



CIVILITY AND PROFESSIONALISM GUIDELINES

PREAMBLE

One of the most important responsibilities of all lawyers and judges is to protect and promote the integrity and respectability of the legal profession. Accordingly, we must always be mindful of conduct that undermines the legal process and the administration of justice. Incivility impugns the integrity of each of us individually and of the profession collectively. It also impedes the ability to resolve disputes rationally and efficiently for our clients, thereby diminishing respect for the law.

Currently, increasing pressures of our occupation, fewer personal interactions between attorneys and judges in court and at bar associations, and the ubiquitous use of email communications impede our ability to treat each other with respect and professionalism.

Therefore, the Massachusetts Bar Association, in partnership with the Judiciary, has undertaken the responsibility of promoting civility and professionalism within the practice of law. In particular, we have created this set of principles and guidelines to guide us in our daily professional conduct. They also remind us all of the honor and dignity of the profession we serve and our individual and collective obligation to protect, repair, and enhance it on a daily basis with politeness, professionalism, civility, decorum, and manners.

Our hope and expectation is that these guidelines will remind practitioners and judges of the respect that our profession demands of one another, and will ensure that we conduct ourselves at all times with the utmost personal courtesy and professionalism. Our hope is also to ensure that the public has confidence in the legal profession and respect for lawyers, and to ensure that the honorability of our noble profession remains strong. Finally, it is also to make practicing law more pleasurable.

It is our hope that all lawyers and judges will make a commitment to adhere to these guidelines in their dealings with one another and other participants in the legal process.



CIVILITY GUIDELINES

1. Lawyers should comport themselves in a manner that favorably reflects the honor, integrity, civility, respect and dignity of the legal profession. Judges should comport themselves in a manner consistent with the Code of Judicial Conduct (see in particular Rule 2.3 and Rule 2.8) which directs that judges shall require order and decorum in proceedings before the court and that judges be patient, dignified and courteous. Through their words and conduct in the courtroom, judges and lawyers should serve as role models to new attorneys, witnesses, clients, litigants and observers. Lawyers should not interrupt the judge, the clerk or one another when addressing the court.

2. During all aspects of a case, lawyers should treat one another with the same high degree of common courtesy, professionalism and civility that is expected in the courtroom. In all court filings and court rulings, and in any public statements, judges and lawyers should refrain from the use of insults, sarcasm and derogatory language directed at anyone, including, without limitation, lawyers and parties.

There is no place in the legal profession for hostility, abuse or insults, regardless of how antagonistic the parties may be to one another.

3. A lawyer should not file a motion that includes an allegation of professional misconduct and/or a request for sanctions against another lawyer unless (a) the conduct and/or omission of opposing counsel at issue was outrageous and demeans the profession as a whole, (b) the lawyer bringing the motion has first attempted in good faith to resolve the issue with the opposing counsel through reasonable means, (c) the lawyer filing the motion is doing so as a result of his or her own independent determination that the motion is valid, and not solely to appease the wish of a client, and (d) the wrongful conduct and/or omission at issue is material to the issues raised in or the timely progress of the litigation.

4. Lawyers should limit discovery requests to those reasonably necessary to protect their clients' interest in the litigation, and, at all times, lawyers should refrain from sending discovery requests that are intended solely to harass or to impose an undue burden or expense on the opposing party.

5. Recognizing that other lawyers have personal and work schedules to manage, lawyers should grant reasonable requests for extensions of time for the completion of litigation deadlines, and should agree to reasonable requests for continuances of hearings and/or trials, unless the requested extensions or continuances will cause prejudice or otherwise compromise client interests.
6. Lawyers should be punctual and prepared for all trials, hearings, meetings and depositions, and, in the event that lawyers expect to be late, lawyers should take reasonable efforts to alert others, including, without limitation, court clerks and opposing counsel, regarding the expected tardiness.
7. Lawyers should not seek to take unfair advantage of opposing counsel and/or self-represented parties through threats, intimidation, coercion or bullying. Pursuant to the Code of Judicial Conduct Rule 2.8, judges should take all steps reasonably necessary to terminate such conduct when brought to the attention of the Court.