

Principles of Professionalism for Lawyers and Judges



NEW JERSEY COMMISSION ON
PROFESSIONALISM IN THE LAW

Preamble

Adherence to standards of professional responsibility, along with a broad respect for the law, is a hallmark of an enlightened and effective system of justice. The conduct of lawyers and judges should be characterized at all times by professional integrity and personal courtesy in the fullest sense of those terms. Both are indispensable ingredients in the practice of law, and in the orderly administration of justice by our courts.

The following Principles, which focus on the goals of professionalism and civility, are aspirational in nature and are designed to assist and encourage judges and lawyers to meet their professional obligations. We encourage all judges and lawyers to make a commitment to these Principles, and to conduct themselves in a manner that preserves the dignity and honor of the judiciary and the legal profession.

Principles

Lawyers' Relations With Clients

1. To a client, a lawyer owes diligence, competence, faithfulness and good judgment, in the pursuit of client objectives.
2. Clients must be treated with respect. A lawyer should provide objective advice and strive to represent the client's interests as expeditiously and efficiently as possible. Lines of communication must be kept open and explanations provided for actions taken in the course of representation. Billing practices should be fully explained to a client at the time representation is undertaken.
3. Clients should be advised against pursuing a course of action that is without merit, and should avoid tactics that are intended to harass, or drain the financial resources of the opposing party.
4. Clients should be advised that professional courtesy, fair tactics, civility, and adherence to the rules and law are compatible with vigorous advocacy and zealous representation.

Lawyers' Relations With Other Counsel

1. To opposing counsel, a lawyer owes a duty of respect, courtesy and fair dealing, candor in the pursuit of the truth, cooperation in all respects not inconsistent with the client's interests, and scrupulous observance of all agreements and mutual understandings.
2. A lawyer should respect a colleague's schedule. Agreement should be sought on dates for meetings, conferences, depositions, hearings, trials and other events. A reasonable request for a scheduling accommodation, extension of time, or waiver of procedural formalities should not be refused if the interests of a client will not be adversely affected.

3. Forms of pleading, discovery, motions, or other papers, should not be used as a means of harassment, or for gaining an unfair advantage. The filing or service of motions, pleadings or other papers should not be timed so as to unfairly limit another party's opportunity to respond, or harass counsel.

4. In the conduct of negotiations, or litigation, a lawyer should conduct himself or herself with dignity and fairness and refrain from conduct meant to harass the opposing party. A lawyer should not advance groundless claims, defenses and objections.

Lawyers' Relations With the Court

1. To the court, a lawyer owes honesty, respect, diligence, candor and punctuality. A lawyer has a duty to act in a manner consistent with the proper functioning of a fair, efficient, and humane system of justice.
2. A lawyer must avoid frivolous litigation and non-essential pleading in litigation. Settlement possibilities should be explored at the earliest reasonable date, and agreement should be sought on procedural and discovery matters. Delays not dictated by a competent and justified presentation of a client's claims or defenses should be avoided.
3. As an officer of the court, a lawyer should act with complete honesty; show respect for the court by proper demeanor; and act and speak civilly to the judge, court staff and adversaries, with an awareness that all involved are integral parts of the justice system.
4. A lawyer should strive to protect the dignity and independence of the judiciary, particularly from unjust criticism and attack.

Judges' Relations With Lawyers and Others

1. To lawyers, parties, and all participants in the legal process, a judge owes courtesy, patience, respect, diligence, punctuality and fairness.
2. A judge must maintain control of proceedings, and has an obligation to ensure that proceedings are conducted in a civil manner. Judges should establish a climate of professionalism that upholds the dignity of the bench and bar. A judge should show respect for the bar by treating lawyers with civility and personal courtesy.
3. A judge should ensure that disputes are resolved in a prompt and efficient manner. However, hearings, meetings, conferences and trials should be scheduled with appropriate consideration to the schedules of lawyers, parties and witnesses.
4. A judge should remain knowledgeable of the law, rules and procedure, and apply them in a fair and consistent manner that enables all parties an adequate opportunity to present their cases.

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