

SHAKESPEARE AND LAWYERS: THE REST OF THE STORY

I: Introduction: “Let’s kill all the lawyers.”

- A. Popular gag line with lay people & comics
- B. Usually quoted without any kind of context.
 - 1. try doing this w/biblical scripture.
 - 2. e.g. “and Judas went out and hanged himself;”.. “and Jesus said, go ye and do likewise.”
- C. Before we keep perpetuating negative stereotype of the legal profession, let’s examine the rest of the story.

II. What’s Happening in *Henry VI Part 2*

- A. Take a look at the scene in question: Jack Cade’s rebellion is picking up steam. Dick, the butcher, was a member of this rebellion.
- B. Dick, the butcher and a member of the rebellion, says: “first thing we do, let’s kill all the lawyers.”
 - 1. He was referring to ways that the rebellion might be successful.
 - 2. They recognized that to succeed, they must get rid of those who knew and enforced a system of laws.
 - 3. They did not want any learned and informed opposition to the rebellion they had planned against the government.
- C. If one is tempted to create anarchy through rebellion, the first objectives will be:
 - 1. to get rid of legal process, individual rights, and the truth.
 - 2. members of the rebellion realized it would be the lawyers that would stand up and identify how individual rights were being abused and due process was not being afforded.
 - 3. the lawyers would recognize that rebellion sought to take away freedoms rather than grant them.
 - 4. This concept that the lawyers would recognize was later put in

context by Daniel Webster who stated, "liberty exists in proportion to wholesome restraint."

III. Was Pogo a lawyer?

A. Lawyers have not aided in the proper interpretation and explanation of this Shakespeare quote.

B. Pogo - cartoon character - was dressed in armor & shield, sword raised to the sky, and said "I have met the enemy, and he is us."

C. Lawyers occupy a very important position in our society.

1. Officers of the court: it is a lawyer's responsibility to uphold the Constitution and be instrumental in ensuring our system of justice is efficient and effective.

2. The oath of attorney reflects that stewardship of their talents and responsibility requires leadership.

3. Leadership in their profession - leadership in their community.

IV. Leadership Required

A. Without that kind of leadership, lawyers cannot live up to the accolade which Dick, the butcher, gave to the profession when he said, "first thing we do, let's kill all the lawyers."

B. Accolade?

1. It was an accolade because: it reflects the recognition that the law and those that were sworn to uphold it were direct obstacles and impediments to those who would seek to take away our freedoms and liberties.

V. Citizenship Responsibility

A. Each of us, as citizens of this great Republic, has the same responsibilities as a part of the stewardship of our citizenship.

B. As Thomas Paine stated, "those who expect to reap the blessings of freedom, must [like men (women)] undergo the fatigue of supporting it."

C. As a nation, we have adopted and applied the rule of law as the foundation of our system of government and the vehicle through which individual rights are protected.

D. We all have the responsibility of ensuring its continued existence. At the time a lawyer is admitted to the practice of law in Oklahoma, he or she takes the following oath:

You do solemnly swear that you will support, protect and defend the constitution of the United States, and the constitution of the State of Oklahoma; that you will do no falsehood or consent that any be done in court, and if you know of any you will give knowledge thereof to the judges of the court, or some one of them, that it may be reformed; you will not wittingly, willingly or knowingly promote, sue, or procure to be sued, any false or unlawful suit, or give aid or consent to the same; you will delay no man for lucre or malice, but will act in the office of attorney in this court according to your best learning discretion, with all good fidelity as well to the court as to your client, so help you God.¹

E. Naturalized citizens of our country are required to take an oath of allegiance.

1. Those of us born in this great country are here through the blessings of the place of our birth.
2. We do not take the time to actually reflect upon the duties and obligations of citizenship or to fully understand its blessings.

F. Lawyers are given a standard for their obligations by the Oklahoma Legislature.² Regardless of how the obligations and responsibilities of

¹ 5 O.S., § 2 - Oath of attorney.

² 5 O.S.1991, § 3: It is the duty of an attorney and counselor:

First. To maintain, while in the presence of the courts of justice, or in the presence of judicial officers engaged in the discharge of judicial duties, the respect due to the said courts and judicial officers, and at all times to obey all lawful orders and writs of the court.

Second. To counsel and maintain no actions, proceedings or defenses, except those which appear to him legal and just, except the defense of a person charged with a public offense.

Third. To employ for the purpose of maintaining the causes confided to him such means only as are consistent with truth, and never to seek to mislead the judges by any artifice or false statements of facts or law.

Fourth. To maintain inviolate the confidence, and, at any peril to himself, to preserve the secrets of his client.

lawyers or citizens come to our attention, it is our duty to fulfill them.

VI. Conclusion

A. So, the next time you hear someone offhandedly quote Shakespeare (maybe the only quote they know of Shakespeare) as stating “the first thing we do, is kill all the lawyers,” take the time to provide them the context of the statement and fill in with the rest of the story.

B. And, give thanks when someone challenges the application of the law because that is a part of the meaning of freedom in this great Republic.

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Fifth. To abstain from all offensive personalities, and to advance no fact prejudicial to the honor or reputation of a party or witness unless required by the justice of the cause with which he is charged.

Sixth. Not to encourage either the commencement or continuance of an action or proceeding from motive of passion or interest.

Seventh. Never to reject for any consideration personal to himself the cause of the defenseless or the oppressed.