



PRESIDENT'S PAGE

TODD G. FRIEDLAND

Choose Civility, Please

Choose civility, please. See, I asked nicely. As you (hopefully) read in last month's President's Page, we have formed a Civility Task Force to review civility and professionalism guidelines from around California, revise the OCBA's guidelines, and then devise a plan for promoting and disseminating the OCBA's guidelines. Orange County is a pretty great place to practice law, but even we can do better at civility and professionalism. And, those of us who have practiced quite a while in Orange County owe it to our profession to teach junior attorneys about civility.

I was fortunate to personally witness the high level of civility and professionalism exhibited by two legends of the law: Judge Alicemarie H. Stotler and Justice Paul Boland. Unfortunately, neither is with us any longer. But their ideals should be. Those of us who worked with them (as I was fortunate to do), or appeared before them, will likely recall that they set the bar very high as to how lawyers should act, how they should treat each other, and how they should treat the judiciary and the public. I'd like to think that Orange County is at or above that very high bar. But there is always more to be done. Indeed, as Judge Margaret Morrow (Paul Boland's widow) stated to me recently, "constant reinforcement of important ideas is essential!"

Stories about lawyers behaving badly seem to be trending, or perhaps they are getting more publicity. I believe Justice Boland and Judge Stotler would be dismayed by some recent examples of lawyers going rogue. For example, stun guns and pepper spray are not appropriate at a deposition—especially when pointing them at opposing counsel. *See Crawford v. JPMorgan Chase Bank, N.A.*, 2015 WL 8355515 (Dec. 9, 2015). Telling a female opposing counsel that raising her voice is not "becoming of a woman" and making repeated speaking objections at a deposition can get you sanctioned. *See Claypole v. County of Monterey*, 14-cv-02730-BLF (pending in the Northern District of California). Specious litigation tactics could result in your reputation taking a strong hit in the public eye. In *Finton Construction, Inc. v. Bidna & Keys*, 238 Cal. App. 4th 200 (2015), our own Justice Moore wrote for the court: "we remind . . . all attorneys—that while they owe their clients a duty to zealously represent them, that zealousness does not trump the duty they owe the court and the judicial process The type of uncivil behaviors and specious tactics demonstrated by filing this case represents conduct that brings disrepute to the entire legal profession and amounts to toying with the courts." In *Martinez v. Dep't of Transportation*, 238 Cal. App. 4th 559 (2015), our own Justice Bedsworth wrote about "a case of egregious attorney misconduct" where an attorney continually ignored sustained objections and subject matter barred by *in limine* orders.

Such stories tarnish our noble profession. As Judge Morrow stated,

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we do need to constantly reinforce civility and professionalism and worthy goals. You can be aggressive without being abrasive. Protect your reputation. Protect our profession. Before you read the remainder of this President's Page, skip ahead and read Scott Garner's "Ethically Speaking" article. I echo everything in his article. Really, read it now. His article is much more important than this page.

Welcome back. Did you read it? I hope so. Did you know that March is women's history month? Here is some related OCBA trivia: Three of the five OCBA Executive Committee members are female and twelve of the twenty Board members are female.

Now let's talk about the OCBA Charitable Fund. Each year the Charitable Fund supports many wonderful organizations and the 2016 grant recipients are no exception. Grants were awarded to twelve organizations including:

- UCI School of Law Saturday Academy of Law
- Public Law Center
- Laura's House
- Constitutional Rights Foundation, Orange County
- Veterans Legal Institute

The Charitable Fund grants will help fund such programs as Mock Trial, Project SELF, advocacy programs serving victims of domestic violence, shelter for battered women, courthouse clinics, and the LEAP program administered by Legal Aid, which is an incubator program for new lawyers. These worthy organizations came together at the OCBA offices in February to receive their grants. We look forward to hearing about all of the good things the funds allow them to

complete. The Charitable Fund is a key tool of the OCBA's mission, and mine, to have the OCBA increase its impact in Orange County.

The Charitable Fund is able to accomplish so much in part because of your participation in the Charitable Fund's fundraising efforts. Next up is the 32nd Annual Judge Kenneth Lae Charity Golf Scramble on March 31, 2016. It sells out every year, and even a terrible golfer like me has a great time. This year's Golf Committee Chair, Jeff Reeves, will undoubtedly lead a great event, so call the OCBA now to get in on the action. Remember, your participation directly benefits programs providing education, services to victims of domestic violence, service to veterans, and service to the indigent. Even if you don't want to golf, come for cocktail hour. I'll see you there.



Todd G. Friedland is the 2016 OCBA President and a litigation partner at Stephens Friedland LLP. The golf trophies in his office are legitimate, but are most likely due to his high handicap and ability to put together a team of people who can actually play. Reach out to Todd at todd@sf-lawyers.com or heyodd@ocbar.org.