

**SPEECH DELIVERED BY JUDGE HUNTLEY EUGENE MUNROE, Q.C.
ON SEPTEMBER 7, 1979, ON THE OCCASION OF THE VISIT OF THE JUDGES
OF THE INTER-AMERICAN COURT OF HUMAN RIGHTS TO THE GOVERNING
COUNCIL OF THE BAR ASSOCIATION OF COSTA RICA.**

It is indeed an honour to be asked to address the Governing Council of the Bar Association. I approach this task with some amount of timidity realizing how critical lawyers are. I apprehend what is passing through your mind is -is he going to surfeit us with his experience at the Bar or is he going to attempt to advise us on the principles and ethics that ought to guide the members of the Bar in the practise of their profession -indeed an honourable one. It shall be the latter and an effort will be made to discharge this onerous task within as short a time as possible- a talkative lawyers is no tuneful cymbal.

What really is Law -may I offer a simple definition- it means those rules of conduct under which the people of a country live and without which no person could hope to live peaceably and in safety as regards himself and his belongings. These rules either have gradually come into existence by general agreement of the people or have been prescribed by those responsible for the government of the country.

There are two distinct segments of Law

1. Common Law

Those general customs which have been regarded as laws in the land from time immemorial. The Common Law of England has been adopted in Jamaica and indeed in several other countries which were settled colonies.

2. Statute Law

This embraces all of the Laws made by direct order of the state and set out in Acts of Parliament.

It is within this frame-work that the lawyer operates because obedience to the law must be enforced and his role in this regard is most vital-being charged with the serious responsibility of assiting in the administration of justice.

You will readily appreciate, therefore, how necessary it is that you should familiarize yourselves with the various laws which you are called upon to interpret and apply in your practice if there should be an efficient Bar seized with the responsibility that devolves upon its members. Knowledge in the law ought to bring about maturity and not a know-all attitude. Mark Twain once opined that he doubted whether lawyers had ever been children. Be humble, gentle and always seek to acquire more knowledge, and in the pursuit of knowledge

remember an inflexible mind can be a danger, particularly in the performance of the duties that fall within the purview of the practice of your profession. Mix well the freedom of your opinion with the reverence of the opinion of others -the hallmark of a civilized mind.

My concept of an ideal and efficient lawyer and judge is what was said of Sir John Eardley Wilmot, Chief Justice of Common Pleas (1766-1771).

«He was not only practically skilled in his profession but his penetration was quick and not eluded, his attention constant and unabated, his elocution clear and harmonious, but above all his temper, moderation, patience and impartiality were so distinguished that parties, solicitors, counsel and audience went away informed and satisfied.»

Now what shall be your contribution to this honourable profession? Shall it be steeped in mediocrity, materialism indifference and incompetence? Will you become unmindful of the problems that confront your country and society or shall you be guided by *Salus populi suprema lex est* —accept it and practice it because in this concept is entrenched the basic principle that is essential to the progress of every civilized community — Service— mere lip service will not do. Service to one’s country —be you professional or otherwise means more than this. It means an active and healthy participation in every facet of the country’s life. This is where the lawyer should play a most important role. Remember you do not live in a cloistered seclusion fenced off from the asperities of life. Service dedicated to the cause of your profession and to your country is what is required of you -not service with selfish aims. This type of service leads to social atrocities, dishonesty and corruption.

I remember the Lycian king who had sent his son to give Priam a hand at Troy. That son’s version of his father’s farewell was. «He sent me to Troy and bade me very instantly to be always the best and to excell all other men.»

It this indifferent to humility? I should think not and I would like to say that in your profession you should give of your best and success will attend your efforts. You and you alone can judge the degree of success. The judgment of others is relative and quite likely of no value whatsoever.

Lawyers today have become very materialistic because «Man is becoming absorbed with things rather than with convictions - with the verb «to have» rather than the verb ‘to be’ with goods rather than with character and destiny. And that of course is the demnation of a man and of a society.»

Every profession should have some canons or code of behaviour to guide its members in maintaining a high ethical standard. May I suggest the following:

1. A lawyer should assist in maintaining the dignity and integrity of the legal profession and should avoid even the apperance of professional impropriety.
2. A lawyer should not indulge in or assist in any unauthorized, improper or unprofessional practice.

3. A lawyer owes a duty to the public to make his legal counsel available. He owes a duty to the state to maintain its Constitution and its laws. He should assist in improving the legal system.
4. A lawyer should act in the best interests of his client and represent him honestly, competently and zealously within the bounds of the law. He should preserve the confidence of his client and avoid conflicts of interest.
5. A lawyer has a duty to maintain the dignity of the Court and the integrity of the administration of justice.
6. A lawyer has a duty to maintain a proper professional attitude towards his fellow lawyers.

In closing may I say that we, the Judges of the Inter-American Court of Human Rights, look forward to you as members of the Bar to form a solid phalanx in protecting the rights and privileges of the human being and in this exercise to exhibit courage and moral fortitude - remembering always that the Law is not impersonal in the pursuit of justice and its administration which should enjoy that type of purity that attracts the respect and confidence of all.