

# Professionalism: A Lawyer's Mandate

*The conduct of a lawyer should be characterized at all times by honesty, candor, and fairness.*

*In fulfilling his or her primary duty to a client, a lawyer must be ever mindful of the profession's broader duty to the legal system.*

## **I. Relations with Clients**

*A lawyer owes to a client undivided allegiance, the full application of the lawyer's learning, skill, and industry, and the employment of all appropriate legal means to protect and enforce the client's legitimate rights, claims, and objectives. In the discharge of this duty, a lawyer should not be deterred by any real or imagined fear of judicial disfavor or public unpopularity, nor be influenced directly or indirectly by any considerations or self-interest.*

1. Representing my client in a professional manner is my first obligation.
2. I will be loyal and committed to my client's cause, but I will not permit that loyalty and commitment to interfere with my duty to provide objective and independent advice to the client.
3. I will endeavor to achieve my client's lawful objectives in business transactions and in litigation as expeditiously and economically as possible.
4. When appropriate, I will counsel my client with respect to mediation, arbitration, and other alternative methods of resolving disputes.
5. I will advise my client against pursuing litigation (or any other course of action) that is without merit and against insisting on tactics which are intended primarily to delay resolution of a matter or to harass or drain the financial resources of the opposing party.
6. A client has no right to demand that I abuse the opposite party or counsel or indulge in other offensive conduct. I will always treat adverse parties and witnesses with fairness and due consideration.

## **II. Relations with Other Lawyers**

*A lawyer owes to opposing counsel courtesy, candor, and cooperation in all respects not inconsistent with a client's interest and scrupulous observance of all mutual agreements and understandings. Ill feelings between clients should not influence a lawyer's conduct, attitude, or demeanor toward opposing lawyers.*

1. I will be courteous, civil, and prompt in oral and written communications.
2. In litigation proceedings, I will agree to reasonable requests for extensions of time and for waiver of procedural formalities, provided a legitimate interest of my client will not be adversely affected.
3. I will not serve motions and pleadings at such a time or in such a manner as will unfairly limit the other party's opportunity to respond.
4. I will attempt to resolve by agreement my objections to matters contained in pleadings and recovery and responses.
5. When scheduled hearings or depositions are cancelled, I will notify opposing counsel, and, if appropriate, the court (or other tribunal) as soon as practicable.
6. In business transactions, I will not quarrel over matters of form or style, but will concentrate on matters of substance.
7. I will identify for other counsel or parties all changes I have made in documents submitted to me for review.

### **III. Conduct in Court**

*A lawyer owes to the judiciary respect, diligence, candor, punctuality, and protection against unjust and improper criticism and attack. A judge has a reciprocal responsibility to maintain the dignity and independence of the Court and to treat the lawyer with courtesy and respect as an officer of the Court.*

1. I will conduct myself in Court in a professional manner and demonstrate my respect for the Court and the law.
2. I will treat opposing counsel, opposing parties, the Court, and members of the Court staff with courtesy and civility.
3. I will advise my client of the behavior expected of him or her.
4. I will be punctual so that preliminary matters may be disposed of in order to start the trial, hearing, or conference on time.

### **IV. Administration of Justice & Discovery**

*A lawyer owes to the administration of justice personal dignity, professional integrity, and independence. A lawyer should adhere to the highest principles of professionalism in all dealings with others, regardless of the desires of a client.*

1. Ordinarily, I will not give notice of a disposition or hearing until an effort has been made to schedule it by agreement.
2. In oral depositions and other discovery proceedings, I will treat opposing counsel, opposing parties, and any other present, with courtesy and civility.
3. I will refrain from excessive and abusive discovery, and I will comply with all reasonable discovery requests.
4. I will submit proposed orders to the Court promptly and will send copies to opposing counsel before or contemporaneously with submission to the court.
5. If the matter does not merit the filing of a motion or an agreed order, I will not unnecessarily involve the court or its staff with correspondence or with copies of correspondence to opposing counsel.

Unanimously adopted the 16<sup>th</sup> day of February, 1989, by the Board of Directors of the Houston Bar Association, on recommendation of the Special Committee on Professionalism, to encourage all lawyers to observe these traditional standards of professionalism to which the Houston Bar Association wholeheartedly subscribes.