

FBFK Law Presents

OBJECTIONABLE CONDUCT:

CIVILITY RULES AND LAWYERS BEHAVING BADLY

March 5, 2026 Presented by:

Todd G. Friedland
Spencer Hamer
Jason R. Wisniewski





TODD G. FRIEDLAND

Managing Partner, California

5 Park Plaza
Suite 1400
Irvine, CA 92614
949.468.3200
tfriedland@fbfk.law



Todd Friedland combines skill, strategy, and business judgment to achieve success for clients in commercial litigation. With more than 25 years of complex commercial litigation experience, Todd Friedland is a lauded attorney well known for his legal leadership in Orange County and for implementing strategies designed to meet clients' goals and business needs. His practice focuses on commercial litigation and strategic counseling, including matters related to corporate governance and fiduciary duty, complex contract and manufacturing disputes, trade secrets, unlawful business practices, business torts, and real estate issues.

Todd served as the previous President of the Orange County Bar Association (2016), President of the Orange County Bar Association Charitable Fund (2017), President of the Association of Business Trial Lawyers – Orange County (2020) and has also been named to Top 50 Attorneys in Orange County ranking (Orange Coast Magazine 2018 – 2025), Top 100 Attorneys in Southern California (2025), Best Lawyers in America (2015–2025), and Southern California Super Lawyers (2011 – 2026). Todd is rated AV Preeminent® by Martindale-Hubbell.

Prior to joining FBFK, Todd co-founded business litigation boutique Stephens Friedland LLP, and practiced with the multi-national law firm of Pillsbury Winthrop Shaw Pittman.



Select Published Decisions And Articles

- › Apple Computer, Inc. v. Superior Court (Cagney), 126 Cal. App. 4th 1253 (2005)
- › U.S. Cellular Inv. Co.& v. GTE Mobilenet, Inc., et.al., 281 F.3d 929 (9th Cir. 2002)
- › Gift Certificates in California: The Gift That Keeps On Giving, Orange County Lawyer, March 2003, Vol. 45, No. 3
- › The changing face of the UCL: where does it stand on standing? Orange County Lawyer, August 2009, Vol. 51, No. 8
- › Civic Center: Center of Justice, Center of Homelessness. Orange County Lawyer, September 2016, Vol. 58, No. 9

ADMITTED TO PRACTICE

States

State Bar of California

United States District Courts

Central District of California

Eastern District of California

United States Courts of Appeals

Ninth Circuit

EDUCATION

University of Southern California Gould School of Law, J.D.

University of Southern California M.A., Communications Management

California State University, Long Beach B.A., Radio/TV/Film

RECOGNITION, HONORS, AND ACHIEVEMENTS

Southern California Super Lawyer, 2011 – 2026

Best Lawyers in America, 2015 – 2023, 2026

Orange County Business Journal's OC 500

Directory of Influence, 2025

U.S. News & World Report Best Law Firm, 2016 – 2023

Top 50 Attorneys in Orange County (Orange Coast Magazine), 2018 – 2023

AV Rated by Martindale-Hubbell Peer Review

Avvo Rated 10.0 "Superb"



SPENCER HAMER

Attorney / Shareholder

5 Park Plaza
Suite 1400
Irvine, CA 92614
949.468.3200
spencerhamer@fbfk.law

Spencer Hamer represents employers in state and federal courts in a wide range of employment law matters, including discrimination, harassment, retaliation, wrongful termination, breach of contract, whistleblower claims, and wage and hour class actions. He regularly advises employers on all aspects of employment law compliance and strongly believes in taking proactive steps to avoid litigation. Policy and procedure development, wage-hour audits, workplace investigations, and management training are core aspects of his approach. In addition, Spencer has conducted employment law due diligence on numerous deals and helps clients at the pre-sale stage identify and mitigate employment law risk.

Spencer believes that understanding a client's industry is critical, and has represented clients in various industries, including healthcare, hospitality, retail, insurance, manufacturing, and technology.

Representative Matters

- › Prevailed in three-week jury trial against former employee raising whistleblower claims
- › Prevailed in jury trial against employee raising disability discrimination claims
- › Prevailed in bench trial against employer alleging violations of the Private Attorneys General Act (PAGA)
- › Prevailed on numerous summary judgment motions, including hostile work environment harassment, disability discrimination, and retaliation claims
- › Prevailed on claims against former employees in multi-jurisdictional trade secret misappropriation dispute
- › Favorably resolved numerous wage hour class actions, PAGA claims, and single-plaintiff cases.
- › Conducted lead employment law M&A due diligence on over 100 buy and sell side deals involving companies in a variety of industries including technology, manufacturing, retail, healthcare, life sciences, and finance
- › Advised multiple Chief Executive Officers in negotiation of employment agreements, exit-related issues, and compensation-related disputes
- › Supervised and conducted investigations involving allegations of race discrimination, sexual harassment, retaliation, fraud, trade secrets misappropriation, and executive misconduct.



Commercial Litigation



Employment Law



Mergers and Acquisitions



Transactional Law

ADMITTED TO PRACTICE

States

State Bar of California
State Bar of Tennessee

United States District Courts

Central District of California
Eastern District of California
Northern District of California
Southern District of California

United States Courts of Appeals

Ninth Circuit

EDUCATION

University of Southern California Law School,
J.D.
University of Michigan, B.A.

RECOGNITION, HONORS, AND ACHIEVEMENTS

2026 Lawdragon 500 Leading Corporate
Employment Lawyers

PROFESSIONAL ASSOCIATIONS & MEMBERSHIPS

State Bar of California (Labor & Employment
Section)
Orange County Bar Association (Labor &
Employment Section)
American Bar Association (Labor &
Employment Section)
Federalist Society



JASON R. WISNIEWSKI

Attorney / Shareholder

5 Park Plaza
Suite 1400
Irvine, CA 92614
949.468.3200
jwisniewski@fbfk.law

Jason Wisniewski is a Shareholder in the firm's Corporate Transactions Practice Group. Jason has expertise in representing small, closely held companies as well as emerging, high-growth startup companies. Jason's clients range from pre-revenue startups to mature revenue-generating companies in all industries, but with particular expertise in the technology, life-science, and consumer product industries.

As counsel to these companies, Jason not only acts as general legal counsel for routine legal matters, but he also advises them through all stages from formation and startup, through multiple rounds of private equity and debt financings, strategic acquisitions of assets and intellectual property, to successful public offerings and sale transactions. Such transactional experience includes selection of entity type, "friends and family" financings, angle investment, seed financings, preferred stock financings, private placements of debt and equity, secured and unsecured credit facilities, venture debt, issuance of convertible securities, employee equity incentive plans and executive compensation, mergers and acquisitions, for both acquirers and sellers, tax deferred reorganizations, shareholder agreements, licensing of intellectual property and strategic joint ventures.

In addition to his transactional experience, Jason regularly advises Boards of Directors, officers and shareholders in connection with such matters as to their fiduciary duties and other obligations or potential conflicts of interest.



Mergers and Acquisitions



Transactional Law

ADMITTED TO PRACTICE

States

State Bar of California

State Bar of Texas

EDUCATION

Georgetown University Law Center LLM.,
Securities and Financial Regulation, *with distinction*

University of San Diego School of Law J.D.,
magna cum laude

Order of the Coif; Executive Editor, San Diego
Law Review

University of California, Irvine B.A., Economics,
magna cum laude

RECOGNITION, HONORS, AND ACHIEVEMENTS

Order of the Coif

Executive Editor, San Diego Law Review

PROFESSIONAL ASSOCIATIONS & MEMBERSHIPS

Center for Business Growth



ORANGE COUNTY BAR ASSOCIATION CIVILITY GUIDELINES

PREAMBLE

The practice of law is a noble, time-honored profession requiring and inspiring trust and confidence. Lawyers rightly take pride in seeking mutual cooperation and maintaining personal dignity. Lawyers practicing in Orange County share a commitment to civility and recognize their obligation to be professional with clients, other parties and counsel, the courts, and the public.

Courts expect lawyers to show others respect. Lawyers are officers of the court. Each lawyer's conduct should reflect well on the judicial system, the profession, and the fair administration of justice. Judicial resources are limited and wisely conserved when lawyers avoid frivolous disputes.

Lawyers should inspire public regard for the profession and for the judicial system. Rudeness, distrust, or abusive tactics by lawyers do not reflect well on the legal profession or inspire the public's confidence.

Civility allows for zealous representation, reduces clients' costs, better advances clients' interests, reduces stress, increases professional satisfaction, and promotes effective conflict resolution. These guidelines foster the civility and professionalism that are hallmarks of the best traditions of the legal profession.

All OCBA members are encouraged to adopt these guidelines as their personal standards. The guidelines exceed the Rules of Professional Conduct; do not replace any statute or rule; and are not intended as an independent basis for sanctions, discipline, or more litigation. Rather, the guidelines remind us that law is best practiced with civility and that clients, courts, the public, and the fair administration of justice are best served thereby.

GUIDELINES

1. Counsel shall show civility to other counsel and self-represented litigants.

- a. Communicate in a professional, businesslike manner. Respond to communications within a reasonable time, using reasonable means. Provide accurate redlines and note significant changes when exchanging drafts. Avoid personal attacks, demeaning comments, and misleading characterizations of the other side's positions, both in private communications and in court. Act civilly toward opposing counsel's staff members.
 - b. Extend professional courtesies. Agree to reasonable requests, including those regarding service of papers or extensions of time, whenever possible without prejudicing the client's interests or violating a court's scheduling order. Honor commitments.
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- c. Advise clients about the need for civility. Assure clients you will zealously represent them while still treating others with civility. Resist client requests to engage in abusive or disrespectful behavior.

2. Counsel shall show civility during discovery.

- a. Work together to make discovery self-executing. Meet and confer in good faith to try to limit and expedite discovery – and to resolve disputes without motions. Cooperate to make discovery reasonably convenient: e.g., provide written discovery requests in electronic format, discuss search terms for electronic discovery in advance, produce written responses and responsive documents in a user-friendly manner. Avoid pursuing discovery only to harass adversaries or increase litigation costs. Respond forthrightly and timely to non-objectionable requests.
- b. Schedule depositions reasonably. Respond to inquiries for dates within a reasonable time and on reasonable terms. Make good-faith efforts to accommodate the schedules of other parties, counsel, and witnesses. Delay or cancel depositions only with good cause and as much notice as practicable.
- c. Behave professionally at depositions. Avoid abusive or rude behavior, mischaracterizations of anyone's conduct, baseless instructions not to answer, and questions asked only to embarrass the witness. Make reasonable use of the allotted time, without needlessly running out the clock or requiring an additional day.

3. Counsel shall show civility to the courts.

- a. Respect the court's time. Make good-faith efforts to avoid or narrow issues before raising them with the court. Plan to make witnesses available while minimizing their wait time – consider on-call agreements. Notify the court as soon as possible if a matter resolves.
- b. Communicate respectfully with the court. Treat the court and its personnel with dignity. Avoid personal attacks, disrespectful familiarity, the appearance of impropriety, and improper ex parte communications.
- c. Conduct yourself professionally in court. Be punctual and prepared for every appearance. Wait for your matter respectfully. Let others speak, without interrupting. Accept responsibility for your handling of the case without blaming subordinates.
- d. Show this civility to all bench officers (judges, commissioners, temporary judges, referees), arbitrators, mediators, other dispute resolution providers, and their staffs.

As Amended by the Board of Trustees May 23, 2018

The freedom to express one's views is a cornerstone of the community and diversity of LACBA members. LACBA welcomes the diverse views and opinions of its members as they relate to the issues before our organization, committees, sections, governing boards and other working groups. In order for these discussions to be meaningful and effective, and to uphold LACBA's proud tradition of respectful discourse for over 140 years, we must treat each other with courtesy, respect, dignity and professional integrity.

Therefore, as a condition of membership, each member of the Los Angeles County Bar Association ("LACBA") agrees to abide by the following Code of Civility to ensure that all LACBA activities, particularly those with, between and among LACBA volunteers, members and staff, are conducted in a respectful and courteous manner, and in a way that will generate respect and credibility for LACBA and each of its members and staff.

The following Code of Civility applies to all types of communication with, between and among LACBA volunteers, members and staff, including without limitation statements at in person meetings, telephone conversations, letters, public statements (oral and in writing), email and all types of other electronic (listserve and social media) communications.

1. I will conduct myself in a professional and civil manner at all times when engaged in any and all LACBA matters, including treating each member of LACBA, its staff and members of the public with respect.
2. I will commit to communicate my ideas and points of view clearly, and allow others to do the same without interruption. I pledge to be able to disagree without being disagreeable.
3. I will seek to present information truthfully, and will not knowingly misrepresent, mischaracterize, or misquote information in seeking to advance any point of view.
4. Even in the face of disagreement or differences of opinion, I will demonstrate esteem and deference for LACBA colleagues, staff and the public. I will not use language that is rude, demeaning, insulting, hostile, threatening or slanderous. I acknowledge and agree that derogatory language about an individual's age, physical appearance, intelligence, motivations, ethnicity, race, sexuality, sexual orientation or religion is not acceptable.
5. I will take responsibility for my own actions, and will work to fulfill my role and responsibilities as a member and volunteer of LACBA as specified by this Code of Civility.
6. When acting as a volunteer leader in LACBA activities, I will promote and enforce a safe meeting environment at all times. While engaging in LACBA matters, if someone becomes disrespectful, insulting,

disruptive or otherwise violates this Code of Civility, I will join my fellow LACBA members in encouraging the person to act in a respectful and professional manner, even if I agree with the point of view that is being expressed.

7. As a volunteer engaged in LACBA activities, I will make every effort to put the interests of the LACBA organization ahead of my own personal interests.
8. As an officer of the court, I will strive to conduct myself at all times with dignity, courtesy, and integrity.

LACBA shall have the right to investigate any alleged violation of this Code of Civility, and in its sole and absolute discretion (i) determine whether any violation of this Code has occurred, and (ii) take action, through the Executive Committee of its Board of Trustees, as it deems necessary to enforce this Code, including but not limited to (a) removal from any and all leadership positions at LACBA, including boards, sections and committees, and/or (b) termination of all membership status and rights in or related to LACBA.



California Attorney Guidelines of Civility and Professionalism

(Abbreviated Without Examples)



The State Bar of California
180 Howard Street
San Francisco, CA 94105-1639

Adopted by the Board of Governors on
July 20, 2007

California Attorney Guidelines of Civility and Professionalism (Abbreviated, adopted July 20, 2007)

INTRODUCTION. As officers of the court with responsibilities to the administration of justice, attorneys have an obligation to be professional with clients, other parties and counsel, the courts and the public. This obligation includes civility, professional integrity, personal dignity, candor, diligence, respect, courtesy, and cooperation, all of which are essential to the fair administration of justice and conflict resolution.

These are guidelines for civility. The Guidelines are offered because civility in the practice of law promotes both the effectiveness and the enjoyment of the practice and economical client representation. The legal profession must strive for the highest standards of attorney behavior to elevate and enhance our service to justice. Uncivil or unprofessional conduct not only disserves the individual involved, it demeans the profession as a whole and our system of justice.

These voluntary Guidelines foster a level of civility and professionalism that exceed the minimum requirements of the mandated Rules of Professional Conduct as the best practices of civility in the practice of law in California. The Guidelines are not intended to supplant these or any other rules or laws that govern attorney conduct. Since the Guidelines are not mandatory rules of professional conduct, nor rules of practice, nor standards of care, they are not to be used as an independent basis for disciplinary charges by the State Bar or claims of professional negligence.

The Guidelines are intended to complement codes of professionalism adopted by bar associations in California. Individual attorneys are encouraged to make these guidelines their personal standards by taking the pledge that appears at the end. The Guidelines can be applicable to all lawyers regardless of practice area. Attorneys are encouraged to comply with both the spirit and letter of these guidelines, recognizing that complying with these guidelines does not in any way denigrate the attorney's duty of zealous representation.

SECTION 1. The dignity, decorum and courtesy that have traditionally characterized the courts and legal profession of civilized nations are not empty formalities. They are essential to an atmosphere that promotes justice and to an attorney's responsibility for the fair and impartial administration of justice.

SECTION 2. An attorney should be mindful that, as individual circumstances permit, the goals of the profession include improving the administration of justice and contributing time to persons and organizations that cannot afford legal assistance.

An attorney should encourage new members of the bar to adopt these guidelines of civility and professionalism and mentor them in applying the guidelines.

SECTION 3. An attorney should treat clients with courtesy and respect, and represent them in a civil and professional manner. An attorney should advise current and potential clients that it is not acceptable for an attorney to engage in abusive behavior or other conduct unbecoming a member of the bar and an officer of the court.

As an officer of the court, an attorney should not allow clients to prevail upon the attorney to engage in uncivil behavior.

An attorney should not compromise the guidelines of civility and professionalism to achieve an advantage.

SECTION 4. An attorney's communications about the legal system should at all times reflect civility, professional integrity, personal dignity, and respect for the legal system. An attorney should not engage in conduct that is unbecoming a member of the Bar and an officer of the court.

Nothing above shall be construed as discouraging the reporting of conduct that fails to comply with the Rules of Professional Conduct.

SECTION 5. An attorney should be punctual in appearing at trials, hearings, meetings, depositions and other scheduled appearances.

SECTION 6. An attorney should advise clients that civility and courtesy in scheduling meetings, hearings and discovery are expected as professional conduct.

In considering requests for an extension of time, an attorney should consider the client's interests and need to promptly resolve matters, the schedules and willingness of others to grant reciprocal extensions, the time needed for a task, and other relevant factors.

Consistent with existing law and court orders, an attorney should agree to reasonable requests for extensions of time that are not adverse to a client's interests.

SECTION 7. The timing and manner of service of papers should not be used to the disadvantage of the party receiving the papers.

SECTION 8. Written materials directed to counsel, third parties or a court should be factual and concise and focused on the issue to be decided.

SECTION 9. Attorneys are encouraged to meet and confer early in order to explore voluntary disclosure, which includes identification of issues, identification of persons with knowledge of such issues, and exchange of documents.

Attorneys are encouraged to propound and respond to formal discovery in a manner designed to fully implement the purposes of the California Discovery Act.

An attorney should not use discovery to harass an opposing counsel, parties or witnesses. An attorney should not use discovery to delay the resolution of a dispute.

SECTION 10. An attorney should consider whether, before filing or pursuing a motion, to contact opposing counsel to attempt to informally resolve or limit the dispute.

SECTION 11. It is important to promote high regard for the profession and the legal system among those who are neither attorneys nor litigants. An attorney's conduct in dealings with nonparty witnesses should exhibit the highest standards of civility.

SECTION 12. In a social setting or otherwise, an attorney should not communicate ex parte with a judicial officer on the substance of a case pending before the court, unless permitted by law.

SECTION 13. An attorney should raise and explore with the client and, if the client consents, with opposing counsel, the possibility of settlement and alternative dispute resolution in every case as soon possible and, when appropriate, during the course of litigation.

SECTION 14. To promote a positive image of the profession, an attorney should always act respectfully and with dignity in court and assist the court in proper handling of a case.

SECTION 15. An attorney should not take the default of an opposing party known to be represented by counsel without giving the party advance warning.

SECTION 16. An attorney should avoid even the appearance of bias by notifying opposing counsel or an unrepresented opposing party of any close, personal relationships between the attorney and a judicial officer, arbitrator, mediator or court-appointed expert and allowing a reasonable opportunity to object.

SECTION 17. An attorney should respect the privacy rights of parties and non-parties.

SECTION 18. An attorney should negotiate and conclude written agreements in a cooperative manner and with informed authority of the client.

In addition to other applicable Sections of these Guidelines, attorneys engaged in a transactional practice have unique responsibilities because much of the practice is conducted without judicial supervision.

SECTION 19. In addition to other applicable Sections of these Guidelines, in family law proceedings an attorney should seek to reduce emotional tension and trauma and encourage the parties and attorneys to interact in a cooperative atmosphere, and keep the best interests of the children in mind.

SECTION 20. In addition to other applicable Sections of these Guidelines, criminal law practitioners have unique responsibilities. Prosecutors are charged with seeking justice, while defenders must zealously represent their clients even in the face of seemingly overwhelming evidence of guilt. In practicing criminal law, an attorney should appreciate these roles.

SECTION 21. Judges are encouraged to become familiar with these Guidelines and to support and promote them where appropriate in court proceedings.

ATTORNEY'S PLEDGE. I commit to these Guidelines of Civility and Professionalism and will be guided by a sense of integrity, cooperation and fair play.

I will abstain from rude, disruptive, disrespectful, and abusive behavior, and will act with dignity, decency, courtesy, and candor with opposing counsel, the courts and the public.

As part of my responsibility for the fair administration of justice, I will inform my clients of this commitment and, in an effort to help promote the responsible practice of law, I will encourage other attorneys to observe these Guidelines.

ATTORNEY'S PLEDGE

I commit to these Guidelines of Civility and Professionalism and will be guided by a sense of integrity, cooperation and fair play.

I will abstain from rude, disruptive, disrespectful, and abusive behavior, and will act with dignity, decency, courtesy, and candor with opposing counsel, the courts and the public.

As part of my responsibility for the fair administration of justice, I will inform my clients of this commitment and, in an effort to help promote the responsible practice of law, I will encourage other attorneys to observe these Guidelines.

(Signature)

(Date)

(Print Name)



PROFESSIONAL CREED

Whereas, the Rule of Law is essential to preserving and protecting the rights and liberties of a free people; and

Whereas, throughout history, lawyers and judges have preserved, protected and defended the Rule of Law in order to ensure justice for all; and

Whereas, preservation and promulgation of the highest standards of excellence in professionalism, ethics, civility, and legal skills are essential to achieving justice under the Rule of Law;

Now therefore, as a member of an American Inn of Court, I hereby adopt this professional creed with a pledge to honor its principles and practices:

- ☞ I will treat the practice of law as a learned profession and will uphold the standards of the profession with dignity, civility and courtesy.*
- ☞ I will value my integrity above all. My word is my bond.*
- ☞ I will develop my practice with dignity and will be mindful in my communications with the public that what is constitutionally permissible may not be professionally appropriate.*
- ☞ I will serve as an officer of the court, encouraging respect for the law in all that I do and avoiding abuse or misuse of the law, its procedures, its participants and its processes.*
- ☞ I will represent the interests of my client with vigor and will seek the most expeditious and least costly solutions to problems, resolving disputes through negotiation whenever possible.*
- ☞ I will work continuously to attain the highest level of knowledge and skill in the areas of the law in which I practice.*
- ☞ I will contribute time and resources to public service, charitable activities and pro bono work.*
- ☞ I will work to make the legal system more accessible, responsive and effective.*
- ☞ I will honor the requirements, the spirit and the intent of the applicable rules or codes of professional conduct for my jurisdiction, and will encourage others to do the same.*





Principles of Civility, Integrity, and Professionalism

Preamble

These Principles supplement the precepts set forth in ABOTA's Code of Professionalism and are a guide to the proper conduct of litigation. Civility, integrity, and professionalism are the hallmarks of our learned calling, dedicated to the administration of justice for all. Counsel adhering to these principles will further the truth-seeking process so that disputes will be resolved in a just, dignified, courteous, and efficient manner.

These principles are not intended to inhibit vigorous advocacy or detract from an attorney's duty to represent a client's cause with faithful dedication to the best of counsel's ability. Rather, they are intended to discourage conduct that demeans, hampers, or obstructs our system of justice.

These Principles apply to attorneys and judges, who have mutual obligations to one another to enhance and preserve the dignity and integrity of our system of justice. As lawyers must practice these Principles when appearing in court, it is not presumptuous of them to expect judges to observe them in kind. The Principles as to the conduct of judges set forth herein are derived from judiciary codes and standards.

These Principles are not intended to be a basis for imposing sanctions, penalties, or liability, nor can they supersede or detract from the professional, ethical, or disciplinary codes of conduct adopted by regulatory boards.

As a member of the American Board of Trial Advocates, I will adhere to the following Principles:

1. Advance the legitimate interests of my clients, without reflecting any ill will they may have for their adversaries, even if called on to do so, and treat all other counsel, parties, and witnesses in a courteous manner.
2. Never encourage or knowingly authorize a person under my direction or supervision to engage in conduct proscribed by these principles.
3. Never, without good cause, attribute to other counsel bad motives or improprieties.
4. Never seek court sanctions unless they are fully justified by the circumstances and necessary to protect a client's legitimate interests and then only after a good faith effort to informally resolve the issue with counsel.
5. Adhere to all express promises and agreements, whether oral or written, and, in good faith, to all commitments implied by the circumstances or local custom.
6. When called on to do so, commit oral understandings to writing accurately and completely, provide other counsel with a copy for review, and never include matters on which there has been no agreement without explicitly advising other counsel.
7. Timely confer with other counsel to explore settlement possibilities and never falsely hold out the potential of settlement for the purpose of foreclosing discovery or delaying trial.
8. Always stipulate to undisputed relevant matters when it is obvious that they can be proved and where

there is no good faith basis for not doing so.

9. Never initiate communication with a judge without the knowledge or presence of opposing counsel concerning a matter at issue before the court.

10. Never use any form of discovery scheduling as a means of harassment.

11. Make good faith efforts to resolve disputes concerning pleadings and discovery.

12. Never file or serve motions or pleadings at a time calculated to unfairly limit opposing counsel's opportunity to respond.

13. Never request an extension of time solely for the purpose of unjustified delay or to obtain a tactical advantage.

14. Consult other counsel on scheduling matters in a good faith effort to avoid conflicts.

15. When calendar conflicts occur, accommodate counsel by rescheduling dates for hearings, depositions, meetings, and other events.

16. When hearings, depositions, meetings, or other events are to be canceled or postponed, notify as early as possible other counsel, the court, or other persons as appropriate, so as to avoid unnecessary inconvenience, wasted time and expense, and to enable the court to use previously reserved time for other matters.

17. Agree to reasonable requests for extension of time and waiver of procedural formalities when doing so will not adversely affect my client's legitimate rights.

18. Never cause the entry of a default or dismissal without first notifying opposing counsel, unless material prejudice has been suffered by my client.

19. Never take depositions for the purpose of harassment or to burden an opponent with increased litigation expenses.

20. During a deposition, never engage in conduct which would not be appropriate in the presence of a judge.

21. During a deposition, never obstruct the interrogator or object to questions unless reasonably necessary to preserve an objection or privilege for resolution by the court.

22. During depositions, ask only those questions reasonably necessary for the prosecution or defense of an action.

23. Draft document production requests and interrogatories limited to those reasonably necessary for the prosecution or defense of an action, and never design them to place an undue burden or expense on a party.

24. Make reasonable responses to document requests and interrogatories and not interpret them in an artificially restrictive manner so as to avoid disclosure of relevant and nonprivileged documents.

25. Never produce documents in a manner designed to obscure their source, create confusion, or hide the existence of particular documents.

26. Base discovery objections on a good faith belief in their merit, and not for the purpose of withholding or delaying the disclosure of relevant and nonprivileged information.
27. When called on, draft orders that accurately and completely reflect a court's ruling, submit them to other counsel for review, and attempt to reconcile any differences before presenting them to the court.
28. During argument, never attribute to other counsel a position or claim not taken, or seek to create such an unjustified inference. 2
29. Unless specifically permitted or invited, never send to the court copies of correspondence between counsel.

When In Court I Will:

1. Always uphold the dignity of the court and never be disrespectful.
2. Never publicly criticize a judge for his or her rulings or a jury for its verdict. Criticism should be reserved for appellate court briefs.
3. Be punctual and prepared for all court appearances, and, if unavoidably delayed, notify the court and counsel as soon as possible.
4. Never engage in conduct that brings disorder or disruption to the courtroom.
5. Advise clients and witnesses of the proper courtroom conduct expected and required.
6. Never misrepresent or misquote facts or authorities.
7. Verify the availability of clients and witnesses, if possible, before dates for hearings or trials are scheduled, or immediately thereafter, and promptly notify the court and counsel if their attendance cannot be assured.
8. Be respectful and courteous to court marshals or bailiffs, clerks, reporters, secretaries, and law clerks.

Conduct Expected of Judges

A lawyer is entitled to expect judges to observe the following Principles:

1. Be courteous and respectful to lawyers, parties, witnesses, and court personnel.
2. Control courtroom decorum and proceedings so as to ensure that all litigation is conducted in a civil and efficient manner.
3. Abstain from hostile, demeaning, or humiliating language in written opinions or oral communications with lawyers, parties, or witnesses.
4. Be punctual in convening all hearings and conferences, and, if unavoidably delayed, notify counsel, if possible.
5. Be considerate of time schedules of lawyers, parties, and witnesses in setting dates for hearings, meetings, and conferences. When possible, avoid scheduling matters for a time that conflicts with counsel's required appearance before another judge.

ASSOCIATION OF BUSINESS TRIAL LAWYERS

ETHICS, PROFESSIONALISM AND CIVILITY GUIDELINES

Introduction

The Northern California and San Diego Chapters of the Association of Business Trial Lawyers have adopted Ethics, Professionalism and Civility Guidelines. These guidelines identify principles of conduct for lawyers engaged in litigation. The goal of the guidelines is to eliminate unnecessary conflict and to reduce the level of contentiousness and stress in the resolution of legal disputes.

The ABTL, as a voluntary association, does not intend these guidelines to provide a basis for further litigation, or for sanctions or penalties. While some of the following guidelines are based on statutes or existing rules of professional conduct, others go beyond any requirement of current law. Lawyers are encouraged to apply the spirit of the guidelines, as appropriate, in circumstances that are not specifically addressed in any of the guidelines' specific provisions.

Nothing in the guidelines is intended to inhibit a lawyer's zealous representation of his or her client's interests. The guidelines are, however, based on the belief that zealous representation is compatible with professional and civil conduct.

The ABTL encourages firms and individuals to adopt these guidelines as their own. As part of that commitment, firms are also encouraged to subscribe to the voluntary inter-firm resolution process discussed below.

Guidelines

1. A lawyer must work to advance the lawful and legitimate interests of his or her client. This duty does not include an obligation to act abusively or discourteously. Zealous representation of the client's interests should be carried out in a professional manner.
2. A lawyer should not engage in derogatory or prohibited conduct on the basis of race, religion, gender, sexual orientation or other immutable characteristics of any person.
3. A lawyer should not behave in an offensive, derogatory or discourteous manner even when his or her client so desires. If necessary, a lawyer should advise the client that civility and courtesy are not signs of weakness.

4. The client's best interests are often served by alternatives to litigation. A lawyer should consider the possibility of settlement or alternative dispute resolution in every case and, when appropriate, bring such alternatives to the client's attention.

5. A lawyer should be punctual and prepared for all court appearances so that all matters may commence on time and proceed efficiently. Lawyers should treat judges, counsel, parties, witnesses and court personnel in a civil and courteous manner, not only in court but in depositions, conferences and in all other written and oral communications.

6. Where an alternative manner of service would not prejudice the client's legitimate interests, a lawyer should not use the timing and manner of service to embarrass or disadvantage the party or person on whom the papers are served.

7. A lawyer should consider the opposing counsel's legitimate calendar conflicts when scheduling or postponing hearings, depositions, meeting or conferences, unless to do so would be contrary to the legitimate interests of his or her client. A lawyer should not arbitrarily or unreasonably refuse a reasonable request for an extension of time. In considering a request for an extension of time, a lawyer may appropriately take into account the interests of his or her client, whether there have been prior requests for extensions, the time required for the task, the nature of the adversary's scheduling difficulty, and whether the adversary will grant reciprocal reasonable requests.

8. Discovery is an important and appropriate litigation tool, and lawyers are expected to pursue such discovery as is appropriate in order to evaluate and establish the client's position in litigation. A lawyer should not, however, use discovery to harass opposing counsel or the opposing party or for the purpose of delaying the efficient resolution of a dispute. A lawyer should explore with opposing counsel alternatives to formal discovery that will achieve the same objective at lower cost. Lawyers should be willing to agree to mutual stipulations of genuinely undisputed facts.

9. Depositions are generally conducted by lawyers without direct judicial supervision and are frequently the most uncivil phase of litigation. A lawyer should take depositions only when actually needed to learn facts or preserve testimony, and should not engage in any conduct during a deposition that would not be appropriate in the presence of a judge.

10. Written discovery should be limited to seeking such information and documents that a lawyer reasonably believes are necessary for the prosecution or defense of an action. A lawyer responding to written discovery or complying with court rules requiring disclosure should not employ artificially restrictive interpretations to avoid disclosure of relevant and non-privileged information or documents.

11. A lawyer's submissions to the court should be professional in tone. A lawyer should at all times strive to be concise and to state accurately the law, the facts and the parties' positions. Briefs and pleadings should not be written in an unnecessarily inflammatory style.

12. A lawyer should avoid personal attacks on all court officers, including judges and opposing counsel, and should not comment adversely on the intelligence, integrity, motive or conduct of judges or opposing counsel, except in the rare circumstance when such matter is legitimately in issue. Even when the zealous representation of a client may necessitate allegations of improper conduct, a lawyer should carefully review such allegations to ensure that they are justified and supported by the evidence. A lawyer should bear in mind that *ad hominem* comments frequently are unpersuasive, increase the level of personal antagonism, and tend to diminish public respect for lawyers and the courts.

13. A lawyer should not seek judicial sanctions against a party or opposing counsel without first conducting a reasonable investigation and unless the lawyer is convinced that sanctions would be fully justified.

14. Every law firm's reputation is affected by the professional conduct of its lawyers acting in the name of the firm. Law firms should include the subject of professional and civil conduct in their programs for the training of new lawyers and their continuing legal education programs. Law firms also should identify a lawyer within the litigation practice group to whom questions regarding compliance with these guidelines (either by an attorney in the firm or by opposing counsel) may be addressed.

Dispute Resolution

The ABTL encourages law firms subscribing to the principles of these guidelines to confirm their willingness to participate in a voluntary inter-firm dispute resolution process where opposing counsel whose firm has also subscribed to the principles of these guidelines believes that there has been a violation of the standards set forth in the guidelines or other applicable rules of professional conduct.

Participating firms would each designate an experienced member of the firm for this purpose. The designated lawyer would be available to receive, investigate and assist in the resolution of complaints of unprofessional or uncivil conduct. The ABTL believes that the process would be facilitated if complaints were presented by a disinterested member of the complaining law firm. The goal of the process would be to resolve differences by inter-firm discussion, and the intervention of disinterested and responsible members of each firm, rather than through escalating abrasive behavior on each side and motions and counter-motions for sanctions.



United States District Court for the Central District of California Civility and Professionalism Guidelines



(last amended 1/10/2022)

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Preamble

In its purest form, law is simply a societal mechanism for achieving justice. As officers of the court, judges and lawyers have a duty to use the law for this purpose, for the good of the people. Even though "justice" is a lofty goal, one which is not always reached, when an individual becomes a member of the legal profession, he or she is bound to strive towards this end.

Unfortunately, many do not perceive that achieving justice is the function of law in society today. Among members of the public and lawyers themselves, there is a growing sense that lawyers regard their livelihood as a business, rather than a profession.

Viewed in this manner, the lawyer may define his or her ultimate goal as "winning" any given case, by whatever means possible, at any cost, with little sense of whether justice is being served. This attitude manifests itself in an array of obstinate discovery tactics, refusals to accommodate the reasonable requests of opposing counsel re: dates, times, and places, and other needless, time-consuming conflicts between and among adversaries. This type of behavior tends to increase costs of litigation and often leads to the denial of justice.

The Central District recognizes that, while the majority of lawyers do not behave in the above described manner, in recent years there has been a discernible erosion of civility and professionalism in our courts. This disturbing trend may have severe consequences if we do not act to reverse its course. Uncivil behavior does not constitute effective advocacy; rather, it serves to increase litigation costs and fails to advance the client's lawful interests. Perhaps just as importantly, this type of behavior causes the public to lose faith in the legal profession and its ability to benefit society. For these reasons, we find that civility and professionalism among advocates, between lawyer and client, and between bench and bar are essential to the administration of justice.

The following guidelines are designed to encourage us, the members of the bench and bar, to act towards each other, our clients, and the public with the dignity and civility that our profession demands. In formulating these guidelines, we have borrowed heavily from the efforts of others who have written similar codes for this same purpose. The Los Angeles County Bar Association Litigation Guidelines, guidelines issued by other county bar associations within the Central District, the Standards for Professional Conduct within the Seventh Federal Judicial Circuit, and the Texas Lawyer's Creed all provide excellent models for professional behavior in the law.

We expect that judges and lawyers will voluntarily adhere to these standards as part of a mutual commitment to the elevation of the level of practice in our courts. These guidelines shall not be used as a basis for litigation or for sanctions or penalties.

Nothing in these guidelines supersedes or modifies the Federal Rules or the existing Local Rules of the Central District, nor do they alter existing standards of conduct wherein lawyer negligence may be determined and/or examined.

A. Guidelines

1. We will practice our profession with a continuing awareness that our role is to advance the legitimate interests of our clients. We will endeavor to achieve our clients' lawful objectives in legal transactions and in litigation as quickly and economically as

possible.

2. We will be loyal and committed to our clients' lawful objectives, but we will not permit that loyalty and commitment to interfere with our duty to provide objective and independent advice.
3. We will advise our clients that civility and courtesy are expected and are not a sign of weakness.
4. We will treat adverse parties and witnesses with fairness and due consideration. A client has no right to demand that we act in an abusive manner or indulge in any offensive conduct.
5. We will advise our clients that we will not pursue conduct that is intended primarily to harass or drain the financial resources of the opposing party.
6. We will advise our clients that we reserve the right to determine whether to grant accommodations to opposing counsel in all matters that do not adversely affect our clients' lawful objectives. Clients have no right to instruct us to refuse reasonable requests made by other counsel.
7. We will advise our clients regarding availability of mediation, arbitration, and other alternative methods of resolving and settling disputes.
8. We will advise our clients of the contents of this creed when undertaking representation.

B. Lawyer's Duties to Other Counsel

1. Communications with Adversaries

- We will adhere to all express promises and to agreements with other counsel, whether oral or in writing, and will adhere in good faith to all agreements implied by the circumstances or local customs.
- When we reach an oral understanding on a proposed agreement or a stipulation and decide to commit it to writing, the drafter will endeavor in good faith to state the oral understanding accurately and completely. The drafter will provide the other counsel with the opportunity to review the writing. A client has no right to demand that we act in an abusive manner or indulge in any offensive conduct.
- We will not write letters for the purpose of ascribing to opposing counsel a position he or she has not taken, or to create "a record" of events that have not occurred. Letters intended only to make a record should be used sparingly and only when thought to be necessary under all of the circumstances. Unless specifically permitted or invited by the court, letters between counsel should not be sent to judges.

2. Scheduling

- We will consult other counsel regarding scheduling matters in a good faith effort to avoid scheduling conflicts.
- We will endeavor to accommodate previously scheduled dates for hearings, depositions, meetings, conferences, vacations, seminars, or other functions that produce good faith calendar conflicts on the part of other counsel, where it is possible to do so without prejudicing the client's rights. If we have been given an accommodation because of a calendar conflict, we will notify those who have accommodated us as soon as the conflict has been removed.
- We will notify other counsel and, if appropriate, the court or other persons, at the earliest possible time when hearings, depositions, meetings, or conferences are to be canceled or postponed. Early notice avoids unnecessary travel and expense of counsel and may enable the court to use the previously reserved time for other matters.
- Unless time is of the essence, as a matter of courtesy we will grant first requests for reasonable extensions of time to respond to litigation deadlines. After a first extension, any additional requests for time will be considered by balancing the need for expedition against the deference one should ordinarily give to an opponent's schedule of personal and professional engagements, the reasonableness of the length of extension requested, the opponent's willingness to grant reciprocal extensions, the time actually needed for the task, and whether it is likely a court would grant the extension if asked to do so.
- We will not request an extension of time solely for the purpose of unjustified delay or to obtain a tactical advantage.
- We will not attach to extensions unfair and extraneous conditions. We may impose conditions for the purpose of preserving rights that an extension might jeopardize or for receiving reciprocal scheduling concessions. We will not, by granting extensions, seek to preclude an opponent's substantive rights, such as his or her right to move against a complaint.

3. Service of Papers

- We will not time the filing or service of motions or pleadings in any way that unfairly limits another party's opportunity to respond.
- We will not serve papers sufficiently close to a court appearance so as to inhibit the ability of opposing counsel to prepare for that appearance or, where permitted by law, to respond to the papers.
- We will not serve papers in order to take advantage of an opponent's known absence from the office or at a time or in a manner designed to inconvenience an adversary, such as late on Friday afternoon or the day preceding a secular or religious holiday.
- When it is likely that service by mail, even when allowed, will prejudice the opposing party, we will effect service personally or by facsimile transmission.

4. Depositions

- We will take depositions only when actually needed to ascertain facts or information or to perpetuate testimony. We will

not take depositions for the purpose of harassment or to increase litigation expense.

- We will not engage in any conduct during a deposition that would be inappropriate in the presence of a judge.
- During depositions we will ask only those questions we reasonably believe are necessary for the prosecution or defense of an action. We will not inquire into a deponent's personal affairs or question a deponent's integrity where such inquiry is irrelevant to the subject matter of the deposition. We will refrain from repetitive or argumentative questions or those asked solely for purposes of harassment.
- When defending a deposition, we will limit objections to those that are well founded and necessary to protect our client's interests. We recognize that most objections are preserved and need be interposed only when the form of a question is defective or privileged information is sought.
- When a question is pending, we will not, through objections or otherwise, coach the deponent or suggest answers.
- We will not direct a deponent to refuse to answer questions except as necessary to preserve a privilege, to enforce a limitation ordered by the court, or to present a motion under Federal Rule of Civil Procedure 30(d)(3).
- When we obtain documents pursuant to a deposition subpoena, we will make copies of the documents available to opposing counsel at his or her expense, even if the deposition is canceled or adjourned.

5. Document Demands

- We will carefully craft document production requests so they are limited to those documents we reasonably believe are necessary for the prosecution or defense of an action. We will not design production requests to harass or embarrass a party or witness or to impose an undue burden or expense in responding.
- We will respond to document requests in a timely and reasonable manner and not strain to interpret the request in an artificially restrictive manner to avoid disclosure of relevant and non-privileged documents.
- We will withhold documents on the grounds of privilege only where it is appropriate to do so.
- We will not produce documents in a disorganized or unintelligible manner, or in a way designed to hide or obscure the existence of particular documents.
- We will not delay document production to prevent opposing counsel from inspecting documents prior to scheduled depositions or for any other tactical reason.

6. Interrogatories

- We will carefully craft interrogatories so that they are limited to those matters we reasonably believe are necessary for the prosecution or defense of an action, and we will not design them to harass or place an undue burden or expense on a party.

- We will respond to interrogatories in a timely and reasonable manner and will not strain to interpret them in an artificially restrictive manner to avoid disclosure of relevant and non privileged information.
- We will base our interrogatory objections on a good faith belief in their merit and not for the purpose of withholding or delaying the disclosure of relevant information. If an interrogatory is objectionable in part, we will answer the unobjectionable part.

7. Settlement and Alternative Dispute Resolution

- Except where there are strong and overriding issues of principle, we will raise and explore the issue of settlement in every case as soon as enough is known about the case to make settlement discussion meaningful.
- We will not falsely hold out the possibility of settlement as a means for adjourning discovery or delaying trial.
- In every case, we will consider whether the client's interest could be adequately served and the controversy more expeditiously and economically disposed of by arbitration, mediation, or other forms of alternative dispute resolution.

8. Written Submissions to a Court, Including Briefs, Memoranda, Affidavits, Declarations, and Proposed Orders

- Before filing a motion with the court, we will engage in more than a mere pro forma discussion of its purpose in an effort to resolve the issue with opposing counsel.
- We will not force our adversary to make a motion and then not oppose it.
- In submitting briefs or memoranda of points and authorities to the court, we will not rely on facts that are not properly part of the record. We may present historical, economic, or sociological data, if such data appears in or is derived from generally available sources.
- In civil actions, we will stipulate to relevant matters if they are undisputed and if no good faith advocacy basis exists for not stipulating.
- Unless directly and necessarily in issue, we will not disparage the intelligence, morals, integrity, or personal behavior of our adversaries before the court, either in written submissions or oral presentations.
- We will not, absent good cause, attribute bad motives or improper conduct to other counsel or bring the profession into disrepute by unfounded accusations of impropriety.
- We will not move for court sanctions against opposing counsel without first conducting a reasonable investigation and

unless fully justified by the circumstances and necessary to protect our client's lawful interests.

- We will not cause any default or dismissal to be entered without first notifying opposing counsel, when we know his or her identity.
- When a draft order is to be prepared by counsel to reflect a court ruling, we will draft an order that accurately and completely reflects the court's ruling. We will promptly prepare and submit a proposed order to other counsel and attempt to reconcile any differences before the draft order is presented to the court.

9. **Ex Parte Communications with the Court**

- We will avoid ex parte communication on the substance of a pending case with a judge (or his or her law clerk) before whom such case is pending.
- Even where applicable laws or rules permit an ex parte application or communication to the court, before making such an application or communication, we will make diligent efforts to notify the opposing party or his or her attorney.

C. Lawyer's Duties to the Court

1. We will speak and write civilly and respectfully in all communications with the court.
2. We will be punctual and prepared for all court appearances so that all hearings, conferences, and trials may commence on time; if delayed, we will notify the court and counsel, if possible.
3. We will be considerate of the time constraints and pressures on the court and court staff inherent in their efforts to administer justice.
4. We will not engage in any conduct that brings disorder or disruption to the courtroom. We will advise our clients and witnesses appearing in court of the proper conduct expected and required and, to the best of our ability, prevent our clients and witnesses from creating disorder or disruption.
5. We will not write letters to the court in connection with a pending action, unless invited or permitted by the court.
6. Before dates for hearing or trials are set, or if that is not feasible, immediately after such date has been set, we will attempt to verify the availability of necessary participants and witnesses so we can promptly notify the court of any likely problems.
7. We will act and speak civilly to court marshals, court clerks, court reporters, secretaries, and law clerks with an awareness that they, too, are an integral part of the judicial system.

D. Judge's Duties to Others

1. We will be courteous, respectful, and civil to the attorneys, parties, and witnesses who appear before us. Furthermore, we will use our authority to ensure that all of the attorneys, parties, and witnesses appearing in our courtrooms conduct themselves in a civil manner.
2. We will do our best to ensure that court personnel act civilly toward attorneys, parties and witnesses.
3. We will not employ abusive, demeaning, or humiliating language in opinions or in written or oral communications with attorneys, parties, or witnesses.
4. We will be punctual in convening all hearings, meetings, and conferences.
5. We will make reasonable efforts to decide promptly all matters presented to us for decision.
6. While endeavoring to resolve disputes efficiently, we will be aware of the time constraints and pressures imposed on attorneys by the exigencies of litigation practice.
7. Above all, we will remember that the court is the servant of the people, and we will approach our duties in this fashion.



United States District Court for the Southern District of California



8. "Defendant" means any party against whom a claim for relief is made or against whom an indictment or information is pending in a criminal case;
9. "Fed. R. App. P." means the Federal Rules of Appellate Procedure;
10. "Fed. R. Civ. P." means the Federal Rules of Civil Procedure;
11. "Fed. R. Crim.P." means the Federal Rules of Criminal Procedure;
12. "Fed. R. Evid." means the Federal Rules of Evidence;
13. "File" means the delivery to and acceptance by the Clerk or the court clerk of a document which will be noted in the civil or criminal docket;
14. "Judge" refers to any United States District Judge exercising jurisdiction with respect to a particular action or proceeding in said court or, to a part-time or full-time United States Magistrate Judge, to whom such action or proceeding has been assigned for purposes relevant to the context in which such reference occurs;
15. "Lodge" means to submit by email or otherwise any document(s) to the Clerk of Court (unless otherwise specified by these rules or by order of the Court);
16. "Motion" includes all motions, applications, petitions or other requests made for judicial action;
17. "Person" includes natural person, corporation, partnership or other association of individuals;
18. "Plaintiff" means any party claiming affirmative relief by complaint, counter claim or cross-claim.

Civil Rule 1.2 Availability of Local Rules

- a. **Availability.** The Clerk must post updated copies of these rules on the Court website, www.casd.uscourts.gov. Changes to the Local Rules must be advertised in the Court's official newspaper for publication of notices; on the Court's website, and provide for a period of public comment prior to them taking effect. The Clerk must make copies of these rules available on request or upon payment of a nominal charge, which may be set by general order.
- b. **Notice after adoption.** Immediately upon the adoption of these rules or of any change in these rules, copies of the new and revised local rules must be provided to such publications and persons as the Chief Judge deems appropriate.

Civil Rule 2.1 Professionalism

- a. **Code of Conduct.** The following Code of Conduct establishes the principles of civility and professionalism that will govern the conduct of all participants in cases and proceedings pending in this Court. It is to be construed in the broadest sense and governs conduct relating to such cases and proceedings, whether occurring in the presence of the Court or occurring outside of the presence of the Court. This Code of Conduct is not intended to be a set of rules that lawyers can use to incite ancillary litigation on the question whether the standards have been observed, but the Court may take

any appropriate measure to address violations, including, without limitation, as set forth in Civil L. Rule 2.2.

1. **Principles of Civility.** To borrow from others who have considered the importance of civility in our state and federal courts, we should all understand that the law preserves our freedom, and it is the courts that preserve our laws. Fair, impartial and accessible courts are fundamental to the preservation of our democracy. We-- judges, lawyers, court staff, parties—all have a responsibility in ensuring that we preserve the legacy of this institution by conducting ourselves according to the Golden Rule—to treat others as we ourselves would like to be treated.

In seeking justice through the courts, attorneys and parties subject themselves to an inherently adversarial system. Although adversarial, the experience does not have to, and should not, be antagonistic or hostile. Civility is paramount and not to be confused with weakness. Civility in action and words is fundamental to the effective and efficient functioning of our system of justice and public confidence in that system.

The Federal Rules and this court’s Local and Chambers’ Rules serve as safeguards to ensure that the principles of equity and fairness govern the procedural course of all litigation. At the same time, these resources, without more, may not sufficiently quell incivility amongst those who litigate in this court. The Court has therefore adopted the following Code of Conduct. No one is above the law and, equally important, no one is entitled to act in such a way that erodes the public’s trust in the administration of justice, impartiality, and the search for the truth. Civility should not only be aspirational, but rather it should be inherent within us all. Nevertheless, this Code of Conduct serves as the Court’s reminder that we owe it to ourselves, one another, and our justice system to act in accordance with the principles of fairness and equal treatment that underpin the law of our land.

This court is committed to ensuring that all who work within it and come before it treat each other with decency, dignity, and respect. As such, the Court expects that all who practice in this court will adhere to this Code of Conduct in all of their interactions within the courts of this judicial district, in order to nurture, rather than tarnish, the practice of law and to maintain the public’s faith in the legitimacy of our judicial system. The Court acknowledges the substantial work of the San Diego County Bar Association in developing the Association’s Attorney Civility and Practice Guidelines, which this court has adopted, in substantial part, in this Code of Conduct.

2. **Duties Owed to the Court**

- a) We expect lawyers to be courteous and respectful to the Court and all court and court-related personnel.
- b) We expect lawyers arguing for an extension of existing law to clearly state that fact and why.
- c) We expect lawyers appearing in court to dress neatly and appropriately and encourage their clients to do the same.
- d) We expect lawyers to be on time and adhere to time constraints.
- e) We expect lawyers to be prepared for all court appearances.

- f) We expect lawyers to attempt to resolve disputes promptly, fairly and reasonably, with resort to the Court for judicial relief only if necessary.
- g) We expect lawyers to discourage and refuse to accept a role in litigation that is meritless or designed primarily to harass or drain the financial resources of the opposing party.
- h) We expect lawyers to honor and maintain the integrity of our justice system, including by not impugning the integrity of its proceedings, or its members.

3. Duties Owed to Other Lawyers, Parties and Witnesses.

- a) We expect lawyers to address legal arguments with other lawyers professionally, and not personally.
- b) We expect lawyers to treat adverse witnesses, litigants and opposing counsel with courtesy, fairness and respect.
- c) We expect lawyers to conduct themselves in the discovery process as if a judicial officer were present.
- d) We expect lawyers to not arbitrarily or unreasonably withhold consent to a reasonable request for cooperation or accommodation.
- e) We expect lawyers to refrain from attributing to an opponent a position the opponent has not clearly taken.
- f) We expect lawyers to be accurate in written communications intended to make a record.
- g) We expect lawyers to refrain from proposing a stipulation in the presence of the Court or trier of fact unless the other parties have previously agreed to it.
- h) We expect lawyers to refrain from interrupting an opponent's legal argument unless making an appropriate objection for a legitimate basis.
- i) We expect lawyers in court to address opposing lawyers through the Court.
- j) We expect lawyers to seek sanctions sparingly, and not to obtain a tactical advantage or for any other improper purpose.
- k) We expect lawyers to refrain from seeking to disqualify opposing counsel for any improper purpose or for any reason not supported by fact or law.
- l) We expect lawyers to encourage other lawyers to conform to the standards in this Code of Conduct.
- m) We expect lawyers to conduct themselves so that they may conclude each case amicably with the opposing party.



Civil Local Rule 11-4(a)

Every member of the bar of the United States District Court for the Northern District of California and any attorney permitted to practice pro hac vice must:

- Be familiar and comply with the standards of professional conduct required of members of the State Bar of California.
- Comply with the Local Rules of this Court.
- Maintain respect due to courts of justice and judicial officers.
- Practice with the honesty, care, and decorum required for the fair and efficient administration of justice.
- Discharge his or her obligations to his or her client and the Court.
- Assist those in need of counsel when requested by the Court.

Civil Local Rule 11-4(b)

The practice of law before this Court must be free from prejudice and bias. Treatment free of bias must be accorded all other attorneys, litigants, judicial officers, jurors and support personnel. Any violation of this policy should be brought to the attention of the Clerk or any Judge for action under Civ. L.R. 11-6.

The Court's standards of professional conduct are enforced by the court with the assistance of the court's Standing Committee on Professional Conduct (Civil Local Rule 11-6(c)), a committee of attorneys whose members also serve as the court's Advisory Committee on Professional Conduct. The Standing Committee chair may be contacted in care of the Clerk of the Court.