

PREAMBLE

While balancing ethical obligations to zealously represent clients, attorneys must be aware of professional courtesy and other standards which will ultimately assist them in obtaining a fair and just result for their clients.

The following Proposed Standards of Professional Courtesy are intended to educate attorneys and set aspirational levels by which attorneys practice. They are not intended to be mandatory or supersede any local rules.

I. Scheduling:

1. Attorneys should endeavor to provide opposing counsel, parties, witnesses, and other affected persons, sufficient notice of depositions, hearings and other proceedings, except upon agreement of course, in an emergency, or in other circumstances compelling more expedited scheduling. As a general rule, actual notice should be no less than five (5) business days for in-state depositions, ten (10) business days for out-of-state depositions and four (4) business days for hearings.
2. Attorneys should communicate with opposing counsel prior to scheduling depositions, hearings and other proceedings, in an effort to schedule them at times that are mutually convenient for all interested persons. Further, sufficient time should be reserved to permit a complete presentation by counsel for all parties.
3. Attorneys should notify opposing counsel, the court, and others affected, of scheduling conflicts as soon as they become apparent. Further, attorneys should cooperate with one another

regarding all reasonable rescheduling requests that do not prejudice their clients or unduly delay a proceeding.

4. Attorneys should promptly notify the court or other tribunal of any resolution between the parties that renders a scheduled court appearance unnecessary or otherwise moot.
5. Attorneys should grant reasonable requests by opposing counsel for extensions of time within which to respond to pleadings, discovery, and other matters when such an extension will not prejudice their client or unduly delay a proceeding.
6. Attorneys should cooperate with opposing counsel during trials and evidentiary hearings by disclosing the identities of all witnesses reasonably expected to be called and the length of time needed to present their entire case, except when a client's material rights would be adversely affected. They should also cooperate with the calling of witnesses out of turn when the circumstances justify it.

II. Discovery:

1. Attorneys should pursue discovery requests that are reasonably related to the matter at issue. Attorneys should not use discovery for the purpose of harassing, embarrassing or causing the adversary to incur unnecessary expenses.
2. Attorneys should not use discovery for the purpose of causing undue delay or obtaining unfair advantage.
3. Attorneys should ensure that responses to reasonable discovery requests are timely, organized, complete and consistent with the obvious intent of the

request. For example, a response to a request to produce should refer to each of the items in the request and should refer to each set of documents as separately marked exhibits.

III. Conduct Toward Other Attorneys, the Court and Participants:

1. Attorneys should refrain from denigrating the court, opposing counsel, parties or witnesses.
2. Attorneys should be, and should impress upon their clients and witnesses the need to be courteous and respectful to the court, opposing counsel, parties and witnesses.
3. Attorneys should make an effort to explain to witnesses the purpose of their required attendance at depositions, hearings or trials. They should further attempt to accommodate the schedules of witnesses when setting or resetting their appearance and promptly notify them of any cancellations.
4. Attorneys should respect and abide by the spirit and letter of all rulings of the court.

IV. Candor To The Court and Opposing Counsel:

1. Attorneys should not knowingly misstate, misrepresent or distort any fact or legal authority to the court or to opposing counsel and shall not mislead by inaction or silence. Further, if this occurs unintentionally and is later discovered, it should immediately be disclosed or otherwise corrected.
2. Attorneys should notify opposing counsel of all oral or written

communications with the court or other tribunal, except those involving only scheduling matters. Copies of any submissions to the court (such as correspondence, memoranda of law, caselaw, etc.), should simultaneously be provided to opposing counsel by substantially the same method of delivery by which they were provided to the court. For example, if a memorandum of law is hand delivered to the court, at the same time a copy should be hand-delivered to the opposing counsel.

3. Attorneys should draft proposed orders promptly and the orders should fairly and adequately represent the ruling of the court. Attorneys should promptly provide, either orally or in writing, proposed orders to opposing counsel for approval. Opposing counsel should then promptly communicate any objections and at that time, the drafting attorney should immediately submit a copy of the proposed order to the court and advise the court as to whether or not it has been approved by opposing counsel.
4. Attorneys should draft agreements and other documents promptly and so as to fairly reflects the true intent of the parties. Where revisions are made to an agreement or other document, attorneys should point out or otherwise highlight any such additions, deletions or modifications for all opposing counsel.

V. Efficient Administration:

1. Attorneys should refrain from actions intended to harass or embarrass and

should refrain from actions which cause unnecessary expense or delay.

2. Attorneys should, whenever possible prior to filing or upon receiving a motion, contact opposing counsel to determine if the matter can be resolved in whole or in part. This may alleviate the need for filing the motion or allow submission of an agreed order in lieu of a hearing.
3. Attorneys should, whenever appropriate, stipulate to all facts and legal authority not reasonably in dispute.
4. Attorneys should encourage principled negotiations and efficient resolution of disputes on their merits.

Administrative Order No. 1-94-0-1

Upon the recommendation by the Special Committee on Professional Courtesy as proposed by the Broward County Bar Association, and having been accepted by a majority vote of the Judges of the Seventeenth Judicial Circuit, upon the authorization of the Chief Judge pursuant to Rule 2.050, Florida Rules of Judicial Administration, it is hereby;

ORDERED that the Standards of Professional Courtesy are adopted by this Circuit, and all attorneys are strongly encouraged to adopt the same and conduct their practice in conformity therewith.

DONE AND ORDERED in the Chambers at Fort Lauderdale, Broward County, Florida on this the 11th day of April, 1994.

DALE ROSS, *Chief Judge*

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BROWARD COUNTY BAR ASSOCIATION



STANDARDS OF PROFESSIONAL COURTESY

