

# Citations to Relevant Professionalism Aspirations and Rules

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## A. Written Incivility and Motion Practice

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- A lawyer's conduct should be characterized at all times...by professional integrity in the fullest sense of those terms. (*I. Our Legal System Standards*)
- A lawyer owes ...candor...to opposing counsel. (*III. Lawyer to Lawyer Standards*)
- We will treat all other counsel ...in a civil and courteous manner, not only in court, but also in all other written and oral communications. (*III. Lawyer to Lawyer Standards, A.1*)
- We will abstain from disparaging personal remarks or acrimony toward other counsel... (*III. Lawyer to Lawyer Standards, A.2*)
- We will not, without good cause, attribute bad motives or unethical conduct to opposing counsel nor bring the profession into disrepute by unfounded accusations or acrimony toward opposing counsel.... (*III. Lawyer to Lawyer Standards, A.5*)

## **B. Inappropriate Comments, Body Language and Rude Behavior**

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- Conduct that may be characterized as uncivil, abrasive, hostile ... impedes the fundamental goal of resolving disputes rationally, peacefully, and efficiently. *(III. Lawyer to Lawyer Standards)*
- We will not, even when called upon by a client to do so, abuse others or indulge in offensive conduct directed to other counsel, parties, or witnesses. *(III. Lawyer to Lawyer Standards, A.2)*
- We will act and speak civilly to all other court staff with an awareness that they, too, are an integral part of the judicial system. *(IV. Lawyer and Judge Standards, A.8)*
- We will not engage in any conduct that brings disorder or disruption to the courtroom or administrative hearing area. *(IV. Lawyer and Judge Standards, A.4)*
- We (judicial officers) will maintain control of the proceedings, recognizing that we have both the obligation and the authority to insure that all proceedings are conducted in a civil manner. *(IV. Lawyer and Judge Standards, B.1)*
- If we (judicial officers) observe a lawyer being uncivil to another lawyer or others, we will call it to the attention of the offending lawyer on our own initiative. *(IV. Lawyer and Judge Standards, B.2)*

## C. The Difficult Client

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- We will practice our profession with a continuing awareness that our role is to advance the legitimate interests of our clients. In our dealings with others we will not reflect the ill feelings of our clients. We will treat all other counsel, parties, and witnesses in a civil and courteous manner, not only in court, but also in all other written and oral communications (*III. Lawyer to Lawyer Standards, A.1*)
- We will not, even when called upon by a client to do so, abuse others or indulge in offensive conduct directed to other counsel, parties or witnesses ... (*III. Lawyer to Lawyer Standards, A.2*)
- 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 place an undue burden or expense on a party. (*III. Lawyer to Lawyer Standards, B.4*)
- We will be loyal and committed to our client's lawful objectives, but will not permit the loyalty to interfere with our duty to provide objective and independent advice. (*II. Lawyer to Client Standards, A.2*)
- We will advise our clients, if necessary, that they do not have the right to demand that we engage in abusive or offensive conduct and we will not engage in such conduct. (*II. Lawyer to Client Standards, A.4*)
- We will not employ tactics that are designed primarily to delay the resolution of a matter or to harass or drain the financial resources of parties. (*II. Lawyer to Client Standards, B.4*)
- In representing a client, a lawyer shall not use means that have no substantial purpose other than to embarrass, delay, or burden a third person, or use methods of obtaining evidence that violate the legal rights of such a person. (*Minnesota Rules of Professional Conduct, Rule 4.4*)

## D. Discovery

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- We will not employ tactics that are designed primarily to delay resolution of a matter or to harass or drain the financial resources of the parties (*II. Lawyer to Client Standards, B.3*)
- A lawyer owes courtesy, candor, cooperation, and compliance with all agreements and mutual understandings to opposing counsel, ... (*III. Lawyer to Lawyer Standards*)
- We will make reasonable efforts to conduct discovery by agreement. (*III. Lawyer to Lawyer Standards, D.1*)
- We will comply with reasonable discovery requests. We will not resist discovery request that are not objectionable. (*III. Lawyer to Lawyer Standards, D.3*)
- We will not take depositions for the purpose of harassment or to increase litigation expenses. (*III. Lawyer to Lawyer Standards, D.5*)
- We will carefully craft interrogatories so 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 place an undue burden or expense on a party. (*III. Lawyer to Lawyer Standards, D.7*)
- We will not use any form of discovery or discovery scheduling as a means of harassment. (*III. Lawyer to Lawyer Standards, D.10*)
- In representing a client, a lawyer shall not use means that have no substantial purpose other than to embarrass, delay, or burden a third person, or use methods of obtaining evidence that violate the legal rights of such a person. (*Minnesota Rules of Professional Conduct, Rule 4.4*)

## **E. Unsolicited Communications to the Judge**

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- We will avoid argument or posturing through sending copies of correspondence between counsel to the court, unless specifically permitted or invited by the court. (*IV. Lawyer and Judge, A.6*)
- Ill feelings between clients should not influence our conduct, attitude, or demeanor toward opposing counsel. (*III. Lawyer to Lawyer*)
- We will conduct our affairs with candor and honesty. (*I. Our Legal System, B.*)

## F. Pro Se Litigant

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- The duty of civility to opposing counsel is also owed to pro se parties. (*III. Lawyer to Lawyer Standards*)
- We will make reasonable efforts to conduct discovery by agreement. (*III. Lawyer to Lawyer Standards, D.1*)
- We will be considerate of the time constraints and pressures on the court and court staff inherent in their efforts to administer justice. (*IV. Lawyer and Judge Standards, A.3*)
- As advocate, a lawyer zealously asserts the client's position under the rules of the adversary system. (*Preamble, Minnesota Rules of Professional Conduct*)
- A judge shall accord to every person who has a legal interest in a proceeding the right to be heard according to law. (*Code of Judicial Conduct, Canon 3 A (7)*)