

Professionalism and Civility: Why the Golden Rule Still Matters in Legal Practice

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The practice of law is inherently adversarial. Attorneys are expected to advocate vigorously for their clients, advance difficult positions, and navigate high-stakes disputes. Yet some of the most important obligations in the legal profession have nothing to do with winning an argument. They are concerned about how lawyers conduct themselves while representing their clients.

Professionalism and civility are foundational principles of the legal system. They promote public confidence in the profession, facilitate the fair administration of justice, and help ensure that disputes are resolved efficiently and on their merits. Recent attorney discipline cases serve as a reminder that there is an important distinction between vigorous advocacy and professional misconduct.

Professionalism and Civility in the Legal Profession

The Utah Rules of Professional Conduct and the Utah Standards of Professionalism and Civility establish clear expectations for attorneys practicing in Utah. These standards recognize that lawyers owe duties not only to their clients, but also to courts, opposing counsel, witnesses, and the justice system itself.

The Utah Standards emphasize that conduct that is uncivil, abusive, hostile, or obstructive can undermine the administration of justice. Lawyers are expected to demonstrate courtesy, candor, cooperation, and integrity in their professional interactions, even when representing clients in contentious matters.

Maintaining professionalism does not require attorneys to be less effective advocates. Rather, it requires them to pursue their clients' interests in a manner consistent with ethical obligations and respect for the legal process.

Recent Attorney Discipline Cases Highlight the Risks

Several recent disciplinary matters illustrate how attorneys can cross the line between zealous advocacy and professional misconduct.

Public Statements and Pending Litigation

In *In re David O. Leavitt* (2025), disciplinary authorities examined statements publicly made by a Utah County attorney during a press conference announcing the decision to seek the death penalty in a high-profile murder case.

While discussing the prosecution's decision, the attorney commented on the defendant's character, vouched for witness credibility, and referenced evidence that would not be presented to the jury.

Disciplinary authorities ultimately concluded that certain statements violated Rule 3.6 of the Utah Rules of Professional Conduct, which prohibits attorneys from making extrajudicial statements that create a substantial likelihood of materially prejudicing a legal proceeding.

The case serves as a reminder that attorneys must exercise caution when discussing pending matters in public forums. Even statements made with the intent to inform the public can raise ethical concerns when they risk compromising the fairness of a proceeding.

Professional Conduct During Depositions

Professionalism obligations apply just as strongly during discovery.

In *Barksdale School Portraits LLC v. Williams* (2021), a Boston attorney received a public reprimand after a recording of a remote deposition revealed numerous instances in which he provided answers to a witness in response to questions outside of a camera more than 50 times while questioning was underway. The conduct resulted in sanctions and disciplinary consequences.

The matter demonstrates that advances in technology do not alter fundamental ethical obligations. Whether proceedings occur in person or remotely, attorneys remain responsible for preserving the integrity of the process.

When Advocacy Becomes Misconduct

The disciplinary proceedings in *Florida Bar v. Ratiner* provide another example of how aggressive litigation tactics can evolve into conduct that falls outside acceptable professional standards.

The legal profession expects attorneys to advocate forcefully for their clients. However, courts and disciplinary authorities consistently distinguish between effective advocacy and conduct that is abusive, disruptive, or inconsistent with the fair administration of justice.

Why Civility Benefits Clients

Professionalism is often discussed as an ethical obligation, but it is also a practical advantage.

Lawyers who maintain professionalism and civility frequently build greater credibility with judges, opposing counsel, and clients. Professional conduct can facilitate more productive negotiations, reduce unnecessary disputes, and help resolve matters more efficiently.

By contrast, incivility often increases litigation costs, delays proceedings, and distracts from the substantive issues that matter most to the client.

In many situations, professionalism is not merely the right approach—it is the most effective one.

The Golden Rule as a Guide for Attorneys

The line between vigorous advocacy and professional misconduct is not always obvious. Rules and

disciplinary decisions provide guidance, but attorneys frequently encounter situations that require judgment and discretion.

One of the most useful principles remains one of the simplest: the Golden Rule.

Before making a public statement, sending an email, responding to opposing counsel, questioning a witness, or pursuing a particular litigation tactic, attorneys should consider whether they would view the same conduct as fair and appropriate if directed at them or their client.

That perspective does not diminish advocacy. Instead, it helps ensure that advocacy remains consistent with the professionalism, integrity, and respect that the legal system demands.

Conclusion

Professionalism and civility remain essential components of effective legal representation. Recent attorney discipline cases demonstrate that ethical obligations extend beyond courtroom appearances and encompass every aspect of legal practice, from public communications to discovery conduct to interactions with opposing counsel.

The most respected attorneys understand that professionalism is not a limitation on advocacy. It is a hallmark of effective advocacy. By treating others with fairness, respect, and integrity—even in contentious matters—lawyers serve both their clients and the legal system more effectively.

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