

# Standards of Professionalism and Civility

- A lawyer's conduct should be characterized at all times by **personal courtesy** and **professional integrity** in the fullest sense of those terms.





# Preamble continued

- Conduct that may be characterized as uncivil, abrasive, abusive, hostile, or obstructive impedes the fundamental goal of resolving disputes rationally, peacefully, and efficiently. Such conduct tends to delay and often to deny justice.



# Preamble continued

- In fulfilling a duty to represent a client vigorously as lawyers, we must be mindful of our obligations to the administration of justice, which is a truth-seeking process designed to resolve human and societal problems in a rational, peaceful, and efficient manner. We must remain committed to the rule of law as the foundation for a just and peaceful society.







- Lawyers should exhibit courtesy, candor and cooperation in dealing with the public and participating in the legal system. The following standards are designed to encourage lawyers to meet their obligations to each other, to litigants and to the system of justice, and thereby achieve the twin goals of civility and professionalism, both of which are hallmarks of a learned profession dedicated to public service.

----- Original Message -----

From: [ ]

Sent: [ ], [ ], [ ]

To: Josh Player

Cc: [ ]

Subject: [ ] - Plea Offer

Josh:

[The Defendant] is anxious to avoid causing more pain to his family members by going to trial and having [his attorney] and myself expose [the victim] as a liar and a manipulator. You are familiar with the testimony we will seek to introduce so you know we have the evidence to destroy [the victim] if we must.

Rather than inflict substantial embarrassment and emotional pain on [the victim] and [the victim's mother], [the Defendant] proposes to enter a plea of guilty to the alcohol-related charges if the state will drop all other charges. Considering how long [the Defendant] has already been incarcerated for an act he did not commit, we request the alcohol charge be reduced to a Class B misdemeanor pursuant to Utah Code Ann. 32B-4-403(2)(a) and that [the Defendant] be sentenced to time served.

Please notify us as quickly as possible as to whether this proposal is acceptable or if you are willing to consider a plea deal but on different terms.

Respectfully,

[ ]

[ ]



- 1. Lawyers shall advance the legitimate interests of their clients, without reflecting any ill-will that clients may have for their adversaries, even if called upon to do so by another. Instead, lawyers shall treat all other counsel, parties, judges, witnesses, and other participants in all proceedings in a courteous and dignified manner.



- 2. Lawyers shall advise their clients that civility, courtesy, and fair dealing are expected. They are tools for effective advocacy and not signs of weakness. Clients have no right to demand that lawyers abuse anyone or engage in any offensive or improper conduct.



- 3. Lawyers shall not, without an adequate factual basis, attribute to other counsel or the court improper motives, purpose, or conduct. Lawyers should avoid hostile, demeaning, or humiliating words in written and oral communications with adversaries. Neither written submissions nor oral presentations should disparage the integrity, intelligence, morals, ethics, or personal behavior of an adversary unless such matters are directly relevant under controlling substantive law.







- 4. Lawyers shall never knowingly attribute to other counsel a position or claim that counsel has not taken or seek to create such an unjustified inference or otherwise seek to create a "record" that has not occurred.

IN THE THIRD JUDICIAL DISTRICT COURT, STATE OF UTAH  
IN AND FOR SALT LAKE COUNTY, WEST JORDAN DEPARTMENT

STATE OF UTAH

Plaintiff

v.

Defendant

DEFENDANT'S REPLY TO THE STATE'S  
RESPONSE TO DEFENDANT'S MOTION  
TO EXCLUDE OR LIMIT TESTIMONY OF  
EXPERT WITNESS

Case No. :

Judge

COMES NOW Defendant, \_\_\_\_\_, by and through his counsel of record, and respectfully replies to the State's *Response to [Defendant's] Motion to Exclude or Limit Testimony of Expert Witness* (the "State's Response") filed with the Court March 7, 2012.

REPLY TO ALLEGED FACTS

As an initial matter, Defendant notes three significant deficiencies in the State's presentation of the facts of this case: (1) oversimplification without citation, (2) misuse of Defendant's election to not engage in self-incrimination, and (3) creation of a logical conundrum by selective application of criteria. Each is explained below.

**Oversimplification:** The State presents a very simplified version of the facts. While easy to read, that version is deficient and misleading. Unlike Defendant's recitation of the facts, the State

- 5. Lawyers shall not lightly seek sanctions and will never seek sanctions against or disqualification of another lawyer for any improper purpose.

- 6. Lawyers shall adhere to their express promises and agreements, oral or written, and to all commitments reasonably implied by the circumstances or by local custom.

**I'M SORRY,  
BUT A DEAL'S  
A DEAL.**

**PLEAD GUILTY TO SQUIRREL-  
SLAUGHTER, AND YOU'LL GET FIVE  
YEARS IN THE DOGHOUSE**



- 7. When committing oral understandings to writing, lawyers shall do so accurately and completely. They shall provide other counsel a copy for review, and never include substantive matters upon which there has been no agreement, without explicitly advising other counsel. As drafts are exchanged, lawyers shall bring to the attention of other counsel changes from prior drafts.

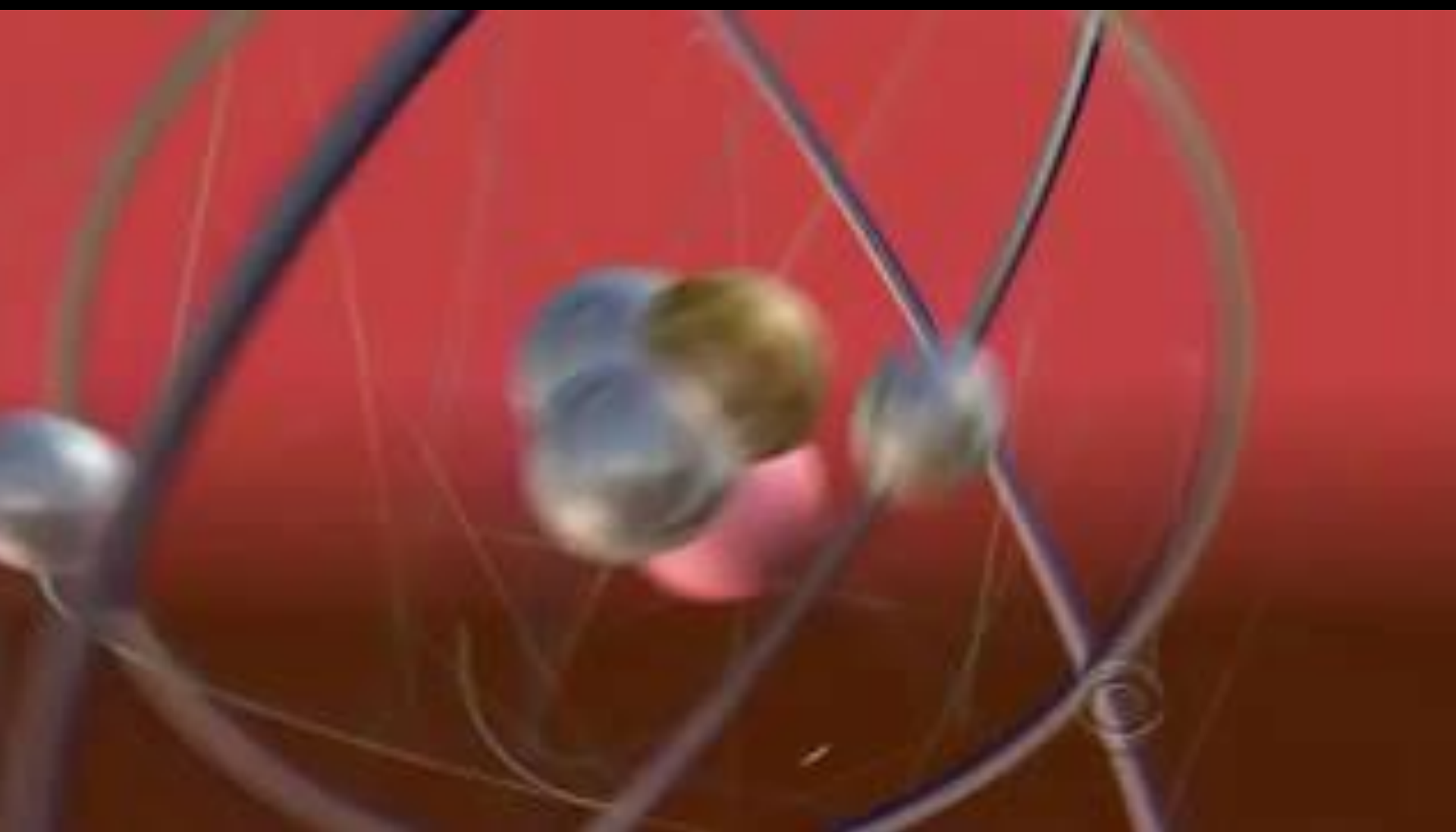




- 8. When permitted or required by court rule or otherwise, lawyers shall draft orders that accurately and completely reflect the court's ruling. Lawyers shall promptly prepare and submit proposed orders to other counsel and attempt to reconcile any differences before the proposed orders and any objections are presented to the court.

- 9. Lawyers shall not hold out the potential of settlement for the purpose of foreclosing discovery, delaying trial, or obtaining other unfair advantage, and lawyers shall timely respond to any offer of settlement or inform opposing counsel that a response has not been authorized by the client.

- 10. Lawyers shall make good faith efforts to resolve by stipulation undisputed relevant matters, particularly when it is obvious such matters can be proven, unless there is a sound advocacy basis for not doing so.



- 11. Lawyers shall avoid impermissible ex parte communications.



- 12. Lawyers shall not send the court or its staff correspondence between counsel, unless such correspondence is relevant to an issue currently pending before the court and the proper evidentiary foundations are met or as such correspondence is specifically invited by the court.



- 13. Lawyers shall not knowingly file or serve motions, pleadings or other papers at a time calculated to unfairly limit other counsel's opportunity to respond or to take other unfair advantage of an opponent, or in a manner intended to take advantage of another lawyer's unavailability.



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- 14. Lawyers shall advise their clients that they reserve the right to determine whether to grant accommodations to other counsel in all matters not directly affecting the merits of the cause or prejudicing the client's rights, such as extensions of time, continuances, adjournments, and admissions of facts. Lawyers shall agree to reasonable requests for extension of time and waiver of procedural formalities when doing so will not adversely affect their clients' legitimate rights. Lawyers shall never request an extension of time solely for the purpose of delay or to obtain a tactical advantage.

- 15. Lawyers shall endeavor to consult with other counsel so that depositions, hearings, and conferences are scheduled at mutually convenient times. Lawyers shall never request a scheduling change for tactical or unfair purpose. If a scheduling change becomes necessary, lawyers shall notify other counsel and the court immediately. If other counsel requires a scheduling change, lawyers shall cooperate in making any reasonable adjustments.

A low-angle shot looking up at the entrance of a grand building. The archway is made of large, light-colored stone blocks. The words "CITY" and "HALL" are inscribed on the upper part of the arch. Above the arch, a classical bust of a man with a beard is mounted on the wall. The lighting is dramatic, with strong shadows and highlights.

CITY

HALL

Co-Producer DAVID HYMAN

- 16. Lawyers shall not cause the entry of a default without first notifying other counsel whose identity is known, unless their clients' legitimate rights could be adversely affected.

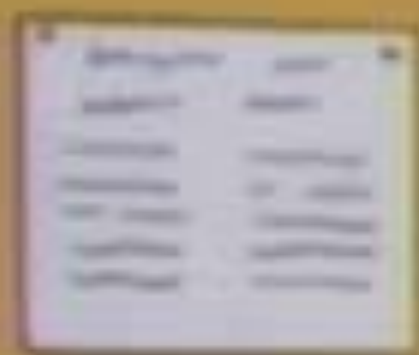
- 17. Lawyers shall not use or oppose discovery for the purpose of harassment or to burden an opponent with increased litigation expense. Lawyers shall not object to discovery or inappropriately assert a privilege for the purpose of withholding or delaying the disclosure of relevant and non-protected information.

- 18. During depositions lawyers shall not attempt to obstruct the interrogator or object to questions unless reasonably intended to preserve an objection or protect a privilege for resolution by the court. "Speaking objections" designed to coach a witness are impermissible. During depositions or conferences, lawyers shall engage only in conduct that would be appropriate in the presence of a judge.



- 19. In responding to document requests and interrogatories, lawyers shall not interpret them in an artificially restrictive manner so as to avoid disclosure of relevant and non-protected documents or information, nor shall they produce documents in a manner designed to obscure their source, create confusion, or hide the existence of particular documents.

- 20. Lawyers shall not authorize or encourage their clients or anyone under their direction or supervision to engage in conduct proscribed by these Standards.



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