



## KCMBA Principles of Civility

**Preamble:** To promote a high level of professionalism, courtesy and to improve professional relationships within and throughout the Kansas City metropolitan legal community, the Kansas City Metropolitan Bar Association hereby adopts the following Principles of Civility. Lawyers acting with civility are more effective and achieve better outcomes, build better reputations, and foster respect and professionalism, which breeds job satisfaction. Incivility makes cases more difficult to resolve, increases costs, wastes time and resources, and undermines public confidence in the legal system. Thus, we not only encourage, but promote civility amongst our adversaries and as advocates, and agree to abide by the following Principles of Civility.

- I. **Civility and professionalism is essential to the operation of our legal system, and this goal can only be achieved when all participants, (lawyers, judges, court personnel, litigants, etc.) adhere to the principles of civility and professionalism.**
- II. **Communicate professionally and respectfully.**

**Comment:** Consideration should be given to the nature and tone of all communication including traditional phone calls and written letters, as well as electronic media including emails, texts, and social media outlets. Direct and open communication serves to narrow issues to be litigated and reduces the time and resources required to resolve a matter. Lawyers should refrain from disrespectful communications or disparaging personal remarks. Lawyers should refrain from creating an unnecessary sense of urgency for response; however, inquiries and communications should be made promptly as a matter of professional courtesy. Unless permitted or invited by the court, communications between lawyers should not be sent to the court.

- III. **Never knowingly deceive another.**

**Comment:** This Principle is not intended to restrict aggressive expression of opinions helpful to a client but is directed against affirmative misrepresentations by lawyers or their staff to others while representing the interests of a client. This Principle does not suggest any obligation (separate from that imposed by existing ethical canons, laws or discovery rules) for disclosure.

- IV. **Honor promises and commitments.**

**Committee Comment:** This Principle seeks to avoid a cavalier attitude toward breaking commitments without good cause. A lawyer's word is a bond on which others rightfully rely.

**V. Respect others' time, schedule, and resources.**

**Comment:** Lawyers should work cooperatively in scheduling all matters, considering the time commitments, schedule, resources, and well-being of themselves and opposing counsel, parties, the court, witnesses, and all others involved in the judicial process. Events requiring opposing counsel, including depositions, hearings, meetings, and conferences, should be scheduled by agreement of all interested persons whenever possible. Cooperative scheduling results in fewer conflicts and avoids unnecessary expenditures of time and expense. Lawyers and judges should be mindful that use of technology helps to reduce time, costs and resources expended.

**VI. Avoid unfounded and unreasonable attacks on lawyers and the judiciary.**

**Comment:** Lawyers are encouraged to defend and promote the legal system and the judiciary. Never file or threaten to file an ethical complaint, seek sanctions against or disqualification of an attorney or judge solely for the purpose of obtaining a tactical advantage or any other improper purpose. When motions for sanctions or disqualification are necessary, they should identify the prior reasonable attempts to confer and resolve the dispute at issue and be supported by sufficient evidence.

**VII. Respect the well-being of yourself and others.**

**Comment:** The legal profession is known to fall short when it comes to well-being. Studies have shown that an overwhelming number of lawyers and law students are experiencing chronic stress and high rates of depression and substance abuse. Well-being is an indispensable part of a lawyer's duty of competence and lawyers need to work toward increasing greater well-being in the profession. Lawyers should be mindful of and respect their own, and others', health and state of mind, as well as family obligations, including but not limited to parental leave [use family leave instead??], childcare, and life commitments.

**VIII. Refrain from conduct that manifests or causes prejudice or bias, implicit or explicit based on a person's attributes.**

**Comment:** Adherence to the principles of civility require lawyers and the judiciary to respect diversity in all forms and to uniformly honor these rules of civility without discrimination, bias, or prejudice, and with equal dignity. Biases, conscious and unconscious, manifest in many ways and have varying consequences. Bias occurs when we judge or treat others based upon often inaccurate, overly simplistic stereotypes and assumptions based upon a group they belong or a characteristic they possess, including race, national origin, ethnicity, sex, gender, gender identity, sexual orientation, religion, disability, age, marital status, socioeconomic status or political affiliation. Biases influence beliefs and behaviors, and when this translates to the legal profession it negatively affects interactions with colleagues, the judiciary, and the public, as well as the perception of our legal system. Recognizing that equal treatment and respect for diversity is essential for confidence in our legal system, lawyers and the judiciary shall make a deliberate effort to recognize and reduce the impact of their own biases, as well as the biases of others in the profession.