

PRINCIPLES OF PROFESSIONALISM FOR ATTORNEYS AND JUDGES

PREAMBLE

The following guidelines are hereby adopted for attorneys practicing within the 27B Judicial District or appearing in Court before the undersigned Judge. These standards are not intended to supplant other rules; all attorneys are bound by the Code of Professional Responsibility and the Rules of Court. Through the Chief Justice's initiative on professionalism, attorneys are encouraged to aspire to a higher standard than is required by existing rules. Consequently, attorneys who fail to comply with these guidelines may expect a gentle reminder from the presiding judge. The gentleness of the reminder may be inversely proportional to the degree by which the attorney's conduct falls short of these expectations.

I. CIVILITY

Professionalism requires civility by attorneys toward one another in the courtroom and in every other professional encounter. No matter how high the stakes or how hotly contested a matter might be, attorneys should be able to shake hands with opposing counsel at the beginning and end of each court appearance or other transaction. Lawyers should seek to maintain a relationship of courtesy, cordiality and respect with opposing counsel, reserving the right to disagree without being disagreeable.

II. COLLEGIALLY

Attorneys should remember at all times to treat their profession as a calling. It is important that each attorney take pride in the profession and conduct himself or herself at all times in a manner that will enhance the profession in the eyes of the community. Remember that your opposing counsel is an adversary, not an enemy.

III. DILIGENCE

Professionalism requires an attorney to attend to his or her business in a diligent manner. Files and clients should not go neglected and telephone calls should be returned in a timely manner.

IV. CANDOR

Professionalism not only demands honesty on the part of an attorney but also requires candor in all communications with the Court, opposing counsel, and the client. The protection of client confidence often will prevent disclosure of certain information but will never justify misrepresentation of facts or misleading comments.

V. SEEK A MENTOR/ BE A MENTOR

Because the law is a seamless web, mastering the nuances of practice is usually a daunting task. Experienced lawyers can be of great help to less seasoned practitioners, but all of us can benefit from consultation with others from time to time.

VI. RESPECT

Professionalism means that each attorney will hold and show the utmost respect for the American court system, the presiding judge, opposing counsel, the client, court personnel and self. Each time that you appear in court you should remember that you are not only addressing “Your Honor” but you are also addressing a matter of your honor. As long as you remind yourself of this point, you will not be tempted to engage in personal attacks on opposing counsel, engage in talking objections, openly criticize rulings of the Court, or otherwise engage in conduct that would tend to bring the profession into disrepute. Some examples of the manner in which this respect should be demonstrated include:

1. A lawyer should speak and write courteously and respectfully in all communications with the Court and opposing counsel.
2. Before scheduling depositions, hearing or motions, a lawyer should endeavor to contact opposing counsel and seek mutually acceptable settings. Upon learning that a cancellation may become necessary or requested, opposing counsel should be promptly notified.
3. If a lawyer knows that the client is going to submit to a voluntary dismissal of a matter, the lawyer should promptly notify opposing counsel so as to avoid unnecessary trial preparation and expense.
4. A lawyer should make a diligent effort to identify clearly for opposing counsel or parties all changes made in documents circulated for review.
5. In the courtroom, counsel should:
 - a. Avoid interruption of opposing counsel except when necessary to voice an objection.
 - b. Always offer an exhibit or provide a copy in advance to opposing counsel before presenting the exhibit to a witness.
 - c. Make reasonable efforts to resolve discovery disputes prior to seeking intervention by the Court.
 - d. Act and speak respectfully to all court personnel.
 - e. Avoid visual or verbal displays of temper toward the Court, particularly upon an adverse ruling from the bench.
6. In the courtroom, a judge should:
 - a. Avoid visual or verbal displays of temper toward counsel.
 - b. Accommodate reasonable personal requests by lawyers.

- c. Treat lawyers and litigants with courtesy, and, while maintaining control of proceedings, attempt to do so in a manner intended to avoid personal humiliation.
- d. Conduct themselves at all times, in and outside court, in a way that recognizes and avoids the perceptions of favoritism that may arise from actions that are not clearly enunciated.