

Factums:

Ethics, Civility and Professionalism

Professional Responsibility

- Facts: scrupulous accuracy and fairness; does the statement of facts even though “correct” leave a misleading impression?
- Law: fair and accurate handling of authorities; duty to draw contrary authorities to the attention of the court;
- Special obligations: ex parte applications

Civility

- Avoid:
 - ascribing to the opposing party or opposing counsel dubious motives on flimsy evidence
 - Calling the integrity of the opposite party or counsel into question other than on the basis of compelling evidence
 - Adopting an unduly confrontational style of argument
 - Refusing reasonable accommodations (time limits etc) provided that granting them does not weaken your position or prejudice your client

Professionalism

- Importance of reputation
- Thoroughness
- Timeliness
- Attention to Rules of Court – sweat the small stuff!
- Mechanics: typos, poor grammar, errors in citations, appearance of the document