



Tenets of Professionalism

Preamble

As a lawyer I will strive to make our system of justice fair and efficient, and to promote the public good. In order to carry out this responsibility, not only will I comply with the letter and spirit of the disciplinary standards applicable to all lawyers, but I will also conduct myself in accordance with the Tenets of Professionalism found herein.

The Legal Profession

1. I am proud to be an attorney. I will promote a positive image of the legal profession. I believe that attorneys must deal with each other, with clients, and with others they encounter during their daily work with integrity and candor. Therefore, "My word is my bond."
2. I will endeavor to keep myself current in the areas of law in which I practice.
3. I am responsible to assist in ensuring that all persons have access to competent representation, regardless of wealth or position in life.
4. I will be mindful that the law profession is a self-regulating profession, and will encourage and contribute to ethical conduct in the profession.
5. I will not, without good cause, attribute bad motives or unethical conduct to opposing counsel, nor bring the profession into disrepute by unfounded accusations of impropriety. I will not ascribe a position to another counsel that counsel has not taken, or otherwise seek to create an unjustified inference based on counsel's statement or conduct.
6. I will uphold the principle that the law is a learned profession and that among its desirable goals is administration of justice. I will endeavor to keep the legal system free from unlawful discrimination.

Attorney-Client Relations

1. I will communicate with my client and will respond promptly and courteously to my client's communications.
2. Civility and courtesy are my professional obligations. A client has no right to demand that I engage in discourteous or abusive conduct.
3. When appropriate, I will advise my client that I reserve the right to determine whether to grant accommodations to opposing counsel in all matters that do not adversely affect my client's lawful objectives. A client has no right to instruct me to refuse reasonable requests made by other counsel.



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4. I will be loyal and committed to my client's cause and interests, but I will not permit that loyalty and commitment to interfere with my ability to provide my client with objective and independent advice and service.
5. I will try to achieve my client's lawful objectives in legal transactions and in litigation as quickly and economically as possible, while at all times adhering to my ethical obligations.
6. When appropriate, I will advise my client about mediation, arbitration, settlement, and other methods of dispute resolution. I recognize that such advice is appropriate in most instances.
7. When appropriate, I will advise my client against pursuing litigation or any other course of action that is not the best course available to it. I will not take my own economic interests into consideration in recommending the best course of action to my client.
8. When appropriate, I will tell my client that I am under an ethical obligation not to engage in tactics which are intended to delay resolution of the matter, or to harass or drain the financial resources of the opposing party.
9. While I must abide by my client's decision concerning the objectives of the representation, I, nevertheless, will counsel my client that a willingness to initiate, or engage in settlement discussions is consistent with zealous and effective representation.

Attorney and Opposing Counsel Relations

1. I will be guided by a fundamental sense of integrity and fair play in my dealings with other lawyers.
2. I will be courteous and civil, both in oral and written communications. I will treat adverse counsel, parties, and witnesses with fairness and due consideration.
3. I will keep my promises to opposing counsel and parties.
4. I will agree to reasonable extensions of time in litigation if the extensions will not materially and adversely affect my client, or unduly delay court process.
5. To the best of my ability, I will consult with opposing counsel before scheduling the place and time of depositions and meetings, and before rescheduling depositions and hearings, and I will cooperate with opposing counsel when scheduling changes are requested or required.
6. I will notify opposing counsel and, if appropriate, the Court or other persons, as soon as predictable, when hearings, depositions, meetings, conferences or closings are canceled.
7. I will not use litigation, or any aspect of litigation, or engage in other conduct to harass or abuse the opposing party, counsel, or other persons.



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8. I will refrain from engaging in excessive and abusive discovery, and I will comply with all reasonable discovery requests.
9. I will attempt to resolve, by agreement, my objections to my opponent's pleadings, motions and discovery requests.
10. I will not use unmeritorious, deceptive or unreasonable delaying tactics.
11. I will not engage in any conduct during a deposition that would not be appropriate in the presence of a judge. Specifically, I will not engage in any acts of harassment, rudeness, or disrespect.
12. I will not obstruct questioning during a deposition, or object to deposition questions, unless necessary under the applicable rules to preserve an objection or privilege for resolution by the Court.
13. During a deposition, I will not instruct a witness not to answer a question except on the basis of a recognized privilege, or where the questioning is clearly abusive.
14. During a deposition, I will not initiate a conference or conversation with a witness while a question is pending, except for the purpose of determining whether a question fairly calls for the disclosure of privileged information.
15. During a deposition, I will state any objections succinctly and not in a manner tending to instruct the witness as to his response. Nor will I otherwise make any statement or gesture, or take any act, tending to instruct the witness as to his response to a pending question.
16. During a deposition, I will ask only those questions I reasonably believe are necessary for the prosecution or defense of an action.
17. I will carefully craft document production requests, interrogatories and requests for admission, so they are limited to those matters I reasonably believe are necessary for the prosecution or defense of an action. I will not design such requests to place an undue burden or expense on a party.
18. I will respond to document requests, interrogatories, and requests for admission reasonably and will not strain to interpret the request in an artificially restrictive manner to avoid disclosure of relevant and non-privileged matters, or of matters reasonably calculated to lead to the discovery of admissible evidence. I will not produce documents in a manner designed to hide or obscure the existence of particular documents.
19. I will not send motions or other papers at a time or in a manner intended to unfairly limit the other party's opportunity to respond, or unfairly prejudice its rights.
20. I will not unreasonably quarrel over matters of form or style, but will concentrate on matters of substance and content.



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21. When I reach an oral understanding with another on a proposed agreement or a stipulation and decide to commit it to writing, I will endeavor in good faith to state the oral understanding accurately and completely. As drafts are exchanged between or among counsel, changes from prior drafts will be identified in the draft or otherwise explicitly brought to the attention of the other counsel. I will not include in a draft matters to which there have been no agreement without advising the legitimate interests of my client.
22. I will stipulate to facts in civil matters upon proper request, consistent with the legitimate interests of my client.
23. I will respond promptly to communications from opposing counsel.
24. I will not request sanctions as a routine matter, but only where justified by the circumstances and necessary to protect my client's lawful interests, and only upon first conducting a reasonable investigation.

Attorney-Court Relations

1. I will always recognize that the position of judge is the symbol of both the judicial system and the administration of justice.
2. I will at all times be courteous, respectful and candid with the Court, court personnel, jurors, and witnesses.
3. I will be a vigorous, zealous and courteous advocate on behalf of my client, while recognizing, as an officer of the court, that excessive zeal may be detrimental to my client's interest, as well as to the proper functioning of our system of justice.
4. I will exercise at all times proper court decorum and etiquette, will be punctual and prepared, will not unduly delay court proceedings, and will promptly notify the court of scheduling difficulties.
5. I will not knowingly misrepresent, mischaracterize, misquote or miscite facts or authorities in a brief or pleading, or any other written or oral presentation to the Court.
6. I will be considerate of the time constraints and pressures imposed upon the Court, court staff and counsel, in their efforts to administer justice and resolve disputes.

Courts' Duties to Attorneys

1. I will be courteous, respectful, and civil to lawyers, parties, and witnesses.
2. I will not employ hostile, demeaning or humiliating words in opinions or in written or oral communications with lawyers, parties, or witnesses.



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3. I will make efforts to be punctual in convening all hearings, meetings, and conferences; if delayed, I will notify counsel, if possible.
4. I will make reasonable efforts to decide promptly matters presented to me for decision.
5. I will give the issues in controversy deliberate, impartial, and studied analysis and consideration.
6. While trying to resolve disputes efficiently, I will be considerate of the time constraints and pressures imposed on lawyers by a litigation practice.
7. I recognize that a lawyer has a right and a duty to present a cause fully and properly, and that a litigant has a right to a fair and impartial hearing. Within the practical limits of time, I will allow lawyers to present proper arguments and to make a complete and accurate record.
8. I will maintain control of the proceedings, recognizing that judges have both the obligation and the authority to ensure that all litigation proceedings are conducted in a civil manner.
9. I will not impugn the integrity or professionalism of any lawyer on the basis of the clients whom, or the causes which, a lawyer represents.
10. I will do my best to insure that court personnel act civilly toward lawyers, parties, and witnesses.
11. I will not adopt tactics that needlessly increase litigation expense.

Judges' Duties to Other Judges

1. While I may be forceful where appropriate in articulating an opinion, I will, nonetheless, be courteous, respectful, and civil in opinions, in recognition that a position articulated by another judge is the result of that judge's earnest effort to interpret the law and the facts correctly.
2. In written and oral communications, I will abstain from disparaging personal remarks or criticisms, or sarcastic or demeaning comments about another judge.
3. I will endeavor to work with other judges in an effort to foster a spirit of cooperation in our mutual goal of enhancing the administration of justice.

*Revised by the BAMSL Litigation Reform Task Force, and
Adopted by the BAMSL Executive Committee.*