



The State Bar *of California*

The California Attorney Guidelines of Civility and Professionalism

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CALIFORNIA ATTORNEY GUIDELINES OF CIVILITY AND PROFESSIONALISM

INTRODUCTION

As officers of the court with responsibilities to the administration of justice, attorneys have an obligation to conduct themselves professionally in their interactions with clients, other parties and counsel, the courts, and the public. This obligation includes acting with civility, professional integrity, personal dignity, candor, diligence, respect, courtesy, and cooperation, all of which are essential to the fair administration of justice and effective dispute resolution.

The voluntary Civility Guidelines are offered to promote effective advocacy, enhance the practice of law, and contribute to efficient and economical client representation. The legal profession should strive for the highest standards of professionalism to strengthen public confidence in the legal system and enhance the administration of justice. Uncivil or unprofessional conduct not only disserves clients and those directly involved, but it also demeans the profession as a whole and our system of justice.

The Civility Guidelines promote aspirational standards of civility and professionalism that complement, and in many respects exceed, the minimum requirements established by the Rules of Professional Conduct. They are not intended to replace the Rules of Professional Conduct or any other rules or laws that govern attorney conduct, and they are not to be used as an independent basis for disciplinary charges by the State Bar or claims of professional negligence.

The Civility Guidelines are intended to complement professionalism and civility standards by courts, bar associations, law firms, and other legal organizations. The Guidelines are intended to apply to attorneys in every practice area. Attorneys are encouraged to follow both the spirit and letter of these Civility Guidelines, recognizing that professionalism and civility are fully consistent with the duty of zealous and effective client representation. The Civility Guidelines are intended to serve as a practical resource that attorneys may consult throughout their careers in exercising sound professional judgment.

These 2026 revisions preserve the structure and aspirational purpose of the first 2007 Civility Guidelines while modernizing the language, reflecting developments in legal practice and technology, and improving clarity and usability.

SECTION 1 RESPONSIBILITIES TO THE JUSTICE SYSTEM

The dignity, decorum, and courtesy that have traditionally characterized the courts and legal profession are not empty formalities. They are essential to an atmosphere that promotes justice and to an attorney's responsibility for the fair and impartial administration of justice.

SECTION 2

RESPONSIBILITIES TO THE PUBLIC AND THE PROFESSION

An attorney should be mindful that, as individual circumstances permit, the goals of the profession include improving the administration of justice and contributing time to persons and organizations that cannot afford legal assistance.

SECTION 3

RESPONSIBILITIES TO THE CLIENT AND CLIENT REPRESENTATION

An attorney should treat clients with courtesy and respect and represent them in a civil and professional manner. An attorney should advise current and potential clients that it is not acceptable for an attorney to engage in abusive behavior or other conduct unbecoming a licensee of the State Bar and an officer of the court.

As an officer of the court, an attorney should not allow clients to prevail upon the attorney to engage in uncivil behavior.

An attorney should not compromise the guidelines of civility and professionalism to achieve an advantage.

SECTION 4

COMMUNICATIONS ABOUT THE LEGAL SYSTEM

An attorney's communications about the legal system should at all times reflect civility, professional integrity, personal dignity, and respect for the legal system. An attorney should not engage in conduct that is unbecoming a licensee of the State Bar and an officer of the court.

For example, in communications about the legal system:

- a. An attorney's conduct should be consistent with high respect and esteem for the civil and criminal justice systems.
- b. This guideline does not prohibit an attorney's good faith expression of dissent or criticism made in public or private discussions for the purpose of improving the legal system or profession.
- c. An attorney should not disparage the intelligence, integrity, ethics, morals, or behavior of the court or other counsel, parties, or participants when those characteristics are not at issue.
- d. Respecting cultural diversity, an attorney should not disparage another's personal characteristics.
- e. An attorney should not make exaggerated, false, or misleading statements to the media or on social media while representing a party in a pending matter.

Nothing above shall be construed as discouraging the reporting of conduct that fails to comply with the Rules of Professional Conduct.

SECTION 5

COMMUNICATIONS TO AND REGARDING OTHER COUNSEL

An attorney's communications with other attorneys, including opposing counsel, should at all times be respectful, civil, and courteous, regardless of the method of communication. An attorney should also act in good faith in dealings with other counsel.

For example:

- a. An attorney should not employ abusive, demeaning, or humiliating language in communications with or about other attorneys.
- b. An attorney should adhere to all express promises and to agreements with other counsel, whether oral or in writing, and should adhere in good faith to all agreements implied by the circumstances or local customs.
- c. When attorneys reach an oral understanding on a proposed agreement or a stipulation and decide to commit it to writing, the drafter should endeavor in good faith to state the oral understanding accurately and completely. The drafter should provide the other counsel with the opportunity to review the writing.
- d. An attorney should not attribute to opposing counsel a position the attorney has not taken or create a false or misleading record of events. Communications intended only to create a record should be used sparingly and only when necessary, under the circumstances. Unless specifically permitted or invited by the court, communications between counsel should not be sent to the court.
- e. An attorney should agree to reasonable requests in the interests of efficiency and economy, including agreeing to a waiver of procedural formalities, accepting electronic copies of documents, or informally resolving routine procedural matters, where appropriate.

SECTION 6

PUNCTUALITY

An attorney should be punctual in appearing at trials, hearings, meetings, depositions, and other scheduled appearances.

For example:

- a. An attorney should arrive sufficiently in advance to resolve preliminary matters.

- b. An attorney should timely notify participants when the attorney will be late or is aware that a participant will be late.

SECTION 7

USING TECHNOLOGY IN LEGAL MATTERS

An attorney should use technology in a manner that promotes effective communication and minimizes unnecessary disruption. In remote proceedings, an attorney should take reasonable steps to ensure that the attorneys and others appearing with the attorney are prepared to participate effectively and understand that the expectations of professional conduct and courtroom decorum apply in a remote setting.

For example:

- a. An attorney should become familiar with the technology used for remote proceedings and take reasonable steps in advance to confirm that the attorney's equipment, internet connection, and other technology will support effective participation.
- b. An attorney should participate in a remote proceeding from a location and through a connection that, to the extent reasonably possible, allows the attorney and those appearing with the attorney to participate without unnecessary distraction or disruption.
- c. An attorney should establish an appropriate means of communicating with clients, other counsel, or self-represented parties during a remote proceeding when necessary to facilitate the proceeding or address technology issues.
- d. An attorney who becomes aware that another participant is unable to participate effectively because of a technology issue should promptly alert the court or other appropriate participants and make reasonable efforts to avoid proceeding to that person's disadvantage.
- e. An attorney should not communicate privately with a remote deposition witness while the witness is on the record through electronic or other means without disclosing the communication to the other participants and making it part of the record, as appropriate.
- f. An attorney should not use technology, including artificial intelligence, in a manner inconsistent with these Civility Guidelines.

SECTION 8

SCHEDULING, CONTINUANCES AND EXTENSIONS OF TIME

An attorney should advise clients that civility and courtesy in scheduling meetings, hearings, and discovery are expected as professional conduct. Consistent with existing law and court

orders, attorneys should make reasonable efforts to accommodate scheduling conflicts of opposing counsel, witnesses, and the court when doing so will not prejudice their clients.

For example:

- a. An attorney should consider the scheduling interests of the court, other counsel or parties, and other participants; schedule by agreement whenever possible; and send formal notice after agreement is reached.
- b. An attorney should not arbitrarily or unreasonably withhold consent to a reasonable request for a scheduling accommodation.
- c. An attorney should promptly notify the court and other counsel of problems with key participants' availability.
- d. An attorney should promptly notify other counsel and, if appropriate, the court, when scheduled meetings, hearings, or depositions must be cancelled or rescheduled and provide alternate dates when possible.
- e. An attorney should accommodate reasonable requests for remote or in-person appearances when permitted by the court and appropriate under the circumstances.

In considering requests for an extension of time, an attorney should consider the client's interests and need to promptly resolve matters, the schedules and willingness of others to grant reciprocal extensions, the time needed for a task, and other relevant factors.

For example:

- a. Unless time is of the essence, an attorney should agree to an extension without requiring motions or other formalities, regardless of whether the requesting counsel previously refused to grant an extension.
- b. An attorney should agree to an appropriate continuance when new counsel substitutes in.
- c. An attorney should advise clients that failing to agree with reasonable requests for time extensions is inappropriate.
- d. An attorney should not use extensions or continuances for harassment or to extend litigation.
- e. An attorney should place conditions on an agreement to an extension only if they are fair and essential or if the attorney is entitled to impose them, for instance to preserve rights or seek reciprocal scheduling concessions.

- f. If an attorney intends that a request for, or agreement to, an extension will limit a party's substantive rights or procedural options, the attorney should disclose that intent at the time of the request or agreement.

SECTION 9 SERVICE OF PAPERS

The timing and manner of service of papers should not be used to the disadvantage of the party receiving the papers.

For example:

- a. An attorney should serve papers on the attorney who is responsible for the matter at the attorney's principal place of work.
- b. If possible, papers should be served upon counsel at a time agreed upon in advance.
- c. When serving papers, an attorney should allow sufficient time for opposing counsel to prepare for a court appearance or to respond to the papers.
- d. An attorney should not time the service of papers to take advantage of an opponent's absence or to inconvenience the opponent, including by serving papers late at night, on weekends or holidays, or at other times a response may be unnecessarily burdensome. When possible, electronic service should be completed during normal business hours.
- e. When it is likely that service by mail will prejudice an opposing party, an attorney should serve the papers by other permissible means.
- f. When an attorney knows that a party or third party is represented by counsel and where there is uncertainty about whether counsel is authorized to accept service, the attorney should inquire whether counsel will accept service before serving the party or third party directly, when circumstances permit.

SECTION 10 WRITINGS SUBMITTED TO THE COURT, COUNSEL OR OTHER PARTIES

Written materials directed to counsel, third parties, or a court should be factual and concise and focused on the issue to be decided.

For example:

- a. An attorney should not make *ad hominem* attacks on opposing counsel.
- b. Unless at issue or relevant in a particular proceeding, an attorney should avoid degrading the intelligence, ethics, morals, integrity, or personal behavior of others.

- c. An attorney should clearly identify all revisions in a document previously submitted to the court or other counsel.

SECTION 11

DISCOVERY

Attorneys are encouraged to meet and confer early in order to explore voluntary disclosure, which includes identification of issues, identification of persons with knowledge of such issues, and exchange of documents.

Attorneys are encouraged to propound and respond to formal discovery in a manner designed to fully implement the purposes of the Civil Discovery Act.

An attorney should not use discovery to harass an opposing counsel, parties, or witnesses. An attorney should not use discovery to delay the resolution of a dispute.

An attorney should conduct discovery to obtain necessary information efficiently while minimizing unnecessary burden or expense.

An attorney should cooperate in addressing issues related to electronically stored information, including reasonable search parameters and production formats, when appropriate.

For example:

- a. As to Interrogatories:
 - 1. An attorney should narrowly tailor special interrogatories and not use them to harass or impose an undue burden or expense on an opposing party.
 - 2. An attorney should not intentionally misconstrue or respond to interrogatories in a manner that is not truly responsive.
 - 3. When an attorney lacks a good faith belief in the merit of an objection, the attorney should not object to an interrogatory. If an interrogatory is objectionable in part, an attorney should answer the unobjectionable part.
- b. As to Document Demands:
 - 1. Document requests should be used only to seek those documents that are reasonably needed to prosecute or defend an action.
 - 2. An attorney should not make demands to harass or embarrass a party or witness or to impose an inordinate burden or expense in responding.

3. In responding to a document demand, an attorney should not intentionally misconstrue a request to avoid disclosure or withhold a document on the grounds of privilege without a good faith basis.
4. An attorney should not produce disorganized or unintelligible documents or produce documents in a way that hides or obscures the existence of particular documents.
5. An attorney should not delay in producing a document in order to prevent opposing counsel from inspecting the document prior to or during a scheduled deposition or for some other tactical reason.

c. As to Depositions:

1. When another party notices a deposition for the near future, absent unusual circumstances, an attorney should not schedule another deposition in the same case for an earlier date without opposing counsel's agreement.
2. An attorney should delay a scheduled deposition only when necessary to address scheduling problems and not in bad faith.
3. An attorney should treat other counsel and participants with courtesy and civility and should not engage in conduct that would be inappropriate in the presence of a judicial officer.
4. An attorney should remember that vigorous advocacy can be consistent with professional courtesy, and that arguments or conflicts with other counsel should not be personal.
5. An attorney questioning a deponent should provide other counsel present with a copy of any document shown to the deponent before or at the same time the document is shown to the deponent.
6. An attorney questioning a deponent should not bully or seek to intimidate the deponent.
7. Once a question is asked, an attorney should not interrupt a deposition or make an objection for the purpose of coaching a deponent or suggesting answers.
8. An attorney should not direct a deponent to refuse to answer a question or end the deposition without a legal basis for doing so.
9. An attorney should refrain from self-serving speeches and speaking objections.

SECTION 12

MOTION PRACTICE

An attorney should consider whether, before filing or pursuing a motion, to contact opposing counsel to attempt to informally resolve or limit the dispute.

For example:

- a. Before filing demurrers, motions to strike, motions to transfer venue, and motions for judgment on the pleadings, an attorney should engage in more than a pro forma effort to resolve the issue. An attorney should begin the meet and confer process early enough to allow it to be completed before the deadline to file the motion.
- b. In complying with any meet and confer requirement in the California Code of Civil Procedure, an attorney should speak personally with opposing counsel and engage in a good faith effort to resolve or informally limit an issue.
- c. An attorney should not engage in conduct that forces opposing counsel to file a motion and then not oppose the motion.
- d. An attorney who has no reasonable objection to a proposed motion should promptly make this position known to opposing counsel, who then may file an unopposed motion or avoid filing a motion.
- e. After opposing a motion, if an attorney recognizes that the movant's position is correct, the attorney should promptly advise the movant and the court of this change in position.
- f. Because requests for monetary sanctions, even if statutorily authorized, can adversely affect a productive relationship between counsel or parties, monetary sanctions should not be sought unless fully justified by the circumstances and necessary to protect a client's legitimate interests and then only after a good faith effort to resolve the issue informally among counsel.

SECTION 13

DEALING WITH NONPARTY WITNESSES

It is important to promote high regard for the profession and the legal system among those who are neither attorneys nor litigants. An attorney's conduct in dealings with nonparty witnesses should exhibit the highest standards of civility.

For example:

- a. An attorney should be courteous and respectful in communications with nonparty witnesses.

- b. Upon request, an attorney should extend professional courtesies and grant reasonable accommodations, unless to do so would materially prejudice the client's lawful objectives.
- c. An attorney should take special care to protect a witness from undue harassment or embarrassment and to state questions in a form that is appropriate to the witness's age and development.
- d. An attorney should not issue a subpoena to a nonparty witness for inappropriate tactical or strategic purposes, such as to intimidate or harass the nonparty.
- e. When there has been uncertainty about whether a previously scheduled deposition will proceed, an attorney should notify all counsel once the attorney knows whether the deposition will go forward as scheduled.
- f. An attorney who obtains a document pursuant to a deposition subpoena should, upon request, make copies of the document available to all other counsel at their expense.

SECTION 14

EX PARTE COMMUNICATION WITH THE COURT

In a social setting or otherwise, an attorney should not communicate ex parte with a judicial officer on the substance of a case pending before the court, unless permitted by law.

SECTION 15

SETTLEMENT AND ALTERNATIVE DISPUTE RESOLUTION

An attorney should raise and explore with the client and, if the client consents, with opposing counsel, the possibility of settlement and alternative dispute resolution in every matter as soon as possible and, when appropriate, during the course of litigation.

For example:

- a. An attorney should advise a client at the outset of the relationship of the availability of informal or alternative dispute resolution.
- b. An attorney should attempt to evaluate a matter objectively and to de-escalate any controversy or dispute in an effort to resolve or limit the controversy or dispute.
- c. An attorney should consider whether alternative dispute resolution would adequately serve a client's interest and dispose of the controversy expeditiously and economically.
- d. An attorney should honor a client's desire to settle the dispute quickly and in a cost-effective manner.

- e. An attorney should use an alternative dispute resolution process for purposes of settlement and not for delay or other improper purposes, such as discovery.
- f. An attorney should participate in good faith and assist the alternative dispute officer by providing pertinent and accurate facts, law, theories, opinions and arguments in an attempt to resolve a dispute.
- g. An attorney should not falsely hold out the possibility of settlement as a means for terminating discovery or delaying trial.
- h. An attorney should timely provide required briefing and other materials to the settlement officer to allow adequate time to prepare for the settlement conference.

SECTION 16

CONDUCT IN COURT

To promote a positive image of the profession, an attorney should always act respectfully and with dignity in court and assist the court in proper handling of a case.

For example:

- a. An attorney should be punctual and prepared.
- b. An attorney's conduct should avoid disorder or disruption and preserve the right to a fair trial.
- c. An attorney should maintain respect for and confidence in a judicial office by displaying courtesy, dignity, and respect toward the court and courtroom personnel.
- d. An attorney should refrain from conduct that inappropriately demeans another person.
- e. Before appearing in court, an attorney should advise a client of the kind of behavior expected of the client and endeavor to prevent the client from creating disorder or disruption in the courtroom.
- f. An attorney should make objections for legitimate and good faith reasons, and not for the purpose of harassment or delay.
- g. An attorney should honor an opposing counsel's requests that do not materially prejudice the rights of the attorney's client or sacrifice tactical advantage.
- h. While appearing before the court, an attorney should address all arguments, objections, and requests to the court, rather than directly to opposing counsel.

- i. While appearing in court, an attorney should demonstrate sensitivity to any party, witness, or attorney who has requested or may need a reasonable accommodation to facilitate full and fair access to the court.

SECTION 17

DEFAULT

An attorney should not take the default of an opposing party known to be represented by counsel without giving the party advance warning.

For example, an attorney should not race opposing counsel to the courthouse to knowingly enter a default before a responsive pleading can be filed. This guideline is intended to apply only to taking a default when there is a failure to timely respond to complaints, cross-complaints, and amended pleadings.

SECTION 18

SOCIAL RELATIONSHIPS WITH JUDICIAL OFFICERS, NEUTRALS, AND COURT-APPOINTED EXPERTS

An attorney should avoid even the appearance of bias by notifying opposing counsel or an unrepresented opposing party of any close, personal relationship between the attorney and a judicial officer, arbitrator, mediator, or court-appointed expert and allowing a reasonable opportunity to object.

SECTION 19

PRIVACY

An attorney should respect the privacy rights of parties and nonparties.

For example:

- a. An attorney should not inquire into, attempt, or threaten to use private facts concerning any party or other individuals for the purpose of gaining an advantage in a case. This guideline does not preclude inquiry into sensitive matters relevant to an issue, as long as the inquiry is pursued as narrowly as possible.
- b. If an attorney must inquire into an individual's private affairs, the attorney should cooperate in arranging for protective measures, including stipulating to an appropriate protective order, designed to ensure that the information revealed is disclosed only for purposes relevant to the pending litigation.
- c. Nothing herein shall be construed as authorizing the withholding of information in violation of applicable law.

SECTION 20 NEGOTIATION OF WRITTEN AGREEMENTS

An attorney should negotiate and conclude written agreements in a cooperative manner and with informed authority of the client.

For example:

- a. An attorney should use boilerplate provisions only if they apply to the subject of the agreement.
- b. If an attorney modifies a document, the attorney should clearly identify the change and bring it to the attention of other counsel.
- c. An attorney should avoid negotiating tactics that are abusive, are not made in good faith, threaten inappropriate legal action, are not true, set arbitrary deadlines, are intended solely to gain an unfair advantage or take unfair advantage of a superior bargaining position, or do not accurately reflect the client's wishes or previous oral agreements.
- d. An attorney should not participate in an action or the preparation of a document that is intended to circumvent or violate applicable laws or rules.
- e. An attorney should adhere to all express promises and to agreements with other counsel, whether oral or in writing, and should adhere in good faith to all agreements implied by the circumstances or local customs.

In addition to other applicable sections of these Guidelines, attorneys engaged in a transactional practice have unique responsibilities because much of the practice is conducted without judicial supervision.

For example:

- a. Attorneys should be mindful that their primary goals are to negotiate in a manner that accurately represents their client and the purpose for which they were retained.
- b. Attorneys should work to timely conclude a transaction in a manner that accurately represents the parties' intentions and minimizes the potential for litigation.
- c. With client approval, attorneys should consider giving each party permission to contact the employees of the other party for the purpose of promptly and efficiently obtaining necessary information and documents.

SECTION 21

ADDITIONAL PROVISION FOR FAMILY LAW PRACTITIONERS

In addition to other applicable sections of these Guidelines, in family law proceedings an attorney should seek to reduce emotional tension and trauma and encourage the parties and attorneys to interact in a cooperative atmosphere and keep the best interests of the children in mind.

For example:

- a. An attorney should discourage and should not abet vindictive conduct.
- b. An attorney should treat all participants with courtesy and respect in order to minimize the emotional intensity of a family dispute.
- c. An attorney representing a parent should consider the welfare of a minor child and seek to minimize the adverse impact of the family law proceeding on the child.

SECTION 22

ADDITIONAL PROVISION FOR CRIMINAL LAW PRACTITIONERS

In addition to other applicable sections of these Guidelines, criminal law practitioners have unique responsibilities. Prosecutors are charged with seeking justice, while defenders must zealously represent their clients even in the face of seemingly overwhelming evidence of guilt. In practicing criminal law, an attorney should appreciate these roles.

For example:

- a. A prosecutor should not question the propriety of defending a person accused of a crime.
- b. Appellate counsel and trial counsel should communicate openly, civilly, and without rancor, endeavoring to keep the proceedings on a professional level.

SECTION 23

DIVERSITY AND ELIMINATION OF BIAS

Professional courtesy and civility include treating all participants in the legal system with respect and dignity, without bias or discrimination. An attorney should promote professionalism in interactions with opposing counsel, clients, witnesses, judicial officers, and members of the public. An attorney should not engage in bias-based or discriminatory conduct based on age, race, national origin, ethnicity, political views, cultural or economic background, religion, disability, gender identity, or sexual orientation in the practice of law and should support efforts to eliminate bias in the justice system.

For example:

- a. An attorney should treat other attorneys with respect and courtesy without regard to those characteristics.
- b. An attorney should not attempt to intimidate or take advantage of another attorney based on those characteristics.
- c. An attorney should not tolerate bias or prejudice in professional interactions and should take appropriate steps to address such conduct when it occurs.
- d. An attorney should refrain from public or private statements that demean another attorney, judicial officer, or member of the public based on those characteristics.

SECTION 24

MENTORSHIP

An attorney should promote professionalism within the legal profession by mentoring newer members of the State Bar and modeling respectful conduct in professional interactions.

Attorneys in managerial, supervisory, or leadership roles should encourage practices that support professionalism, civility, mentorship, and attorney well-being.

Providing less experienced attorneys with meaningful opportunities for professional development can support their growth and promote professionalism within the legal community. Where appropriate, experienced attorneys should:

- a. Mentor less experienced attorneys and provide constructive feedback without undue or harsh criticism.
- b. Provide less experienced attorneys opportunities to attend and present oral arguments at hearings.
- c. Provide less experienced attorneys opportunities to take and defend depositions.
- d. Provide less experienced attorneys opportunities to make meaningful contributions at trial.

SECTION 25

ROLE OF JUDICIAL OFFICERS

Judges are encouraged to become familiar with these Guidelines and to support and promote them where appropriate in court proceedings.