



Barristers – Bridging the Gap
January 21, 2023

Session 6

Hon. Vincent O’Neill

and

Brenda McCormick:

Attorney Civility

in the Court

West's Annotated California Codes
Business and Professions Code (Refs & Annos)
Division 3. Professions and Vocations Generally (Refs & Annos)
Chapter 4. Attorneys (Refs & Annos)
Article 4. Admission to the Practice of Law (Refs & Annos)

West's Ann.Cal.Bus. & Prof.Code § 6067

§ 6067. Oath

Currentness

Every person on his admission shall take an oath to support the Constitution of the United States and the Constitution of the State of California, and faithfully to discharge the duties of any attorney at law to the best of his knowledge and ability. A certificate of the oath shall be indorsed upon his license.

Credits

(Added by Stats.1939, c. 34, p. 354, § 1.)

Notes of Decisions (4)

West's Ann. Cal. Bus. & Prof. Code § 6067, CA BUS & PROF § 6067

Current with urgency legislation through Ch. 770 of 2021 Reg.Sess. Some statute sections may be more current, see credits for details.

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Rule 9.7. Oath required when admitted to practice law, CA ST PRACTICE Rule 9.7

West's Annotated California Codes
California Rules of Court (Refs & Annos)
Title 9. Rules on Law Practice, Attorneys, and Judges (Refs & Annos)
Division 2. Attorney Admission and Disciplinary Proceedings and Review of State Bar Proceedings (Refs & Annos)
Chapter 2. Attorney Admissions (Refs & Annos)

Cal. Rules of Court, Rule 9.7
Formerly cited as CA ST PRACTICE Rule 9.4

Rule 9.7. Oath required when admitted to practice law

Currentness

In addition to the language required by Business and Professions Code section 6067, the oath to be taken by every person on admission to practice law is to conclude with the following: "As an officer of the court, I will strive to conduct myself at all times with dignity, courtesy and integrity."

Credits

(Formerly Rule 9.4, adopted, eff. May 27, 2014. Renumbered Rule 9.7, eff. Jan. 1, 2018.)

Cal. Rules of Court, Rule 9.7, CA ST PRACTICE Rule 9.7

California Rules of Court, California Rules of Professional Conduct, and California Code of Judicial Ethics are current with amendments received through October 15, 2021. California Supreme Court, California Courts of Appeal, Guidelines for the Commission of Judicial Appointments, Commission on Judicial Performance, and all other Rules of the State Bar of California are current with amendments received through October 15, 2021.

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West's Annotated California Codes
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Division 3. Professions and Vocations Generally (Refs & Annos)
Chapter 4. Attorneys (Refs & Annos)
Article 4. Admission to the Practice of Law (Refs & Annos)

West's Ann.Cal.Bus. & Prof.Code § 6068

§ 6068. Duties of attorney

Effective: January 1, 2019

Currentness

It is the duty of an attorney to do all of the following:

- (a) To support the Constitution and laws of the United States and of this state.
- (b) To maintain the respect due to the courts of justice and judicial officers.
- (c) To counsel or maintain those actions, proceedings, or defenses only as appear to him or her legal or just, except the defense of a person charged with a public offense.
- (d) To employ, for the purpose of maintaining the causes confided to him or her those means only as are consistent with truth, and never to seek to mislead the judge or any judicial officer by an artifice or false statement of fact or law.
- (e)(1) To maintain inviolate the confidence, and at every peril to himself or herself to preserve the secrets, of his or her client.
- (2) Notwithstanding paragraph (1), an attorney may, but is not required to, reveal confidential information relating to the representation of a client to the extent that the attorney reasonably believes the disclosure is necessary to prevent a criminal act that the attorney reasonably believes is likely to result in death of, or substantial bodily harm to, an individual.
- (f) To advance no fact prejudicial to the honor or reputation of a party or witness, unless required by the justice of the cause with which he or she is charged.

(g) Not to encourage either the commencement or the continuance of an action or proceeding from any corrupt motive of passion or interest.

(h) Never to reject, for any consideration personal to himself or herself, the cause of the defenseless or the oppressed.

(i) To cooperate and participate in any disciplinary investigation or other regulatory or disciplinary proceeding pending against himself or herself. However, this subdivision shall not be construed to deprive an attorney of any privilege guaranteed by the Fifth Amendment to the Constitution of the United States, or any other constitutional or statutory privileges. This subdivision shall not be construed to require an attorney to cooperate with a request that requires him or her to waive any constitutional or statutory privilege or to comply with a request for information or other matters within an unreasonable period of time in light of the time constraints of the attorney's practice. Any exercise by an attorney of any constitutional or statutory privilege shall not be used against the attorney in a regulatory or disciplinary proceeding against him or her.

(j) To comply with the requirements of Section 6002.1.

(k) To comply with all conditions attached to any disciplinary probation, including a probation imposed with the concurrence of the attorney.

(l) To keep all agreements made in lieu of disciplinary prosecution with the State Bar.

(m) To respond promptly to reasonable status inquiries of clients and to keep clients reasonably informed of significant developments in matters with regard to which the attorney has agreed to provide legal services.

(n) To provide copies to the client of certain documents under time limits and as prescribed in a rule of professional conduct which the board shall adopt.

(o) To report to the State Bar, in writing, within 30 days of the time the attorney has knowledge of any of the following:

(1) The filing of three or more lawsuits in a 12-month period against the attorney for malpractice or other wrongful conduct committed in a professional capacity.

(2) The entry of judgment against the attorney in a civil action for fraud, misrepresentation, breach of fiduciary duty, or gross negligence committed in a professional capacity.

(3) The imposition of judicial sanctions against the attorney, except for sanctions for failure to make discovery or monetary sanctions of less than one thousand dollars (\$1,000).

(4) The bringing of an indictment or information charging a felony against the attorney.

(5) The conviction of the attorney, including any verdict of guilty, or plea of guilty or no contest, of a felony, or a misdemeanor committed in the course of the practice of law, or in a manner in which a client of the attorney was the victim, or a necessary element of which, as determined by the statutory or common law definition of the misdemeanor, involves improper conduct of an attorney, including dishonesty or other moral turpitude, or an attempt or a conspiracy or solicitation of another to commit a felony or a misdemeanor of that type.

(6) The imposition of discipline against the attorney by a professional or occupational disciplinary agency or licensing board, whether in California or elsewhere.

(7) Reversal of judgment in a proceeding based in whole or in part upon misconduct, grossly incompetent representation, or willful misrepresentation by an attorney.

(8) As used in this subdivision, "against the attorney" includes claims and proceedings against any firm of attorneys for the practice of law in which the attorney was a partner at the time of the conduct complained of and any law corporation in which the attorney was a shareholder at the time of the conduct complained of unless the matter has to the attorney's knowledge already been reported by the law firm or corporation.

(9) The State Bar may develop a prescribed form for the making of reports required by this section, usage of which it may require by rule or regulation.

(10) This subdivision is only intended to provide that the failure to report as required herein may serve as a basis of discipline.

Credits

(Added by Stats.1939, c. 34, p. 355, § 1. Amended by Stats.1985, c. 453, § 11; Stats.1986, c. 475, § 2; Stats.1988, c. 1159, § 5; Stats.1990, c. 1639 (A.B.3991), § 4; Stats.1999, c. 221 (S.B.143), § 1; Stats.1999, c. 342 (S.B.144), § 2; Stats.2001, c. 24 (S.B.352), § 4; Stats.2003, c. 765 (A.B.1101), § 1, operative July 1, 2004; Stats.2018, c. 659 (A.B.3249), § 50, eff. Jan. 1, 2019.)

Notes of Decisions (294)

West's Annotated California Codes

Business and Professions Code (Refs & Annos)

Division 3. Professions and Vocations Generally (Refs & Annos)

Chapter 4. Attorneys (Refs & Annos)

Article 7. Unlawful Practice of Law (Refs & Annos)

West's Ann.Cal.Bus. & Prof.Code § 6128

§ 6128. Deceit, collusion, delay of suit and improper receipt of money as misdemeanor

Currentness

Every attorney is guilty of a misdemeanor who either:

(a) Is guilty of any deceit or collusion, or consents to any deceit or collusion, with intent to deceive the court or any party.

(b) Willfully delays his client's suit with a view to his own gain.

(c) Willfully receives any money or allowance for or on account of any money which he has not laid out or become answerable for.

Any violation of the provisions of this section is punishable by imprisonment in the county jail not exceeding six months, or by a fine not exceeding two thousand five hundred dollars (\$2,500), or by both.

Credits

(Added by Stats.1939, c. 34, p. 359, § 1. Amended by Stats.1976, c. 1125, p. 5029, § 2.5.)

Notes of Decisions (7)

West's Ann. Cal. Bus. & Prof. Code § 6128, CA BUS & PROF § 6128

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West's Annotated California Codes
Rules of the State Bar of California (Refs & Annos)
California Rules of Professional Conduct (Refs & Annos)
Chapter 3. Advocate

Prof. Conduct, Rule 3.1
Formerly cited as CA ST RPC Rule 3-200

Rule 3.1. Meritorious Claims and Contentions

Currentness

(a) A lawyer shall not:

(1) bring or continue an action, conduct a defense, assert a position in litigation, or take an appeal, without probable cause and for the purpose of harassing or maliciously injuring any person; or

(2) present a claim or defense in litigation that is not warranted under existing law, unless it can be supported by a good faith argument for an extension, modification, or reversal of the existing law.

(b) A lawyer for the defendant in a criminal proceeding, or the respondent in a proceeding that could result in incarceration, or involuntary commitment or confinement, may nevertheless defend the proceeding by requiring that every element of the case be established.

Credits

(Adopted, eff. Nov. 1, 2018.)

Notes of Decisions (28)

Footnotes

An asterisk (*) identifies a word or phrase defined in the terminology rule, rule 1.0.1.

Prof. Conduct, Rule 3.1, CA ST RPC Rule 3.1

West's Annotated California Codes

Rules of the State Bar of California (Refs & Annos)

California Rules of Professional Conduct (Refs & Annos)

Chapter 3. Advocate

Prof. Conduct, Rule 3.2

Rule 3.2. Delay of Litigation

Currentness

In representing a client, a lawyer shall not use means that have no substantial¹ purpose other than to delay or prolong the proceeding or to cause needless expense.

Credits

(Adopted, eff. Nov. 1, 2018.)

Editors' Notes

COMMENT

See rule 1.3 with respect to a lawyer's duty to act with reasonable* diligence and rule 3.1(b) with respect to a lawyer's representation of a defendant in a criminal proceeding. See also Business and Professions Code section 6128, subdivision (b).

Footnotes

¹ An asterisk (*) identifies a word or phrase defined in the terminology rule, rule 1.0.1.

Prof. Conduct, Rule 3.2, CA ST RPC Rule 3.2

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Rules of the State Bar of California (Refs & Annos)

California Rules of Professional Conduct (Refs & Annos)

Chapter 3. Advocate

Prof.Conduct, Rule 3.3
Formerly cited as CA ST RPC Rule 5-200
Rule 3.3. Candor Toward The Tribunal
Currentness

(a) A lawyer shall not:

(1) knowingly* make a false statement of fact or law to a tribunal* or fail to correct a false statement of material fact or law previously made to the tribunal* by the lawyer;

(2) fail to disclose to the tribunal* legal authority in the controlling jurisdiction known* to the lawyer to be directly adverse to the position of the client and not disclosed by opposing counsel, or knowingly* misquote to a tribunal* the language of a book, statute, decision or other authority; or

(3) offer evidence that the lawyer knows* to be false. If a lawyer, the lawyer's client, or a witness called by the lawyer, has offered material evidence, and the lawyer comes to know* of its falsity, the lawyer shall take reasonable* remedial measures, including, if necessary, disclosure to the tribunal,* unless disclosure is prohibited by Business and Professions Code section 6068, subdivision (e) and rule 1.6. A lawyer may refuse to offer evidence, other than the testimony of a defendant in a criminal matter, that the lawyer reasonably believes* is false.

(b) A lawyer who represents a client in a proceeding before a tribunal* and who knows* that a person* intends to engage, is engaging or has engaged in criminal or fraudulent* conduct related to the proceeding shall take reasonable* remedial measures to the extent permitted by Business and Professions Code section 6068, subdivision (e) and rule 1.6.

(c) The duties stated in paragraphs (a) and (b) continue to the conclusion of the proceeding.

(d) In an ex parte proceeding where notice to the opposing party in the proceeding is not required or given and the opposing party is not present, a lawyer shall inform the tribunal* of all material facts known* to the lawyer that will enable the tribunal* to make an informed decision, whether or not the facts are adverse to the position of the client

Credits

(Adopted, eff. Nov. 1, 2018. As amended, eff. Nov. 1, 2018.)

Editors' Notes

COMMENT

[1] This rule governs the conduct of a lawyer in proceedings of a tribunal,* including ancillary proceedings such as a deposition conducted pursuant to a tribunal's* authority. See rule 1.0.1(m) for the definition of "tribunal."

[2] The prohibition in paragraph (a)(1) against making false statements of law or failing to correct a material misstatement of law includes citing as authority a decision that has been overruled or a statute that has been repealed or declared unconstitutional, or failing to correct such a citation previously made to the tribunal* by the lawyer.

Legal Argument

[3] Legal authority in the controlling jurisdiction may include legal authority outside the jurisdiction in which the tribunal* sits, such as a federal statute or case that is determinative of an issue in a state court proceeding or a Supreme Court decision that is binding on a lower court.

[4] The duties stated in paragraphs (a) and (b) apply to all lawyers, including defense counsel in criminal cases. If a lawyer knows* that a client intends to testify falsely or wants the lawyer to introduce false evidence, the lawyer should seek to persuade the client that the evidence should not be offered and, if unsuccessful, must refuse to offer the false evidence. If a criminal defendant insists on testifying, and the lawyer knows* that the testimony will be false, the lawyer may offer the testimony in a narrative form if the lawyer made reasonable* efforts to dissuade the client from the unlawful course of conduct and the lawyer has sought permission from the court to withdraw as required by rule 1.16. (See, e.g., *People v. Johnson* (1998) 62 Cal.App.4th 608 [72 Cal.Rptr.2d 805]; *People v. Jennings* (1999) 70 Cal.App.4th 899 [83 Cal.Rptr.2d 33].) The obligations of a lawyer under these rules and the State Bar Act are subordinate to applicable constitutional provisions.

Remedial Measures

[5] Reasonable* remedial measures under paragraphs (a)(3) and (b) refer to measures that are available under these rules and the State Bar Act, and which a reasonable* lawyer would consider appropriate under the circumstances to comply with the lawyer's duty of candor to the tribunal.* (See, e.g., rules 1.2.1, 1.4(a)(4), 1.16(a), 8.4; Bus. & Prof. Code, §§ 6068, subd. (d), 6128.) Remedial measures also include explaining to the client the lawyer's obligations under this rule and, where applicable, the reasons for the lawyer's decision to seek permission from the tribunal* to withdraw, and remonstrating further with the client to take corrective action that would eliminate the need for the lawyer to withdraw. If the client is an organization, the lawyer should also consider the provisions of rule 1.13. Remedial measures do not include disclosure of client confidential information, which the lawyer is required to protect under Business and Professions Code section 6068, subdivision (e) and rule 1.6.

Duration of Obligation

[6] A proceeding has concluded within the meaning of this rule when a final judgment in the proceeding has been affirmed on appeal or the time for review has passed. A prosecutor may have obligations that go beyond the scope of this rule. (See, e.g., rule 3.8(f) and (g).)

Ex Parte Communications

[7] Paragraph (d) does not apply to ex parte communications that are not otherwise prohibited by law or the tribunal.*

Withdrawal

[8] A lawyer's compliance with the duty of candor imposed by this rule does not require that the lawyer withdraw from the representation. The lawyer may, however, be required by rule 1.16 to seek permission of the tribunal* to withdraw if the lawyer's compliance with this rule results in a deterioration of the lawyer-client relationship such that the lawyer can no longer competently and diligently represent the client, or where continued employment will result in a violation of these rules. A lawyer must comply with Business and Professions Code section 6068, subdivision (e) and rule 1.6 with respect to a request to withdraw that is premised on a client's misconduct.

[9] In addition to this rule, lawyers remain bound by Business and Professions Code sections 6068, subdivision (d) and 6106.

Notes of Decisions (2)

Footnotes

1

An asterisk (*) identifies a word or phrase defined in the terminology rule, rule 1.0.1.

Prof. Conduct, Rule 3.3, CA ST RPC Rule 3.3

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California Rules of Professional Conduct (Refs & Annos)

Chapter 3. Advocate

Prof. Conduct, Rule 3.4

Formerly cited as CA ST RPC Rule 5-200; CA ST RPC Rule 5-220; CA ST RPC Rule 5-310

Rule 3.4. Fairness to Opposing Party and Counsel

Currentness

A lawyer shall not:

(a) unlawfully obstruct another party's access to evidence, including a witness, or unlawfully alter, destroy or conceal a document or other material having potential evidentiary value. A lawyer shall not counsel or assist another person¹ to do any such act;

(b) suppress any evidence that the lawyer or the lawyer's client has a legal obligation to reveal or to produce;

(c) falsify evidence, counsel or assist a witness to testify falsely, or offer an inducement to a witness that is prohibited by law;

(d) directly or indirectly pay, offer to pay, or acquiesce in the payment of compensation to a witness contingent upon the content of the witness's testimony or the outcome of the case. Except where prohibited by law, a lawyer may advance, guarantee, or acquiesce in the payment of:

(1) expenses reasonably* incurred by a witness in attending or testifying;

(2) reasonable* compensation to a witness for loss of time in attending or testifying; or

(3) a reasonable* fee for the professional services of an expert witness;

(e) advise or directly or indirectly cause a person* to secrete himself or herself or to leave the jurisdiction of a tribunal* for the purpose of making that person* unavailable as a witness therein;

(f) knowingly* disobey an obligation under the rules of a tribunal* except for an open refusal based on an assertion that no valid obligation exists; or

(g) in trial, assert personal knowledge of facts in issue except when testifying as a witness, or state a personal opinion as to the guilt or innocence of an accused.

Credits

(Adopted, eff. Nov. 1, 2018.)

Editors' Notes

COMMENT

[1] Paragraph (a) applies to evidentiary material generally, including computerized information. It is a criminal offense to destroy material for purpose of impairing its availability in a pending proceeding or one whose commencement can be foreseen. (See, e.g., Pen. Code, § 135; 18 U.S.C. §§ 1501-1520.) Falsifying evidence is also generally a criminal offense. (See, e.g., Pen. Code, § 132; 18 U.S.C. § 1519.) Applicable law may permit a lawyer to take temporary possession of physical evidence of client crimes for the purpose of conducting a limited examination that will not alter or destroy material characteristics of the evidence. Applicable law may require a lawyer to turn evidence over to the police or other prosecuting authorities, depending on the circumstances. (See *People v. Lee* (1970) 3 Cal.App.3d 514, 526 [83 Cal.Rptr. 715]; *People v. Meredith* (1981) 29 Cal.3d 682 [175 Cal.Rptr. 612].)

[2] A violation of a civil or criminal discovery rule or statute does not by itself establish a violation of this rule. See rule 3.8 for special disclosure responsibilities of a prosecutor.

Notes of Decisions (35)

Footnotes

1
An asterisk (*) identifies a word or phrase defined in the terminology rule, rule 1.0.1.

Prof. Conduct, Rule 3.4, CA ST RPC Rule 3.4

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California Rules of Professional Conduct (Refs & Annos)
Chapter 3. Advocate

Prof. Conduct, Rule 3.5
Formerly cited as CA ST RPC Rule 5-300; CA ST RPC Rule 5-320
Rule 3.5. Contact With Judges, Officials, Employees, and Jurors

Currentness

(a) Except as permitted by statute, an applicable code of judicial ethics or code of judicial conduct, or standards governing employees of a tribunal,¹ a lawyer shall not directly or indirectly give or lend anything of value to a judge, official, or employee of a tribunal.* This rule does not prohibit a lawyer from contributing to the campaign fund of a judge or judicial officer running for election or confirmation pursuant to applicable law pertaining to such contributions.

(b) Unless permitted to do so by law, an applicable code of judicial ethics or code of judicial conduct, a rule or ruling of a tribunal,* or a court order, a lawyer shall not directly or indirectly communicate with or argue to a judge or judicial officer upon the merits of a contested matter pending before the judge or judicial officer, except:

- (1) in open court;
- (2) with the consent of all other counsel and any unrepresented parties in the matter;
- (3) in the presence of all other counsel and any unrepresented parties in the matter;
- (4) in writing* with a copy thereof furnished to all other counsel and any unrepresented parties in the matter; or
- (5) in ex parte matters.

(c) As used in this rule, "judge" and "judicial officer" shall also include: (i) administrative law judges; (ii) neutral arbitrators; (iii) State Bar Court judges; (iv) members of an administrative body acting in an adjudicative capacity; and (v) law clerks, research attorneys, or other court personnel who participate in the decision-making process, including referees, special masters, or other persons* to whom a court refers one or more issues and whose decision or recommendation can be binding

on the parties if approved by the court.

(d) A lawyer connected with a case shall not communicate directly or indirectly with anyone the lawyer knows* to be a member of the venire from which the jury will be selected for trial of that case.

(e) During trial, a lawyer connected with the case shall not communicate directly or indirectly with any juror.

(f) During trial, a lawyer who is not connected with the case shall not communicate directly or indirectly concerning the case with anyone the lawyer knows* is a juror in the case.

(g) After discharge of the jury from further consideration of a case a lawyer shall not communicate directly or indirectly with a juror if:

(1) the communication is prohibited by law or court order;

(2) the juror has made known* to the lawyer a desire not to communicate; or

(3) the communication involves misrepresentation, coercion, or duress, or is intended to harass or embarrass the juror or to influence the juror's actions in future jury service.

(h) A lawyer shall not directly or indirectly conduct an out of court investigation of a person* who is either a member of a venire or a juror in a manner likely to influence the state of mind of such person* in connection with present or future jury service.

(i) All restrictions imposed by this rule also apply to communications with, or investigations of, members of the family of a person* who is either a member of a venire or a juror.

(j) A lawyer shall reveal promptly to the court improper conduct by a person* who is either a member of a venire or a juror, or by another toward a person* who is either a member of a venire or a juror or a member of his or her family, of which the lawyer has knowledge.

(k) This rule does not prohibit a lawyer from communicating with persons* who are members of a venire or jurors as a part of the official proceedings.

(f) For purposes of this rule, “juror” means any empaneled, discharged, or excused juror.

Credits

(Adopted, eff. Nov. 1, 2018.)

Editors’ Notes

COMMENT

[1] An applicable code of judicial ethics or code of judicial conduct under this rule includes the California Code of Judicial Ethics and the Code of Conduct for United States Judges. Regarding employees of a tribunal* not subject to judicial ethics or conduct codes, applicable standards include the Code of Ethics for the Court Employees of California and 5 United States Code section 7353 (Gifts to Federal employees). The statutes applicable to adjudicatory proceedings of state agencies generally are contained in the Administrative Procedure Act (Gov. Code, § 11340 et seq.; see Gov. Code, § 11370 [listing statutes with the act].) State and local agencies also may adopt their own regulations and rules governing communications with members or employees of a tribunal.*

[2] For guidance on permissible communications with a juror in a criminal action after discharge of the jury, see Code of Civil Procedure section 206.

[3] It is improper for a lawyer to communicate with a juror who has been removed, discharged, or excused from an empaneled jury, regardless of whether notice is given to other counsel, until such time as the entire jury has been discharged from further service or unless the communication is part of the official proceedings of the case.

Notes of Decisions (9)

Footnotes

1

An asterisk (*) identifies a word or phrase defined in the terminology rule, rule 1.0.1.

Prof. Conduct, Rule 3.5, CA ST RPC Rule 3.5

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APPENDIX I
STANDARDS OF PROFESSIONAL CONDUCT
PREAMBLE

This rule has been adopted to foster orderly proceedings and respect for the Constitution, state laws, and the court as an institution. Its provisions apply unless an individual judge orders otherwise.

A. OPENING OF COURT

1. As each morning session begins the bailiff shall require all present to rise, then say the following words in a clear and dignified tone:

"In the presence of the flag of our country, emblem of the Constitution, and remembering the principles for which it stands, the Superior Court for the County of Ventura is now in session. The Honorable, judge presiding."

2. Upon opening court following a recess the bailiff shall proceed as directed by each judge.

B. ATTORNEYS SHOULD:

1. Pursuant to Business and Professions Code §6068(b), "maintain the respect due to the courts of justice and judicial officers".

2. Be familiar with these guidelines as well as other applicable statutes and rules of conduct, ethics, and professionalism.

3. Inform their clients and witnesses, as well as associates and family members of clients and witnesses, of all applicable rules and guidelines for behavior in and around the courtroom, and in relation to other parties, witnesses, and jurors.

C. ATTORNEYS ADDRESSING THE COURT:

1. Should address or refer to the court as "your honor" or "the court" rather than as "you" or "judge".

2. Should stand, except during an objection or other brief statement, and should speak from behind a counsel table or lectern.

3. Should not interrupt the court unless absolutely necessary to protect a client's rights.

4. Should accept a ruling without visible reaction, comment, or further argument unless upon request the court has reopened argument.

5. After a ruling in front of a jury, may request to approach the bench for clarification, but should not ask the court to explain its ruling in front of the jury.

D. WHEN MAKING AN OBJECTION, ATTORNEYS SHOULD:

1. Only state the legal ground unless further comment is allowed by the court.

2. Address the court, not opposing counsel or a witness.

3. Not interrupt a question unless necessary to protect a client's rights or the partial question is patently objectionable.

E. ATTORNEYS SPEAKING TO THE JURY SHOULD NOT:

1. Crowd the jury box or address the jury in a loud or undignified manner.

2. Exhibit familiarity with jurors or address them by name, except during jury selection or a mid-trial inquiry of a juror.

F. WITH REFERENCE TO WITNESSES, PARTIES AND OTHER ATTORNEYS, ATTORNEYS SHOULD:

1. Not exhibit familiarity or, except as to young children, use first names.

2. Question from behind counsel table or a lectern unless the court has given permission to approach a witness.

3. Inform their witnesses of any court ruling or order affecting the witness's testimony or conduct.

4. Advise their witnesses to be responsive to questions, but to refrain from answering when an objection is made.

5. Not admonish a testifying witness as to the manner of answering questions, but should ask the court to do so.

6. Not, while questioning a witness, make editorial comments of approval or disapproval.

G. THE FOLLOWING SHOULD NOT TAKE PLACE IN THE PRESENCE OF THE JURY:

1. Arguments in support of or opposition to an objection.

2. Offers of proof.

3. Offers to stipulate which have not been previously agreed upon between counsel.

4. Discovery requests.

H. PERSONS IN THE COURTROOM DURING COURT SESSIONS SHOULD NOT:

1. Dress in a manner that is offensive or distracting to others in attendance.

2. Eat, drink, chew gum, or read newspapers.

3. Converse in a distracting manner.

4. Visibly or audibly display approval or disapproval, agreement or disagreement with any testimony, ruling, or statement of the court, counsel, or a witness.

5. Traverse the area between the bench and counsel table, except with approval of the court.

I. EXHIBITS:

1. Should be pre-marked and, if applicable, set up in advance of their use in trial whenever possible, unless expected in good faith to be used for impeachment. ○
2. Should be shown to the opposing party before their first use in trial.
3. Should be briefly identified by the proponent upon the first reference in trial, but the contents shall not be described.
4. Should, once marked and when not in use in trial, remain in the possession of the court clerk unless the court directs otherwise.
5. Which are in evidence and which the court has permitted to be shown to the jurors, should be handed to the jurors through the bailiff.

(Revised eff. January 1, 1999) ○