

Bar Association of Montgomery County, Maryland

Code of Civility

Preamble

The practice of law, as one of the learned professions, is characterized by conduct that must conform to both technical and ethical standards. Each lawyer is an ambassador of the profession, owing duties and responsibilities to the public whom we serve, the judges before whom we appear and to each other as fellow professionals.

The Constitution of the Bar Association of Montgomery County, Maryland expressly recognizes that among the fundamental purposes of our professional association are responsibilities to uphold standards of integrity, honor and courtesy. These are hallmarks of our profession. We owe like responsibilities to cultivate a spirit of cordiality and respect within our profession and community.

These positive aspects of our cherished profession can only be advanced if each lawyer bears constantly in mind the true nature of our profession. We serve the public, in public places and we are privileged to do so. Rancor and needless squabbling do not assist the public we serve. Rather, objective reasoning and logic by creative advocates are the expected norm in the profession.

As we look at our history and our future, the importance of every lawyer's daily professionalism becomes evident. If our occupation is to remain a profession, each of us must strive to keep it so. We must isolate and not emulate incivility. Our self-respect requires it. The profession demands it.

Accordingly, in recognition of the fundamental purpose of our association, each member shall be requested to:

- (a) affirm this Code of Civility by so indicating individually on the annual membership renewal application issued by the association; and
- (b) display in the members office in prominent view this Preamble to the Code of Civility of the Bar Association of Montgomery County, Maryland.

CODE OF CIVILITY

I. GENERAL CODE OF CONDUCT - ATTORNEYS

1. In all matters I will be guided by a fundamental sense of honor, integrity and fair play. I will counsel my client to do likewise.
2. I will show respect for myself and all with whom I am in contact; my respect will include appropriate courtesy, proper motivation, disavowal of prejudice, exercise of independent judgment and honoring of time commitments.
3. My word is my bond; when given, my word will be honored.
4. I will act with the highest degree of civility and courtesy in my dealings with other attorneys, particularly initial contacts with opposing counsel.

II. ATTORNEY'S DUTIES TO THE COURT

1. I will speak and write with respect; my attire and conduct and that of my client and my client's witnesses will, to the extent possible, demonstrate respect for the tribunal and for the process.
2. I will adhere to the rules of court including those governing my personal conduct and that of my client.
3. I will treat court personnel with respect.
4. I will be punctual and prepared for discovery proceedings, meetings, hearings, conferences and trials.

III. LITIGATION

1. I disavow dilatory tactics in all aspects including scheduling matters and continuances; I will adhere to principles of reasonable conduct in considering and acting upon adversarial requests such as time extensions; I recognize that delay purely to secure trial or settlement advantage is an unacceptable tactic.
2. Wherever possible, I will cause legal papers to be served on or provided in the same manner to all addressees so as not to limit unfairly another's opportunity to respond.
3. When requested by the Court to prepare a draft order, I will promptly and accurately reflect the Court's ruling; my draft orders will first be submitted to opposing counsel for agreement; when agreement among opposing counsel is not possible, I will advise the Court with a statement of the differences.

IV. DISCOVERY

1. General Provisions: I acknowledge that I have read and am familiar with the discovery guidelines applicable to the courts in which I practice and I pledge my adherence to those guidelines. I will maintain open and civil communications with opposing counsel. I will limit discovery requests to those necessary to my client's cause. Reasonable requests for extensions of time will not be refused. I will be receptive to informal discovery arrangements with opposing counsel as appropriate.
2. Written Discovery: I will immediately provide copies to my client and provide instructions concerning obligations and deadlines. I will fully respond to written discovery requests within the applicable time requirements and, in those circumstances when timely responses are impractical, I will advise opposing counsel as soon as possible and seek an extension. Requests for extensions of time will not be unreasonably refused.
3. Depositions: When scheduling depositions, I will contact all counsel and all witnesses within my control prior to issuing notices. I will not agree to deposition dates without first determining the availability of my client and, whenever possible, I will agree to produce witnesses without the necessity for formal subpoenas. I will not unduly prolong the proceedings. I will refrain from making "speaking objections" or making unduly suggestive objections. I will state the basis for assertions of privilege. Unless my instruction has an appropriate legal basis, I will refrain from instructing a client not to answer.
4. Discovery Disputes: I will make good faith efforts to resolve disputes prior to seeking court intervention. When presenting a dispute for resolution, I will frame the matter in a form that is fair and succinct, while fulfilling my duty to advocate for my client's position.

V. THE COURT'S DUTIES TO ATTORNEYS

1. I will not employ hostile, demeaning or humiliating words in oral or written opinions or communications with lawyers, parties or witnesses.
2. While presiding, I will maintain control of the proceedings; that is, I will conduct my courtroom in a manner that promotes order, efficiency and fairness without unnecessarily restricting any participant.
3. I will be courteous and civil to all. I will require courtesy and respect from counsel, parties, witnesses, court personnel and spectators in their interactions with each other and with me.
4. I will protect the right of parties and counsel to make a complete and accurate record.
5. I will be punctual; when delayed, I will explain the circumstances.
6. I will decide all matters as soon as reasonable and practical.
7. I will always be mindful of the principle that as judge my paramount responsibility is to guide impartially the search for truth, apply the law and assure the proper administration of justice. I will avoid arrogance; I will value patience and tolerance.