arguably does a disservice to the law as a sovereign profession.

There can be little doubt that Bysiewicz, along with the superior court that adopted her reasoning, defined the practice of law too broadly. She sought to blur the line between a non-litigating practitioner and a non-practitioner altogether, claiming that she was the former when she was actually the latter. The supreme court, clearly bothered by the trial court’s low standards for professional practice, swung the pendulum to the opposite extreme, denying the legitimacy of a non-courtroom practitioner as a candidate for attorney general categorically.⁴⁶ In so doing, the court failed to find a middle

⁴⁴ Ryan McKeen, *Thoughts on ‘The Bysiewicz Bill,’* A Conn. L. Bog, Apr. 6, 2011, aconnecticutlawblog.com/2011/04/thoughts-on-the-bysiewicz-bill/.

⁴⁵ Thomas B. Scheffey, *Resolved: AG Need Not Have Trial Experience*, CONN. L. TRIB., Jan. 10, 2011, www.ctlawtribune.com/getarticle.aspx?id=39305.

⁴⁶ Jon Lender, *High Court, Bothered by Low Standards, Reverses Lower Court Ruling that had Cleared Bysiewicz to Run for AG*, Capitol Watch, May 18, 2010, blogs.courant.com.

ground between “the lawyer as technician,” applying her legal skills haphazardly, and “the lawyer as litigator,” applying those skills specifically in court. Panicked, the bar association reverted to Bysiewicz’s initial, equally extreme position as the only defensible alternative: “the lawyer as licensee,” having been sworn into the bar. What had been lost in the shuffle was the most obvious and reasonable definition: “the lawyer as fiduciary,” one who has identifiable clients and owes a professional duty of loyalty to them.⁴⁷ Without clients to advise and advocate for, an attorney cannot generally be practicing. With such clients, the venue of the attorney’s practice, whether in a courtroom or a meeting room, is largely immaterial. Therein lies the normative value of occupying a position that specifies it must be held by a licensed attorney, rather than being a licensed attorney who happens to occupy a given position. Your professional reputation is at stake with each memorandum you sign and piece of advice you render, and your duties as a legal professional attach constantly.



com/capitol_watch/2010/05/high-court-bothered-by-low-sta.html.

⁴⁷In the case of prosecutors, of course, the duty of loyalty is tempered by the charge to do justice more generally. In addition, law professors are almost always regarded as practicing law because they are teaching the profession to future generations of practitioners.