



State Bar Association  
of North Dakota

**NORTH DAKOTA ASPIRATIONS OF**  
**PROFESSIONALISM AND CIVILITY**

**PREAMBLE**

To enhance the daily experience of lawyers and the reputation of the Bar as a whole, the State Bar Association of North Dakota has determined to establish certain Aspirations of Professionalism and Civility. The conduct of lawyers should be characterized, at all times, by personal courtesy and professional integrity in the fullest sense of those terms. Lawyers have the duty to act in a manner consistent with their clients' legal interests, but lawyers can protect their clients' interests while still applying the highest Aspirations of Professionalism and Civility.

These Aspirations are not to be used as the basis for litigation, court sanctions, lawyer discipline or as a factor in imposing sanctions, and are not intended to create standards of care for attorneys. Nothing in these Aspirations alters or detracts from existing disciplinary codes or alters the existing standards of conduct against which lawyer negligence may be determined.

**I. Lawyer to Client**

1. We will represent our clients vigorously as lawyers, but will not permit that loyalty to undermine 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.
2. We will not permit our loyalty to our clients' objectives to interfere with our duty to provide independent advice.
3. We will advise our clients, if necessary, that they do not have a right to demand that we engage in abusive or offensive conduct and we will not engage in such conduct. Rather, we will endeavor to achieve our clients' legitimate objectives in transaction work and in litigation as expeditiously and economically as possible.
4. We will communicate regularly with our clients. We will respond promptly and courteously to their communications.

**II. Lawyer to Lawyer**

**A. Courtesy and Punctuality.**

1. We will exhibit courtesy, candor and cooperation to all participating in the legal system. We will never intentionally mislead another attorney, party, witness, or judge.
2. We will treat other counsel, parties and witnesses in a civil and courteous manner not only in court but in all other communications. We will be punctual and honor

scheduled appearances, meetings, depositions, appointments, and dealings with opposing counsel.

**B. Personal Attacks.**

1. We will not attribute to other counsel improper motives, purpose or conduct without factual basis. We will avoid hostile, demeaning or humiliating words in communications with other parties, their lawyers or the court.

2. We will not unfairly attribute, argue, or infer that other counsel has taken a position or made a claim which is not true.

**C. Drafting.**

1. We will not quarrel over matters of form or style, but concentrate on matters of substance. We shall adhere to our express promises and agreements whether oral or written and to all commitments reasonably implied by the circumstances.

2. When committing an oral understanding to writing we will do so accurately and completely. We will provide other counsel a copy for review. We will not include substantive matters upon which there has been no agreement, without explicitly advising other counsel. As drafts are exchanged, we will bring to the attention of other counsel substantive changes from prior drafts.

**D. Scheduling, Extensions, Cancellations.**

1. We will endeavor to consult with other counsel so that depositions, hearings and conferences are scheduled at mutually convenient times. We will not request a schedule change for unfair purposes. If a scheduling change becomes necessary, we will notify other counsel and the court immediately. If the other counsel requires a scheduling change, we will cooperate in making any reasonable adjustments.

2. We will agree to reasonable requests for extensions of time and for waiver of procedural formalities, provided the legitimate objectives of our clients will not be adversely effected. We will not request an extension of time solely for the purpose of unjustified delay.

**E. Discovery.**

1. We will make reasonable efforts to conduct discovery by agreement. We will comply with all reasonable discovery requests and will not resist discovery requests that are not objectionable.

2. In responding to document requests and interrogatories we will not interpret them in an artificially restrictive manner so as to avoid disclosure of relevant and non-protected documents or information. We will not produce documents in a manner designed to

obscure their source, create confusion or hide the existence of particular documents. Nor will we object to discovery by inappropriately asserting a privilege for the purpose of withholding or delaying the disclosure of relevant and non-privileged information.

3. During depositions, we will 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.

4. We will make a good faith effort to resolve our disagreements regarding discovery requests and objections.

**F. Sanctions.**

1. We will not lightly seek sanctions. We will not seek or threaten sanctions or disqualification without first conducting a reasonable investigation and unless it is necessary for protection of a client's lawful objectives or fully justified by the circumstances.

**G. Opportunity to Respond.**

1. We will not serve motions, pleadings or briefs in any manner that unfairly limits another party's opportunity to respond. We will not cause a default or dismissal to be entered, when we know the identity of an opposing counsel without first making a good faith attempt to inquire about counsel's intention to proceed.

2. Unless applicable procedural rules require otherwise, we will deliver papers to opposing counsel at or about the same time we file them in court. For example, if papers are hand-delivered, faxed or electronically transferred to the court, then they should be hand-delivered, faxed, or electronically transferred to opposing counsel on the same day and at about the same time.

**H. Request During Trial or Hearing.**

1. During trial or hearing, we will honor reasonable requests of opposing counsel that do not prejudice the rights of our clients or sacrifice tactical advantage.

**III. Lawyer to Court**

1. We will speak and write civilly and respectfully in all communications with the court or court staff. We will be considerate of the time constraints and pressures of the court and court staff.

2. We will be punctual and prepared for all appearances.

3. We will not knowingly misrepresent, mischaracterize, misquote or miscite facts or authorities in any communication to the court.

4. We will avoid argument or posturing through sending or attaching copies of correspondence between counsel to the court, unless specifically permitted or invited by the court to do so.

5. We will draft orders that accurately and completely reflect the court's ruling. We will promptly prepare and submit proposed orders to other counsel in an attempt to reconcile any differences between the proposed order and any objections presented to the court.

6. We will avoid impermissible ex parte communications.

#### **IV. Lawyer to Community**

1. We will perform faithfully our responsibilities as officers of the court and protectors of individual rights.

2. We will support legal services for indigent persons, public service and public education about the law.

3. We will work to make the legal system more accessible, responsive and just.

4. We will never reject the cause of the defenseless or oppressed, or delay anyone's cause for profit or malice.