

Ideals and Goals of Professionalism

Overview

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5. Courtesy
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Overview

These aspirational guidelines were adopted by the Board of Governors of The Florida Bar on May 16, 1990.

As The Florida Bar grows, it becomes more important to articulate our ideals of professionalism and to emulate such ideals by deed. To The Florida Bar, Lawyer Professionalism includes:

1. a commitment to serve others;
2. being dedicated to the proper use of one's knowledge to promote a fair and just result;
3. endeavoring always to enhance one's knowledge and skills;
4. ensuring that concern for the desired result does not subvert fairness, honesty, respect and courtesy for others with whom one comes into contact, be they fellow professionals, clients, opponents, public officials, including members of the judiciary, or the public;
5. contributing one's skill, knowledge and influence as a lawyer to further the profession's commitment to serving others and to promoting the public good, including efforts to provide all persons, regardless of their means or popularity of their causes, with access to the law and the judicial system;
6. educating the public about the capabilities and limits of the profession, specifically what it can achieve and the appropriate methods of obtaining those results; and
7. accepting responsibility for one's own professional conduct as well as others in the profession, including inculcating a desire to uphold professional standards and fostering peer regulation to ensure each member is competent and public-spirited.

To reinforce and communicate the ideals of lawyer professionalism among our members, and particularly, to take the "abrasions" out of our conduct with others,

especially our colleagues at the Bar, The Florida Bar adopts the following statement of ideals and aspirational goals:

1. Commitment to Equal Justice Under Law and the Public Good

Ideal:

A Florida lawyer should, in both professional and personal conduct, recognize that a license to practice law is a privilege which gives the lawyer a special position of trust, power and influence in our society. This privilege brings corresponding duties, for which the lawyer is accountable to the public, namely, to use that position and power in an honest and fair manner which respects the dignity of others, promotes the public good, and protects our system of equal justice under the law.

Goals:

- 1.1 A lawyer should at all times avoid the appearance of impropriety.
- 1.2 A lawyer should counsel and encourage other lawyers to abide by these ideals of professionalism.
- 1.3 A lawyer should at all times promote in the general public an understanding of the role of the legal profession in our system of equal justice under law.
- 1.4 A lawyer should encourage and support only those judicial candidates who by skill, knowledge, experience, integrity, temperament and commitment to public service are qualified to hold such positions.
- 1.5 When considering whether to advertise and what methods of advertising to use, a lawyer's first goal should be to promote and protect public confidence in a just and fair legal system founded on the rule of law.
- 1.6 Upon being employed by a new client, a lawyer should discuss fee and cost arrangements at the outset of the representation, and promptly confirm those arrangements in writing.
- 1.7 In any representation in which the fee arrangement is other than a contingent percentage-of-recovery fee or a fixed, flat-sum fee or in which the representation is anticipated to be of more than brief duration, a lawyer should bill clients on a regular, frequent interim basis.
- 1.8 When a fee dispute arises that cannot be amicably resolved, a lawyer should endeavor to refer the dispute to the appropriate fee arbitration panel.

2. Adherence to a Fundamental Sense of Honor, Integrity, and Fair Play

Ideal:

A lawyer should at all times be guided by a fundamental sense of honor, integrity, and fair play, and should counsel his or her client to do likewise.

Goals:

2.1 A lawyer should not impose arbitrary or unreasonable deadlines for action by others.

2.2 A lawyer should not make scheduling decisions with the motive of limiting opposing counsel's opportunity to prepare or respond.

2.3 A lawyer should not unreasonably oppose an adversary's application for an order or an adversary's request to insert a term or provision in a document.

2.4 A lawyer should never permit nonlawyer support personnel to communicate with a judge or judicial officer on any matters pending before the judge or officer or with other court personnel except on scheduling and other ministerial matters.

2.5 A lawyer should notify opposing counsel of all communications with the court or other tribunal, except those involving only scheduling or clerical matters.

2.6 When submitting any written communication to a court or other tribunal, a lawyer should provide opposing counsel with a copy of the document contemporaneously, and sufficiently in advance of any related hearing to assure both the court and opposing counsel have a reasonable opportunity to review it beforehand.

2.7 A lawyer should promptly comply with requests to prepare proposed orders.

2.8 When scheduling hearings and other adjudicative proceedings, a lawyer should request an amount of time that is truly calculated to permit full and fair presentation of the matter to be adjudicated and to permit equal response by the lawyer's adversary.

2.9 A lawyer should immediately notify all counsel of any hearing time that the lawyer has reserved with the court or tribunal.

2.10 When there has been pre-trial disclosure of trial witnesses, a lawyer should make a reasonable, good-faith effort to identify those witnesses whom the lawyer believes are reasonably likely to be called to testify.

2.11 During trials and evidentiary hearings the lawyers should mutually agree to disclose the identities, and duration of witnesses anticipated to be called that day

and the following day, including depositions to be read, and should cooperate in sharing with opposing counsel all visual-aid equipment.

2.12 When there has been pre-trial disclosure of trial exhibits, a lawyer should make a reasonable good-faith effort to identify those exhibits that the lawyer believes will be proffered into evidence.

2.13 A lawyer should not mark on or alter exhibits, charts, graphs, and diagrams without opposing counsel's permission or leave of court.

2.14 A lawyer should abstain from conduct calculated to detract or divert the fact-finder's attention from the relevant facts or otherwise cause it to reach a decision on an impermissible basis.

3. Honesty and Candor

Ideal:

A lawyer's word should be his or her bond. The lawyer should not knowingly misstate, distort, or improperly exaggerate any fact or opinion and should not improperly permit the lawyer's silence or inaction to mislead anyone.

Goals:

3.1 In drafting a proposed letter of intent, the memorialization of an oral agreement or a written contract reflecting an agreement reached in concept, a lawyer should draft a document that fairly reflects the agreement of the parties.

3.2 In drafting documents, a lawyer should point out to opposing counsel all changes that the lawyer makes or causes to be made from one draft to another.

3.3 A lawyer should not withhold information from a client to serve the lawyer's own interest or convenience.

4. Fair and Efficient Administration of Justice

Ideal:

A lawyer should always conduct himself or herself to assure the just, speedy, and inexpensive determination of every action and resolution of every controversy.

Goals:

4.1 A lawyer should endeavor to achieve the client's lawful objectives as economically and expeditiously as possible.

- 4.2 A lawyer should counsel the client concerning the benefits of mediation, arbitration, and other alternative methods of resolving disputes.
- 4.3 A lawyer should counsel the client to consider and explore settlement in good faith.
- 4.4 A lawyer should accede to reasonable requests for waivers of procedural formalities when the client's legitimate interests are not adversely affected.
- 4.5 A lawyer should not invoke a rule for the purpose of creating undue delay.
- 4.6 A lawyer should never use discovery for the purpose of harassing or improperly burdening an adversary or causing the adversary to incur unnecessary expense.
- 4.7 A lawyer should frame reasonable discovery requests tailored to the matter at hand.
- 4.8 A lawyer should assure that responses to proper requests for discovery are timely and complete and are consistent with the obvious intent of the request.
- 4.9 In civil cases, a lawyer should stipulate all facts and principles of law which are not in dispute, and should promptly respond to requests for stipulations of fact or law.
- 4.10 After consulting with the client, a lawyer should voluntarily withdraw claims defenses when it becomes apparent that they are without merit, are superfluous or merely cumulative.
- 4.11 A lawyer should appear at a hearing before a court or other tribunal fully prepared to submit the matter at issue to the court or tribunal for adjudication.
- 4.12 A lawyer should not use the post-hearing submission of proposed orders as a guise to argue or reargue the merits of the matter to be determined.
- 4.13 A lawyer should not request rescheduling, cancellations, extensions, and postponements without legitimate reasons and never solely for the purpose of delay or obtaining unfair advantage.

5. Courtesy

Ideal:

A lawyer should treat all persons with courtesy and respect and at all times abstain from rude, disruptive and disrespectful behavior. The lawyer should

encourage the lawyer's clients and support personnel to do likewise even when confronted with rude, disruptive and disrespectful behavior.

6. Respect for the Time and Commitments of Others

Ideal:

A lawyer should respect the time and commitments of others.

Goals:

6.1 Before scheduling a hearing on any motion or discovery objection, a lawyer should endeavor to resolve or narrow the issue at hand.

6.2 In scheduling depositions upon oral examination, a lawyer should allow enough time to permit the conclusion of the deposition, including examination by all parties, without adjournment.

6.3 Unless circumstances compel more expedited scheduling, a lawyer should endeavor to provide litigants, witnesses, and other affected persons or parties with ample advance notice of hearings, depositions, meetings, and other proceedings, and whenever practical, schedule such activities at times that are convenient to all interested persons.

6.4 A lawyer should accede to all reasonable requests for scheduling, rescheduling, cancellations, extensions, and postponements that do not prejudice the client's opportunity for full, fair and prompt consideration and adjudication of the client's claim or defense.

6.5 Upon receiving an inquiry concerning a proposed time for a hearing, deposition, meeting, or other proceeding, a lawyer should promptly agree to the proposal or offer a counter suggestion.

6.6 A lawyer should call potential scheduling conflicts or problems to the attention of those affected, including the court or tribunal, as soon as they become apparent to the lawyer.

6.7 A lawyer should avoid last-minute cancellations of hearings, depositions, meetings, and other proceedings.

6.8 A lawyer should promptly notify the court or tribunal of any resolution by the parties that renders a scheduled court appearance unnecessary.

6.9 A lawyer should be punctual in attending all court appearances, depositions, meetings, conferences, and other proceedings.

6.10 A lawyer should respond promptly to inquiries and communications from clients and others.

7. Independence of Judgment

Ideal:

A lawyer should exercise independent judgment and should not be governed by a client's ill will or deceit.

Goals:

7.1 A lawyer should counsel the client or prospective client, even with respect to a meritorious claim or defense, concerning the public and private burdens of pursuing the claim as compared with the benefits to be achieved.

7.2 A lawyer should at all times provide the client with objective evaluations and advise without purposefully understating or overstating achievable results or otherwise creating unrealistic expectations.

7.3 A lawyer should not permit the client's ill will toward an adversary, witness, or tribunal to become that of the lawyer's.

7.4 A lawyer should counsel the client against the use of tactics designed: (a) to hinder or improperly delay the process involved; or (b) to embarrass, harass, intimidate, improperly burden, or oppress an adversary, party or any other person and should withdraw from representation if the client insists on such tactics.

7.5 In contractual and business negotiations, a lawyer should counsel the client concerning what is reasonable and customary under the circumstances.

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