



PRESIDENT'S PAGE

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Our thoughts and prayers are with the people of Ukraine, especially the many families emigrating in the midst of this brutal and unjustified war. The OCBA encourages all members who want to help support nonprofits providing critical resources and relief to those in need to visit our Community Outreach page at www.ocbar.org/Get-Connected/Committees/Community-Outreach.

Civility and Professionalism

This November is election season, which means it's time for everyone in Orange County to perform that time-honored tradition — running from the barrage of political ads bombarding our televisions, emails, and telephones.

Don't get me wrong, I fully support our First Amendment rights. But these advertisements are *everywhere*, constantly spamming our inboxes, social media and cell phones with messages that grow more vicious and extreme as the election draws nearer. "We need your help NOW or else those darn [insert political party] are going to destroy our country with [insert inflammatory issue]. If you don't give \$20/\$50/\$100 today, these [fascist/communist] liars are going to win this election and drive this country into the toilet. I can't win this race without your help. Four times matching if you donate now!" And if you try to opt out of a spam chain, it's like plucking a grey hair—four new ones instantly take its place.

Voting is one of the most important civic responsibilities we have as American citizens. I encourage all of our OCBA members to take the time to educate yourselves on the issues and candidates, and vote in this year's election.

But I raise the toxic nature of political advertisements to underscore the importance of civility and professionalism in our legal community.

I am happy to report that this year, Orange County Superior Court Presiding Judge Erick Larsh has approved posting the Orange County Bar Association's civility guidelines outside of each Superior Court in Orange County. These guidelines were drafted by a 2016 task force led by Hon. Richard Fybel and Scott Garner, a task force of which I was honored to be a member. The 2022 civility task force co-chairs Todd Friedland, Hon. Nathan Scott and Hon. James DiCesare (Ret.), spearheaded the effort to have the guidelines posted. If you have never read the OCBA civility guidelines, you can review them at www.ocbar.org/Portals/0/pdf/docs/civility_guidelines.pdf.

In substance, the guidelines emphasize how Orange County lawyers share a commitment to civility and professionalism with their clients, opposing counsel, the courts, and the public. They stress how our lawyers' conduct should reflect well on the judicial system and on our

legal community, and how lawyers should inspire public regard for our profession, avoid frivolous disputes, and refrain from rudeness and abusive tactics. The guidelines allow for zealous representation of our clients, but in a manner that adheres to three overarching tenants:

1. Counsel shall show civility to other counsel and self-represented litigants.

This first tenant focuses on communicating in a professional and businesslike manner (*e.g.*, respond to communications in a reasonable amount of time, give reasonable deadlines, extend professional courtesies, provide redlined edits to drafts where possible, and avoid attacks and misleading characterizations). It also asks practitioners to resist requests from clients to treat opposing counsel with disrespect or hostility.

2. Counsel shall show civility during discovery.

This second tenant recognizes that the circumstances where tensions rise the most during litigation is usually during the discovery phase. This tenant asks practitioners to meet and confer in good faith to make discovery "self-executing"—discovery is expedited on a scheduled calendar, disputes are resolved without motion practice, electronic document identification and collection issues are discussed proactively, and requests for assistance and non-objectionable information are handled in a courteous manner. This tenant also asks that deposition scheduling and delays are addressed in a professional manner, and that counsel avoid abusive or discourteous behavior at depositions.

3. Counsel shall show civility to the courts.

The third and last tenant concerns demonstrating civility and professionalism in all of practitioners' interactions with the courts. It asks that Orange County lawyers respect the court's time by making good-faith efforts to avoid or narrow issues before the court, and by making witnesses available in a manner that minimizes wait time. It stresses respectful communication with the court, including treating the court and its personnel with dignity and avoiding personal attacks, discourteous familiarity, *ex parte* communications, and anything else that would lend the appearance of impropriety. It also asks practitioners to conduct themselves professionally, being punctual and prepared for each appearance, waiting for others to speak, and accepting responsibility for the case and mistakes. This tenant applies not only to all bench officers (judges, commissioners, temporary judges, and referees), but to arbitrators, mediators, other dispute resolution providers, and their staffs.

We are all privileged to practice law in this incredible county. I encourage all OCBA members, young and not-so-young, to read these guidelines and do their best to adhere to them. Together, we can keep Orange County a special place where civility and professionalism are expected from all practitioners.

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