

1       **Rule 14-301. Standards of Professionalism and Civility.**

2       **Preamble**

3       A lawyer's conduct should be characterized at all times by personal courtesy and professional  
4 integrity in the fullest sense of those terms. In fulfilling a duty to represent a client vigorously as lawyers,  
5 we must be mindful of our obligations to the administration of justice, which is a truth-seeking process  
6 designed to resolve human and societal problems in a rational, peaceful, and efficient manner. We must  
7 remain committed to the rule of law as the foundation for a just and peaceful society.

8       Conduct that may be characterized as uncivil, abrasive, abusive, hostile, or obstructive impedes the  
9 fundamental goal of resolving disputes rationally, peacefully, and efficiently. Such conduct tends to delay  
10 and often to deny justice.

11       Lawyers should exhibit courtesy, candor and cooperation in dealing with the public and participating  
12 in the legal system. The following standards are designed to encourage lawyers to meet their obligations  
13 to each other, to litigants and to the system of justice, and thereby achieve the twin goals of civility and  
14 professionalism, both of which are hallmarks of a learned profession dedicated to public service.

15       Lawyers should educate themselves on the potential impact of using digital communications and  
16 social media, including the possibility that communications intended to be private may be republished or  
17 misused. Lawyers should understand that digital communications in some circumstances may have a  
18 widespread and lasting impact on their clients, themselves, other lawyers, and the judicial system.

19       We expect judges and lawyers will make mutual and firm commitments to these standards.  
20 Adherence is expected as part of a commitment by all participants to improve the administration of justice  
21 throughout this State. We further expect lawyers to educate their clients regarding these standards and  
22 judges to reinforce this whenever clients are present in the courtroom by making it clear that such tactics  
23 may hurt the client's case.

24       Although for ease of usage the term "court" is used throughout, these standards should be followed  
25 by all judges and lawyers in all interactions with each other and in any proceedings in this State. Copies  
26 may be made available to clients to reinforce our obligation to maintain and foster these standards.  
27 Nothing in these standards supersedes or detracts from existing disciplinary codes or standards of  
28 conduct.

29       Finally, the term "standard" has historically pointed to the aspirational nature of this rule. But Rule  
30 8.4(h) now makes the provisions of this rule mandatory for all lawyers.

31       *Cross-References: R. Prof. Cond. Preamble [1], [13]; ; R. Prof. Cond.8.4(h); R. Civ. P. 1; R. Civ. P.*  
32 *65B(b)(5); R. Crim. P. 1(b); R. Juv. P. 1(b); R. Third District Court 10-1-306; Fed. R. Civ. P. 1; DUCivR*  
33 *83-1.1(g).*

34       1. Lawyers shall advance the legitimate interests of their clients, without reflecting any ill-will that  
35 clients may have for their adversaries, even if called upon to do so by another. Instead, lawyers shall treat  
36 all other counsel, parties, judges, witnesses, and other participants in all proceedings in a courteous and  
37 dignified manner.

38 **Comment:** Lawyers should maintain the dignity and decorum of judicial and administrative  
39 proceedings, as well as the esteem of the legal profession. Respect for the court includes lawyers' dress  
40 and conduct. When appearing in court, lawyers should dress professionally, use appropriate language,  
41 and maintain a professional demeanor. In addition, lawyers should advise clients and witnesses about  
42 proper courtroom decorum, including proper dress and language, and should, to the best of their ability,  
43 prevent clients and witnesses from creating distractions or disruption in the courtroom.

44 The need for dignity and professionalism extends beyond the courtroom. Lawyers are expected to  
45 refrain from inappropriate language, maliciousness, or insulting behavior in depositions, meetings with  
46 opposing counsel and clients, telephone calls, email, and other exchanges. They should use their best  
47 efforts to instruct their clients and witnesses to do the same.

48 *Cross-References: R. Prof. Cond. 1.4; R. Prof. Cond. 1.16(a)(1); R. Prof. Cond. 2.1; R. Prof. Cond.*  
49 *3.1; R. Prof. Cond. 3.2; R. Prof. Cond. 3.3(a)(1); R. Prof. Cond. 3.4; R. Prof. Cond. 3.5(d); R. Prof. Cond.*  
50 *3.8; R. Prof. Cond. 3.9; R. Prof. Cond. 4.1(a); R. Prof. Cond. 4.4(a); R. Prof. Cond. 8.4(d); R. Civ. P.*  
51 *10(h); R. Civ. P. 12(f); R. App. P. 24(k); R. Crim. P. 33(a); Fed. R. Civ. P. 12(f).*

52 2. Lawyers shall advise their clients that civility, courtesy, and fair dealing are expected. They are  
53 tools for effective advocacy and not signs of weakness. Clients have no right to demand that lawyers  
54 abuse anyone or engage in any offensive or improper conduct.

55 *Cross-References: R. Prof. Cond. Preamble [5]; R. Prof. Cond. 1.2(a); R. Prof. Cond. 1.2(d); R. Prof.*  
56 *Cond. 1.4(a)(5).*

57 3. Lawyers shall not, without an adequate factual basis, attribute to other counsel or the court  
58 improper motives, purpose, or conduct. Neither written submissions nor oral presentations shall  
59 disparage the integrity, intelligence, morals, ethics, or personal behavior of any person unless such  
60 matters are directly relevant under controlling substantive law.

61 Lawyers ~~should~~ shall avoid hostile, demeaning, ~~or humiliating, or discriminatory conduct in law-~~  
62 related activities words in written and oral communications with adversaries. Neither written submissions  
63 nor oral presentations should disparage the integrity, intelligence, morals, ethics, or personal behavior of  
64 an adversary unless such matters are directly relevant under controlling substantive law. Discriminatory  
65 conduct includes all discrimination against protected classes as those classes are enumerated in the  
66 Utah Antidiscrimination Act of 1965, Utah Code section 34A-5-106(1)(a), and federal statutes, as  
67 amended from time to time.

68 **Comment:** Lawyers should refrain from expressing scorn, superiority, or disrespect. Legal process  
69 should not be issued merely to annoy, humiliate, intimidate, or harass. Special care should be taken to  
70 protect witnesses, especially those who are disabled or under the age of 18, from harassment or undue  
71 contention. Lawyers should refrain from acting upon or manifesting bigotry, discrimination, or prejudice  
72 toward any person in the legal process, even if a client requests it.

73 Law-related activities include, but are not limited to, settlement negotiations; depositions; mediations;  
74 court appearances; CLE's; events sponsored by the Bar, Bar sections, or Bar associations; and firm  
75 parties.

76 ~~Hostile, demeaning, and humiliating communications include all expressions of discrimination on the~~  
77 ~~basis of race, religion, gender, sexual orientation, age, handicap, veteran status, or national origin, or~~  
78 ~~casting aspersions on physical traits or appearance. Lawyers should refrain from acting upon or~~  
79 ~~manifesting bigotry, discrimination, or prejudice toward any participant in the legal process, even if a client~~  
80 ~~requests it. Lawyers should refrain from expressing scorn, superiority, or disrespect. Legal process should~~  
81 ~~not be issued merely to annoy, humiliate, intimidate, or harass. Special care should be taken to protect~~  
82 ~~witnesses, especially those who are disabled or under the age of 18, from harassment or undue~~  
83 ~~contention.~~

84 *Cross-References: R. Prof. Cond. Preamble [5]; R. Prof. Cond. 3.1; R. Prof. Cond. 3.5; R. Prof. Cond.*  
85 *8.4; R. Civ. P. 10(h); R. Civ. P. 12(f); R. App. P. 24(k); R. Crim. P. 33(a); Fed. R. Civ. P. 12(f).*

86 4. Lawyers shall never knowingly attribute to other counsel a position or claim that counsel has not  
87 taken or seek to create such an unjustified inference or otherwise seek to create a "record" that has not  
88 occurred.

89 *Cross-References: R. Prof. Cond. 3.1; R. Prof. Cond. 3.3(a)(1); R. Prof. Cond. 3.5(a); R. Prof. Cond.*  
90 *8.4(c); R. Prof. Cond. 8.4(d).*

91 5. Lawyers shall not lightly seek sanctions and will never seek sanctions against or disqualification of  
92 another lawyer for any improper purpose.

93 *Cross-References: R. Prof. Cond. 3.1; R. Prof. Cond. 3.2; R. Prof. Cond. 8.4(c); R. Prof. Cond. 8.4(d);*  
94 *R. Civ. P. 11(c); R. Civ. P. 16(d); R. Civ. P. 37(a); Fed. R. Civ. P. 11(c)(2).*

95 6. Lawyers shall adhere to their express promises and agreements, oral or written, and to all  
96 commitments reasonably implied by the circumstances or by local custom.

97 *Cross-References: R. Prof. Cond. 1.1; R. Prof. Cond. 1.3; R. Prof. Cond. 1.4(a), (b); R. Prof. Cond.*  
98 *1.6(a); R. Prof. Cond. 1.9; R. Prof. Cond. 1.13(a), (b); R. Prof. Cond. 1.14; R. Prof. Cond. 1.15; R. Prof.*  
99 *Cond. 1.16(d); R. Prof. Cond. 1.18(b), (c); R. Prof. Cond. 2.1; R. Prof. Cond. 3.2; R. Prof. Cond. 3.3; R.*  
100 *Prof. Cond. 3.4(c); R. Prof. Cond. 3.8; R. Prof. Cond. 5.1; R. Prof. Cond. 5.3; R. Prof. Cond. 8.3(a), (b); R.*  
101 *Prof. Cond. 8.4(c); R. Prof. Cond. 8.4(d).*

102 7. When committing oral understandings to writing, lawyers shall do so accurately and completely.  
103 They shall provide other counsel a copy for review, and never include substantive matters upon which  
104 there has been no agreement, without explicitly advising other counsel. As drafts are exchanged, lawyers  
105 shall bring to the attention of other counsel changes from prior drafts.

106 **Comment:** When providing other counsel with a copy of any negotiated document for review, a  
107 lawyer should not make changes to the written document in a manner calculated to cause the opposing  
108 party or counsel to overlook or fail to appreciate the changes. Changes should be clearly and accurately  
109 identified in the draft or otherwise explicitly brought to the attention of other counsel. Lawyers should be

110 sensitive to, and accommodating of, other lawyers' inability to make full use of technology and should  
111 provide hard copy drafts when requested and a redline copy, if available.

112 *Cross-References: R. Prof. Cond. 3.4(a); R. Prof. Cond. 4.1(a); R. Prof. Cond. 8.4(c); R. Prof. Cond.*  
113 *8.4(d); R. App. P. 11(f).*

114 8. When permitted or required by court rule or otherwise, lawyers shall draft orders that accurately  
115 and completely reflect the court's ruling. Lawyers shall promptly prepare and submit proposed orders to  
116 other counsel and attempt to reconcile any differences before the proposed orders and any objections are  
117 presented to the court.

118 *Cross-References: R. Prof. Cond. 3.2; R. Prof. Cond. 8.4; R. Civ. P. 7(f); R. Third District Court 10-1-*  
119 *306(6).*

120 9. Lawyers shall not hold out the potential of settlement for the purpose of foreclosing discovery,  
121 delaying trial, or obtaining other unfair advantage, and lawyers shall timely respond to any offer of  
122 settlement or inform opposing counsel that a response has not been authorized by the client.

123 *Cross-References: R. Prof. Cond. 3.2; R. Prof. Cond. 3.4(a); R. Prof. Cond. 4.1(a); R. Prof. Cond.*  
124 *8.4(c); R. Prof. Cond. 8.4(d).*

125 10. Lawyers shall make good faith efforts to resolve by stipulation undisputed relevant matters,  
126 particularly when it is obvious such matters can be proven, unless there is a sound advocacy basis for not  
127 doing so.

128 *Cross-References: R. Prof. Cond. 3.1; R. Prof. Cond. 3.2; R. Prof. Cond. 3.4(d); R. Prof. Cond.*  
129 *8.4(d); R. Third District Court 10-1-306 (1)(A); Fed. R. Civ. P. 16(2)(C).*

130 11. Lawyers shall avoid impermissible ex parte communications.

131 *Cross-References: R. Prof. Cond. 1.2; R. Prof. Cond. 2.2; R. Prof. Cond. 2.9; R. Prof. Cond. 3.5; R.*  
132 *Prof. Cond. 5.1; R. Prof. Cond. 5.3; R. Prof. Cond. 8.4(a); R. Prof. Cond. 8.4(d); R. Civ. P. 77(b); R. Juv.*  
133 *P. 2.9(A); Fed. R. Civ. P. 77(b).*

134 12. Lawyers shall not send the court or its staff correspondence between counsel, unless such  
135 correspondence is relevant to an issue currently pending before the court and the proper evidentiary  
136 foundations are met or as such correspondence is specifically invited by the court.

137 *Cross-References: R. Prof. Cond. 3.5(a); R. Prof. Cond. 3.5(b); R. Prof. Cond. 5.1; R. Prof. Cond.*  
138 *5.3; R. Prof. Cond. 8.4(a); R. Prof. Cond. 8.4(d).*

139 13. Lawyers shall not knowingly file or serve motions, pleadings or other papers at a time calculated  
140 to unfairly limit other counsel's opportunity to respond or to take other unfair advantage of an opponent, or  
141 in a manner intended to take advantage of another lawyer's unavailability.

142 *Cross-References: R. Prof. Cond. 8.4(c); R. Juv. P. 19.*

143 14. Lawyers shall advise their clients that they reserve the right to determine whether to grant  
144 accommodations to other counsel in all matters not directly affecting the merits of the cause or prejudicing  
145 the client's rights, such as extensions of time, continuances, adjournments, and admissions of facts.  
146 Lawyers shall agree to reasonable requests for extension of time and waiver of procedural formalities

147 when doing so will not adversely affect their clients' legitimate rights. Lawyers shall never request an  
148 extension of time solely for the purpose of delay or to obtain a tactical advantage.

149 **Comment:** Lawyers should not evade communication with other counsel, should promptly  
150 acknowledge receipt of any communication, and should respond as soon as reasonably possible.  
151 Lawyers should only use data-transmission technologies as an efficient means of communication and not  
152 to obtain an unfair tactical advantage. Lawyers should be willing to grant accommodations where the use  
153 of technology is concerned, including honoring reasonable requests to retransmit materials or to provide  
154 hard copies.

155 Lawyers should not request inappropriate extensions of time or serve papers at times or places  
156 calculated to embarrass or take advantage of an adversary.

157 *Cross-References: R. Prof. Cond. 1.2(a); R. Prof. Cond. 2.1; R. Prof. Cond. 3.2; R. Prof. Cond. 8.4;*  
158 *R. Juv. P. 54.*

159 15. Lawyers shall endeavor to consult with other counsel so that depositions, hearings, and  
160 conferences are scheduled at mutually convenient times. Lawyers shall never request a scheduling  
161 change for tactical or unfair purpose. If a scheduling change becomes necessary, lawyers shall notify  
162 other counsel and the court immediately. If other counsel requires a scheduling change, lawyers shall  
163 cooperate in making any reasonable adjustments.

164 **Comment:** When scheduling and attending depositions, hearings, or conferences, lawyers should be  
165 respectful and considerate of clients' and adversaries' time, schedules, and commitments to others. This  
166 includes arriving punctually for scheduled appointments. Lawyers should arrive sufficiently in advance of  
167 trials, hearings, meetings, depositions, and other scheduled events to be prepared to commence on time.  
168 Lawyers should also advise clients and witnesses concerning the need to be punctual and prepared.  
169 Lawyers who will be late for a scheduled appointment or are aware that another participant will be late,  
170 should notify the court, if applicable, and all other participants as soon as possible.

171 *Cross-References: R. Prof. Cond. 3.2; R. Prof. Cond. 3.4; R. Prof. Cond. 5.1; R. Prof. Cond. 8.4(a);*  
172 *R. Juv. P. 20; R. Juv. P. 20A.*

173 16. Lawyers shall not cause the entry of a default without first notifying other counsel whose identity is  
174 known, unless their clients' legitimate rights could be adversely affected.

175 *Cross-References: R. Prof. Cond. 8.4; R. Civ. P. 55(a); Fed. R. Civ. P. 55(b)(2).*

176 17. Lawyers shall not use or oppose discovery for the purpose of harassment or to burden an  
177 opponent with increased litigation expense. Lawyers shall not object to discovery or inappropriately assert  
178 a privilege for the purpose of withholding or delaying the disclosure of relevant and non-protected  
179 information.

180 *Cross-References: R. Prof. Cond. 3.1; R. Prof. Cond. 3.2; R. Prof. Cond. 3.4; R. Prof. Cond. 4.1; R.*  
181 *Prof. Cond. 4.4(a); R. Prof. Cond. 8.4; R. Civ. P. 26(b)(1); R. Civ. P. 26(b)(8)(A); R. Civ. P. 37(a)(1)(A),*  
182 *(D); R. Civ. P. 37(c); R. Crim. P. 16(b); R. Crim. P. 16(c); R. Crim. P. 16(d); R. Crim. P. 16(e); R. Juv. P.*  
183 *20; R. Juv. P. 20A; R. Juv. P. 27(b); Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 26(g)(1)(B)(ii), (iii).*

184 18. During depositions lawyers shall not attempt to obstruct the interrogator or object to questions  
185 unless reasonably intended to preserve an objection or protect a privilege for resolution by the court.  
186 "Speaking objections" designed to coach a witness are impermissible. During depositions or conferences,  
187 lawyers shall engage only in conduct that would be appropriate in the presence of a judge.

188 *Cross-References: R. Prof. Cond. 3.2; R. Prof. Cond. 3.3(a)(1); R. Prof. Cond. 3.4; R. Prof. Cond.*  
189 *3.5; R. Prof. Cond. 8.4; R. Civ. P. 30(c)(2); R. Juv. P. 20; R. Juv. P. 20A; Fed. R. Civ. P. 30(c)(2); Fed. R.*  
190 *Civ. P. 30(d)(2); Fed. R. Civ. P. 30(d)(3)(A).*

191 19. In responding to document requests and interrogatories, lawyers shall not interpret them in an  
192 artificially restrictive manner so as to avoid disclosure of relevant and non-protected documents or  
193 information, nor shall they produce documents in a manner designed to obscure their source, create  
194 confusion, or hide the existence of particular documents.

195 *Cross-References: R. Prof. Cond. 3.2; R. Prof. Cond. 3.4; R. Prof. Cond. 8.4; R. Prof. Cond. 3.4; R.*  
196 *Civ. P. 26(b)(1); R. Civ. P. 37; R. Crim. P. 16(a); R. Juv. P. 20; R. Juv. P. 20A; Fed. R. Civ. P. 37(a)(4).*

197 20. Lawyers shall not authorize or encourage their clients or anyone under their direction or  
198 supervision to engage in conduct proscribed by these Standards.

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200 Adopted by Supreme Court order October 16, 2003.

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