

ALLEGHENY COUNTY BAR ASSOCIATION CODE OF PROFESSIONALISM

PREAMBLE

The Bench and the Bar of Allegheny County, which include the members of the Allegheny County Bar Association, pride themselves on the high level of professionalism that they accord to one another.

Professionalism encompasses many qualities such as honor and integrity, and is essential to the profession of law.

The Allegheny County Bar Association recognizes the importance of maintaining professionalism and collegiality among members of the Bench and Bar, and the overwhelming need to mentor new attorneys in the principles of professionalism.

The Allegheny County Bar Association promulgates this Code of Professionalism ("Code") to set forth principles by which all members of the Bench and Bar should measure their communications and conduct. The Code should be considered aspirational and subject to revision and enhancement to meet the ever-changing needs of the profession.

The Allegheny County Bar Association recognizes that this Code must be applied in keeping with the duties of loyalty and zealous advocacy a lawyer has to his or her client. Although not every lawyer will agree with every provision of this Code, these provisions are designed to best preserve and enhance the high level of professionalism we have come to expect from lawyers practicing in Allegheny County.

DISCLAIMER

The guidelines contained in this Code are not intended to create new civil causes of action. Nothing in this Code should be deemed to create, augment, diminish, supersede, or eliminate any substantive legal duty of lawyers or existing disciplinary codes. Consequently, while this Code is not a set of legal rules or regulations that could be enforced in a court of law, it is designed to be a reference for attorneys who practice in Allegheny County.

I. DIVERSITY AND PROHIBITIONS ON DISCRIMINATION

- A. A lawyer should strive for equal opportunity for members and prospective members of the legal profession and understand that there is no place in the profession for any form of bigotry, discrimination, or prejudice.
- B. A lawyer should understand that the best interests of the profession and the clients that he or she serves depend, in substantial part, on the judgments and divergent experiences of lawyers that are drawn from a diverse pool of individuals.
- C. A lawyer should strive for the full and equal participation of lawyers of all races, colors, ages, religions, genders, minorities, and national origins, lawyers with disabilities, and those with differing sexual orientations or gender identities, and individuals in any other groups historically disenfranchised.

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- D. Every lawyer should have an equal opportunity to succeed in the profession and be compensated according to his or her abilities, without regard to that person's race, color, age, religion, gender, status as a minority, national origin, disability, sexual orientation, gender identity, or as a member of any other group historically disenfranchised.
- E. A lawyer should refrain from engaging in conduct that exhibits or is intended to appeal to or engender bias against a person on the basis of that person's race, color, age, religion, gender, status as a minority, national origin, disability, sexual orientation, gender identity, or as a member of any other group historically disenfranchised, whether that bias is directed to clients, prospective clients, other counsel, court personnel, witnesses, parties, jurors, judges, judicial officers, or any other participants in the legal process.

II. INTERACTING AND COMMUNICATING WITH OTHERS

A. General Guidelines of Courtesy

- 1. Professionally and personally, a lawyer should
 - a. be courteous, civil, and respectful toward the court, other counsel, parties, and witnesses;
 - b. demonstrate integrity and fair play with the awareness that his or her conduct reflects on the image of the Bench and Bar and the system of justice; and
 - c. convey to clients that these qualities are a professional responsibility entirely compatible with vigorous advocacy and zealous representation.
- 2. A lawyer should seek to enhance and protect a positive public perception of the legal profession.
- 3. Professional courtesy in matters of scheduling should be extended to all counsel when consistent with the best interests of the client.
- 4. A lawyer should respect the commitments of others by being on time and prepared for all meetings, conferences, and proceedings, and should promptly notify all concerned when the lawyer will be unavoidably late.

B. Means of Communication

- 1. A lawyer should refrain from utilizing a particular method of communication so as to circumvent the recipient's likelihood of receiving the communication, receiving the communication in a timely manner, or shortening the recipient's time to respond.
- 2. A lawyer is encouraged to discuss and reach an agreement with a client, as well as other lawyers if applicable, about the preferable means of communication, consistent with any applicable rules of court.

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C. Interactions and Communications

1. Clear and effective communications with a client or prospective client should be of the utmost importance.
2. A lawyer should speak and write in a clear, civil, respectful, and truthful manner in all communications with the judiciary, judicial personnel, public officials, other lawyers, clients, other parties and unrepresented individuals, regardless of the means of communication utilized.
3. A lawyer should be guided in comments about the judiciary, opposing counsel, other lawyers, or the members of other professions, and in the methods and contents of any advertising, by the desire to enhance and protect a positive public perception of the legal profession.
4. In all communications, lawyers should avoid disparaging remarks and acrimony or any conduct designed to intentionally embarrass or personally criticize another.
5. A lawyer should cooperate with opposing counsel, insofar as such cooperation is consistent with the client's best interests.
6. A lawyer should not create a false or misleading record of events, or attribute to an opposing counsel a position not taken.

III. AGREEMENTS WITH OTHERS

- A. A lawyer's word should be his or her bond.
- B. A lawyer should adhere strictly to all express promises to and agreements with opposing counsel, whether oral or written.
- C. A lawyer should
 1. endeavor in good faith to state and draft any understanding accurately and completely when drafting into writing;
 2. provide the opportunity for review of the writing to other counsel; and
 3. not include matters to which there has been no agreement without explicitly advising other counsel in writing of the addition.
- D. A lawyer should inform opposing counsel and others of any circumstances that prevent him or her from honoring a commitment previously made.

IV. PRO BONO

- A. A lawyer should
 1. provide pro bono or reduced fee services for the disadvantaged where appropriate;
 2. contribute time on a pro bono basis to community activities; and

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3. become actively involved in organized activities designed to improve the courts, the legal system, and the legal profession.

V. PROFESSIONALISM OF A LAWYER ACTING AS A MENTOR

A lawyer should strive to guide lawyers who are new to the profession in a manner that fosters the principles set forth in this Code and should mentor them in its application.

VI. PROFESSIONALISM WITH REGARD TO CONTINUING LEGAL EDUCATION

- A. A lawyer has a responsibility to
 1. maintain a high level of competence with regard to the general practice of law, as well as in his or her area of practice, by attending continuing legal education (“CLE”) seminars; and
 2. share his or her proficiency in the capacity of a course planner and/or presenter of a CLE seminar to the extent that he or she has established a level of expertise in a specific area of law.