

**GUIDELINES FOR CIVILITY
FOR LAWYERS WHO PRACTICE IN
THE U.S. BANKRUPTCY COURTS
SOUTHERN DISTRICT OF TEXAS**

**Team Four
Moller/Foltz Inns of Court
February 19, 2013**

Rules of Civility and Decent Behavior in Company and Conversation

At age 16, George Washington copied out these 110 rules for morals and good manners and the manuscript is preserved at the Library of Congress.

While some believe they were authored by Washington himself, it appears that they were originally written by French Jesuits in 1595. They made their first appearance in English in 1640, when twelve-year old Francis Hawkins translated them from French. That Washington is not the author does not diminish in any way the great value of his manuscript for all Americans.

For the reader's convenience, English usages and spelling have been modernized and rules with little to no application to our culture today are bracketed and in italics.

Portrait of George Washington Painted by Charles Willson Peale



The earliest authenticated portrait of George Washington shows him wearing his colonel's uniform of the Virginia Regiment from the French and Indian War. The portrait was painted about 12 years after Washington's service in that war, and several years before he would reenter military service in the American Revolution.

1) Every action done when in company ought to be done with some sign of respect for those present.

2) When in company, do not put your hands on any part of the body that is usually clothed.

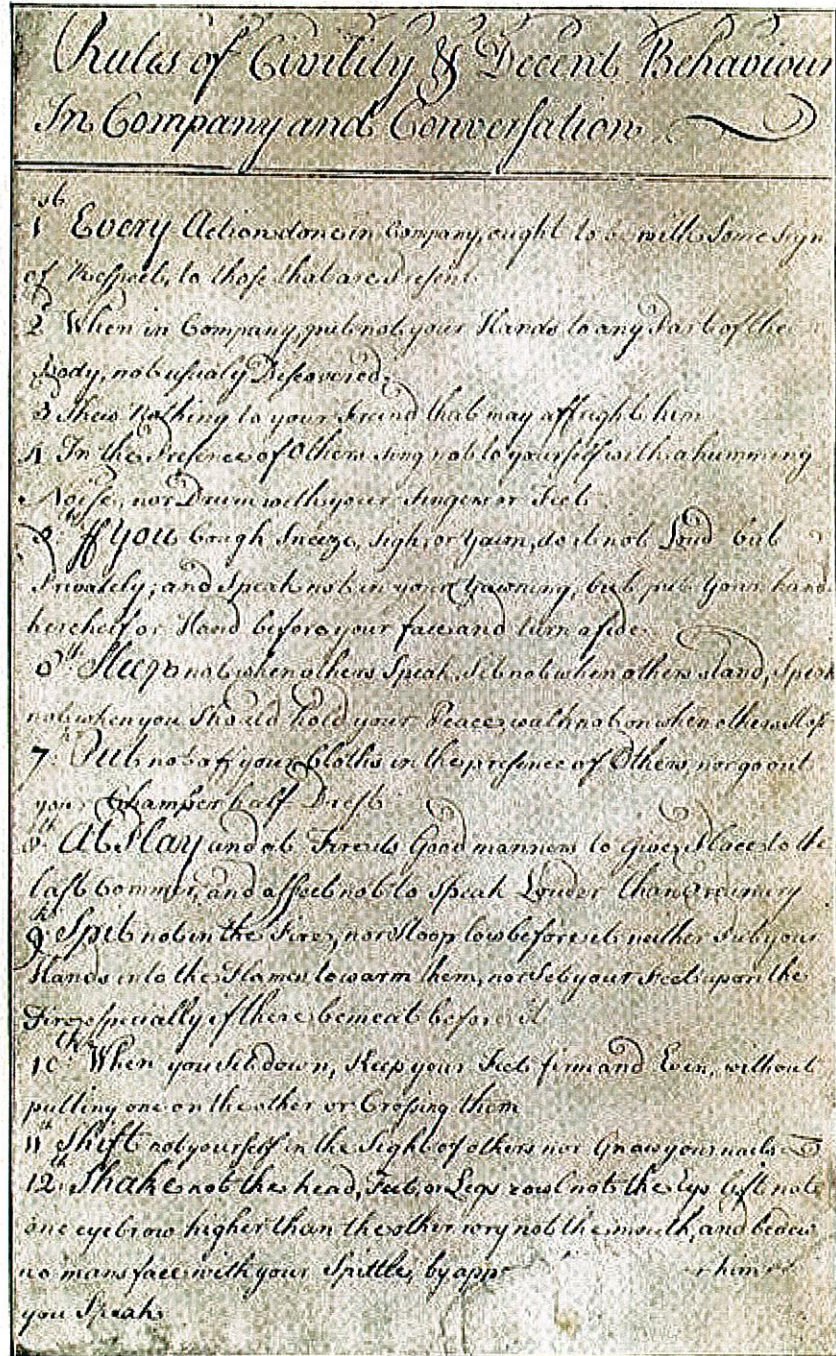
3) Show nothing to a friend that may frighten him.

4) When in the presence of others do not hum or sing to yourself or drum with your fingers or feet.

5) Be as quiet as possible when you cough, sneeze, sigh, or yawn. Refrain from speaking when yawning; cover your face with your handkerchief and turn aside.

6) When others talk, do not doze off. Do not sit down while others are standing. Do not speak when you should hold your peace. Do not continue walking when others stop.

7) Do not undress in front of others, nor leave your bedroom half dressed.



Page 1 of 10 of the digitized facsimile of Washington's manuscript of the Rules of Civility, taken from photographs of the original in the Library of Congress.

8) At games [and around the fire] it is good manners to give your place to a new arrival, and refrain from speaking louder than normal.

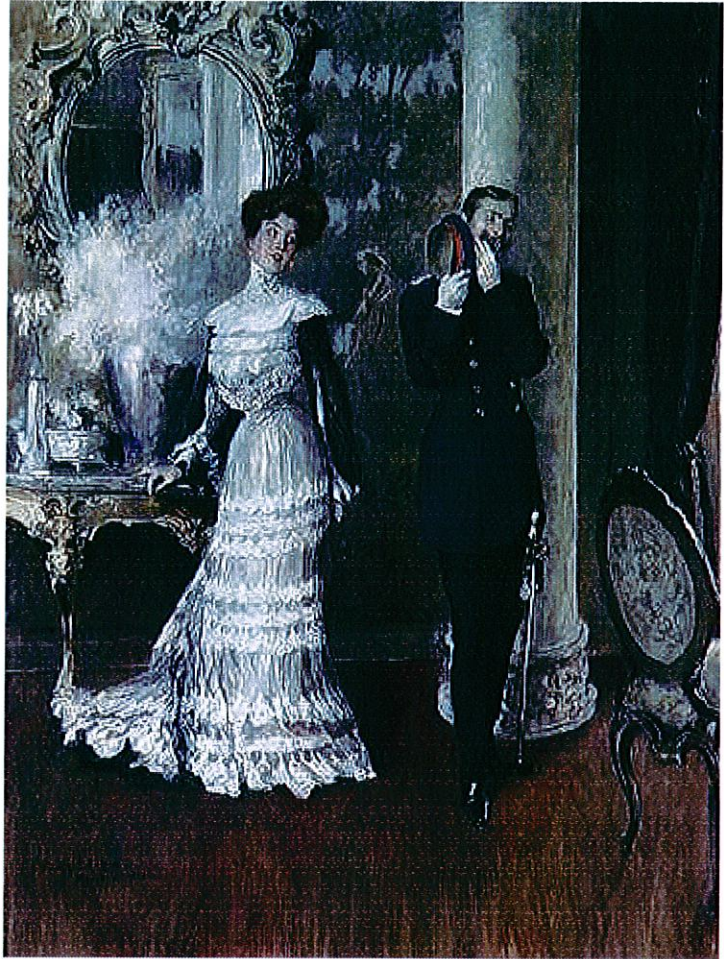
Painting by Oscar Bluhm

9) [Do not spit into the fire, stoop low before it, put your hands into the flames to warm them, or set your

feet upon the fire especially if there is meat roasting before it.]

10) *[When you sit down, keep your feet firm and even, without putting one on the other or crossing them.]*

11) Do not fidget within sight of others or bite your finger nails.



Be as quiet as possible when you cough, sneeze, sigh, or yawn. Refrain from speaking when yawning, cover your face with your handkerchief and turn aside.

12) In company, do not shake your head, feet, or legs. Do not roll your eyes or lift one eyebrow higher than the other. Do not make faces or twist your mouth. Do not speak so close to people that inadvertently some of your spittle reaches them.

13) *[Do not kill fleas, lice, ticks, etc. in front of others. If you see any filth of thick spittle place your foot over it. If you see it on your companions' clothes, remove it with discretion. If others remove it from your own clothes, thank them.]*

14) Do not give your back to others, especially when talking. Do not bump the table or desk someone else is using. Do not lean on others, or on furniture, walls, doorways, etc.

15) Keep your finger nails clean and trimmed. Keep your hands and teeth clean too, but without showing exaggerated concern for them.

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16) Do not puff up your cheeks; stick your tongue out; rub your hands or beard; purse your lips or bite them. Do not keep your lips too open or too closed.

17) Do not flatter. Do not joke with anyone who does not like being played with.

18) When in the company of others, refrain from reading letters, books, or papers. If you must, then first ask their leave. Unless asked, do not come too close to others who are reading or writing so as to inadvertently read their material. Do not give your unsolicited opinion about their reading or writing. Do not look at letters others are writing.

19) Let your countenance be pleasant, but somewhat grave in serious matters.

20) Your body's posture and gestures should harmonize with what you are saying.

21) Reproach no one for infirmities of nature, nor bring them up in conversation with those who have them.

22) Do not rejoice at the misfortune of others, even if they are your enemy.

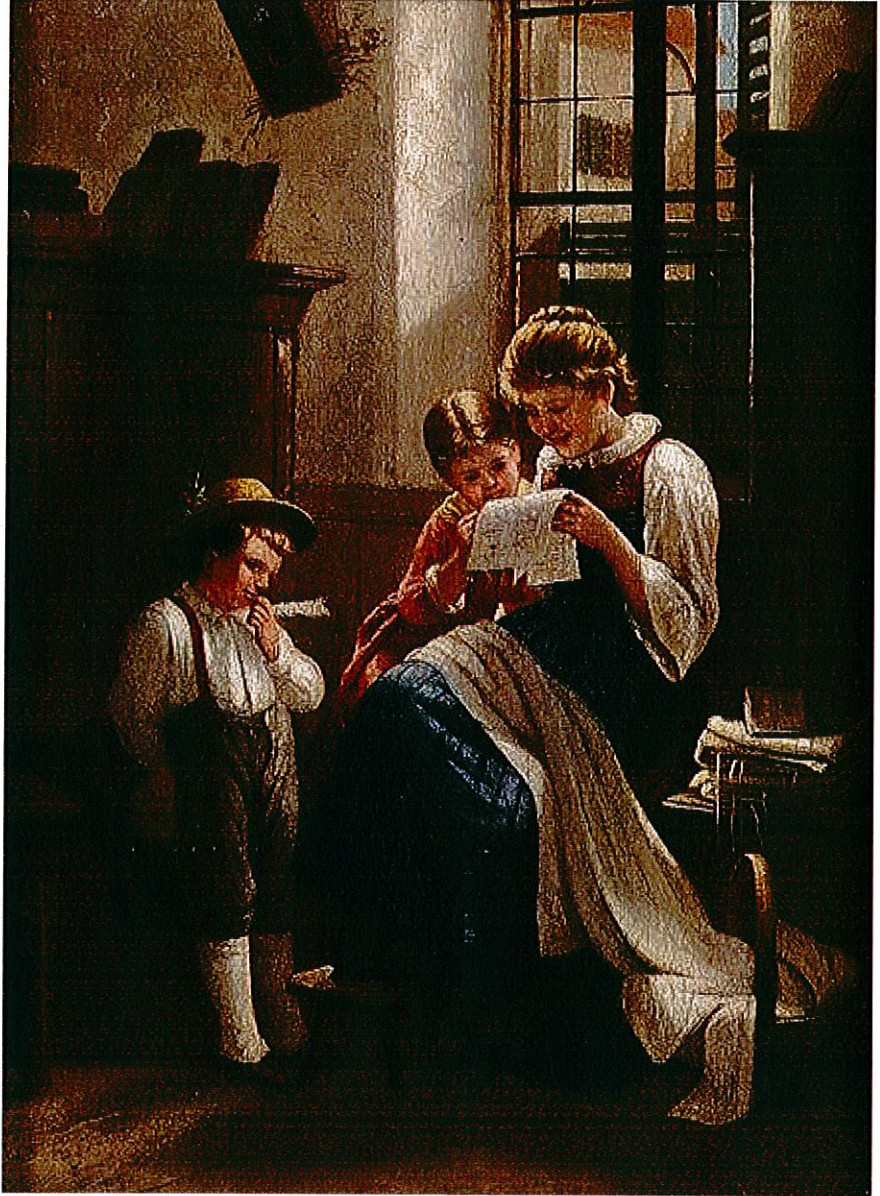
23) Although you may be pleased within your heart, always show pity for a criminal when you see him punished.

24) During public spectacles, do not laugh boisterously or too loud.

25) Superfluous compliments and all affectation of ceremony should be avoided, yet they are not to be neglected when due and proper.

26) *[In tipping your hat to persons of distinction, such as noblemen, judges, clergy, etc. make a reverence, bowing more or less according to the custom of the well-bred and the quality of the person. Amongst your*

The Interesting Letter Painting by F. Lucca



Do not be boring in your conversation or reading unless you find that those present are pleased with it.

equals do not expect them to salute you first. However, it is affectation for you to tip your hat when there is no need.]) In greeting others keep to the most common custom.

27) *[It is bad manners to direct someone who is more eminent than you to put their hat back on. It is also uncouth to refrain from doing this with those with whom it is proper. Likewise, he who rushes to put his hat on acts wrongly. Still, he should put on at the first request, or at most when asked to do so for the second time.]* Now what is said here about showing differentiation in greeting others and in one's behavior, ought also to be observed when taking one's place. To sit down for ceremonies without taking this care is troublesome.

General Washington at Christ Church, Easter Sunday, 1795 Painting by Jean Leon Gerome Ferris



In greeting others keep to the most common custom

28) Stand up if someone comes to speak with you while you are sitting down, even if he is your inferior. When you show people to their seats, place them according to their status.

29) When you meet someone of higher social status than your own, stop, and step back to let him pass first, especially if this be at a door or any narrow place.

30) When walking, in most countries the most important place seems to be on the right. Therefore, place yourself on the left of him whom you desire to honor. However, if three people are walking together, then the most honorable place is in the middle. If two people are walking together, the wall side is usually given to the more distinguished.

31) If someone far surpasses others—in age, status, or merit—yet would show preference to another of lower condition, be this in his own house or elsewhere, the person thus honored should not accept. Thus, the more distinguished person should not offer this too earnestly nor more than once or twice.

32) With someone who is your equal, or not much inferior, you

"No Swearing" sign along Atlantic Avenue in Virginia Beach, Virginia.

should offer the chief place in your home and the person to whom it is offered should refuse the first offer, but accept the second, but not without first acknowledging his own unworthiness.

33) Persons in dignity or office have precedence everywhere but while young they should respect those who are their equals in birth or other qualities, even if these individuals have no public office.



Never use reproachful language against another. Do not curse or revile

34) It is good manners to show deference to those with whom we are speaking, especially if they are superior to us. With these, we ought never to take first place.

35) Be clear and to-the-point when speaking with professionals and men of business.

36) Craftsmen and persons of humble condition should not be overly ceremonious with lords, or others of high social rank, but should rather respect and honor them highly. Those of high rank should treat them with affability and courtesy, and without arrogance.

37) When speaking to distinguished gentlemen do not lean on anything; do not look them full in the face; nor approach too close. Keep a full yard's distance from them.

38) When visiting the sick, do not play the physician unless you have studied medicine.

39) In speaking or writing, give to each his due title according to his rank and the customs of the place.

Painting by Ermenegildo Antonio Donadini

40) Do not argue with your superiors, rather present your opinion modestly.

41) Do not try to teach your equal the art or trade he exercises as this rings of arrogance.

42) Let your acts of courtesy be proportional to the rank of the person with whom you are speaking for it is

absurd to treat with a clown and a prince in the same manner.

43) Do not express joy before one who is sick or in pain for that contrary passion will aggravate his misery.



When visiting the sick, do not play the physician unless you have studied medicine.

44) Do not recriminate an unsuccessful man when he did all he could.

Painting by Johann Friedrich Karl Kreul

45) If you have to counsel or reprimand anyone, ponder first if this should be in public or in private; now or at some other time; and in what terms to do it. In reprimanding show no irritation, only sweetness and mildness.

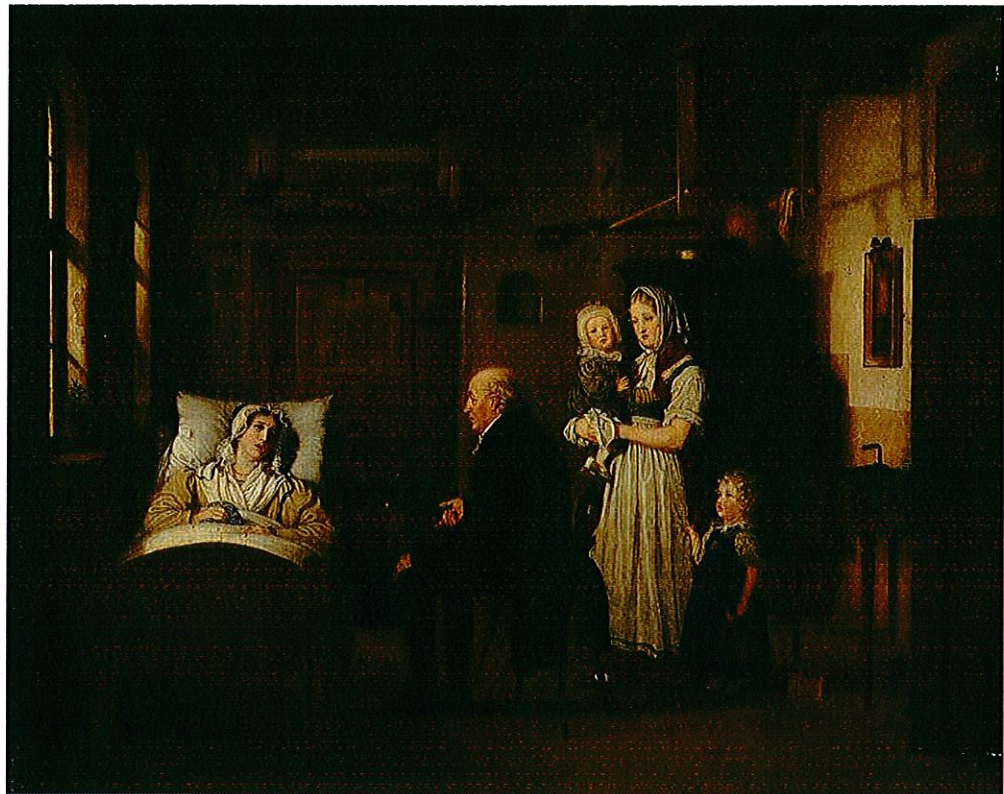
46) Receive all admonitions thankfully wherever and whenever they are given. However, if the admonition is unfounded (for you are not at fault), then, later on, at a time and place that are convenient for him, approach the person who admonished you and apprise him of your innocence.

47) Do not mock or jest about anything that is important. Do not tolerate backbiting jests. If you say anything that is witty and humorous, do not laugh yourself.

48) Be blameless yourself of whatever you reprove in others since your good example will prevail more than precepts.

49) Never use reproachful language against another. Do not curse or revile.

50) Be slow at believing anything that disparages another.



Do not express joy before one who is sick or in pain for that contrary passion will aggravate his misery.

51) Do not wear soiled, ripped, or dusty clothes. [*Rather, make sure they are brushed once every day at least*] and be careful not to approach things that are dirty.

52) Be modest in your dress and strive to accommodate nature rather than seeking for admiration. Follow the fashion of your equals as long as it is civil and orderly with respect to times and places.

53) Do not run in the street. Do not walk too slowly, or with your mouth open. Do not fling your arms about or scuff your shoes when you walk. Do not walk on your toes or in a dancing manner.

Proud as a peacock. Pride, a drawing from Jacob Matham's series *The Vices*

54) Do not play the peacock, looking up and down to see if you are well dressed, if your shoes fit well, [*your stockings sit neatly*], and your clothes handsomely.

55) Do not eat in the street or at home outside of meal times.

56) If you prize your reputation, seek the company of good gentlemen; for it is better to be alone than in bad company.

57) [*In walking up and down inside a house in the company of someone of higher rank than you, give him your right at the first opportunity and do not stop until he does. Be not the first to turn, and when you do turn be sure to turn facing towards him. If he be of much higher rank, do not walk with him cheek by jowl, but a*

little behind yet close enough that he may speak easily with you.]

58) Let your conversation be without malice or envy, for it is a sign of a tractable and commendable nature. In all passionate causes admit the governing of reason.

59) In front of your inferiors, never say anything unbecoming, nor act against the moral rules.

60) Do not urge your friends to reveal a secret for this would be a lack of modesty.

61) Never utter base and frivolous things amongst grave and learned men nor raise very difficult questions or topics, or things that are hard to be believed, among the ignorant. When among those who are your equals or superior to you, do not stuff your speech with pompous sentences.



Do not play the peacock, looking up and down to see if you are well dressed, if your shoes fit well, your stockings sit neatly, and your clothes handsomely."

62) Do not speak of sorrowful things in times of joy or at the table. Do not speak of sad things as death and wounds, and if others mention them, do your best to change the subject. Only reveal your dreams to your intimate friend.

Rhymes for Kindly Children by Fairmont Snyder, Illustrated by John B. Gruelle,
Published in 1916

63) One should not show appreciation for one's own achievements or rare qualities of wit; and even less his wealth, virtue or family.

64) Do not joke when the occasion is unsuitable or when those present would not take it well. Do not laugh loudly. Never laugh without reason. Never deride a man's misfortune even though there seems to be some

cause for it.

65) Never utter injurious words, be this in jest or in earnest. Never scoff at anyone even though they may give occasion.

66) Never be impertinent but friendly and courteous. Be the first to greet, hear, and answer and, when it is time for conversation, do not show yourself silent and pensive.

67) Never say anything detracting about others and, when commanding, never show yourself to be overbearing.

68) Do not go where you are unsure if you will be welcome or not. Do not give advice without being asked, and when it is solicited, give it briefly.

69) Where two are arguing do not take sides unless you have to. Do not be stubborn in your opinion. In neutral things, side with the majority.

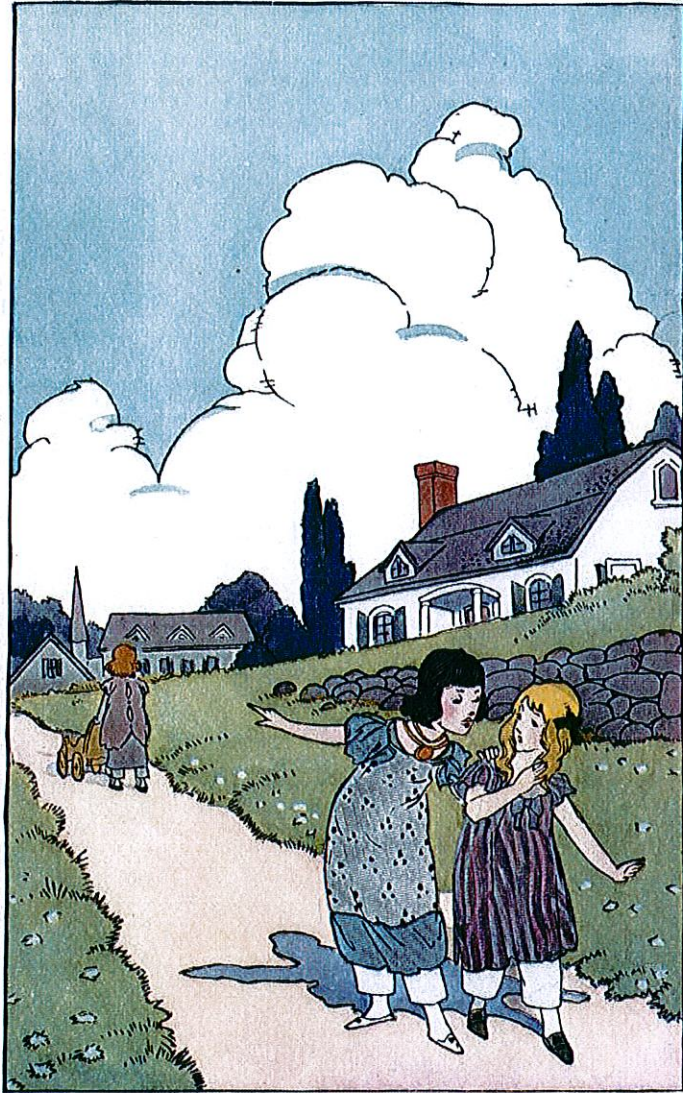
70) Do not admonish others for their imperfections as this is the prerogative of parents, masters, and superiors.

71) Do not look at the marks or blemishes of others and do not ask how they came about. That which you say in secret to your friend should not be divulged in front of others.

72) Do not speak in a foreign language in front of company, but always in your own, and as done by gentle folk, not riffraff. Handle sublime issues seriously.

73) Think before you speak. Do not pronounce your words imperfectly nor bring them out too hastily but rather with order and clarity.

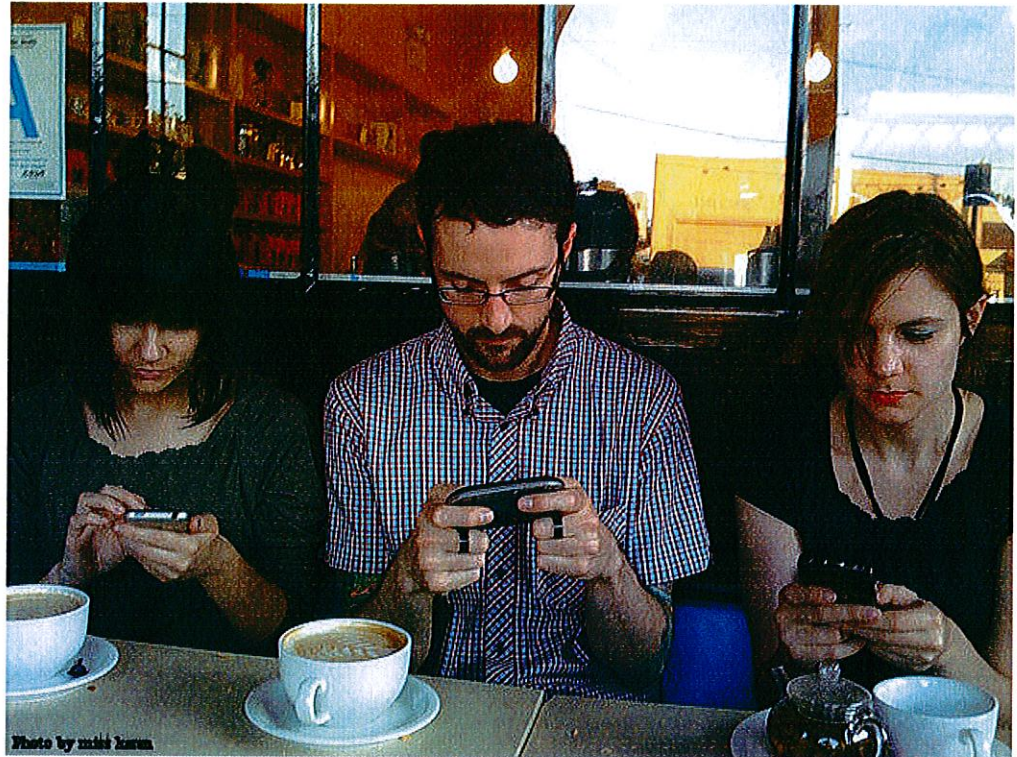
74) When another speaks be attentive to what he says and do not disturb those present. If he should



When speaking do not point to anyone you are talking about. Do not urge your friends to reveal a secret for this would be a lack of modesty.

hesitate in his words do not help him out nor prompt him unless he requests this. Do not interrupt him, nor answer him until he has finished what he wished to say.

75) If you join an ongoing conversation do not ask what the topic is. If you perceive that the conversation stopped because of your arrival, gently entreat them to proceed. If a distinguished person comes to the conversation while you are talking, it is courteous for you to summarize what was said earlier.



When another speaks be attentive to what he says and do not disturb those present.

76) When speaking, do not point to anyone you are talking about. Do not approach too closely the person you are speaking to, especially his face.

77) Leave your discussion of business with people for its appropriate time. Do not whisper when in the company of others.

78) Draw no comparisons and if anyone in your circle of conversation is commended for a brave act of virtue, do not praise someone else who is with you for the same thing.

79) When you do not know if news are true, be careful not to pass them on. In repeating things you have heard, do not name your source every time. Never disclose a secret.

80) Do not be boring in your conversation or reading unless you find that those present are pleased with it.

81) Do not show curiosity about the doings of others and do not approach people who are speaking privately.

Painting by Knut Ekwall

82) Never undertake what you cannot carry through to completion and be careful to keep your promises.

83) When you address an issue do so without passion and with discretion, no matter how humble the

condition of the person you are dealing with.

84) Do not eavesdrop, talk or laugh while anyone who is your social superior is talking with another.

85) *[When in the presence of these persons superior to you in rank, do not speak until you are asked a question, then stand up straight, remove your hat and answer succinctly.]*

86) In discussion, never be so eager to prevail as to curtail the freedom of the participants to state their opinion. Submit to the judgment of the majority especially if they are judging the discussion.

87) Let your posture be composed, such as becomes a grave man, and pay attention to what is said. Do not contradict constantly what others say.

88) Do not be boring in your speech. Refrain from digressions. Do not repeat what you have already said earlier.

89) Do not speak ill of anyone who is absent for this is unjust.

90) Having sat down for a meal, do not scratch, *[or spit]*, cough or blow your nose unless this is a necessity.

91) Be discreet in showing your pleasure with the food being served. Do not eat greedily. When helping yourself from the common loaf of bread use a knife to cut a slice. Do not lean on the table nor criticize the food you were served.

92) *[Do not serve yourself to the common salt or cut*



Do not eavesdrop, talk or laugh while anyone who is your social superior is talking with another.

from the common loaf with a knife you have already used for your meal.]

93) If you are entertaining another at dinner, it is courteous to prepare his plate, from the platters. Do not try to help others if this is not wanted by the head of the table.

94) If you dip a piece of bread into the sauce, make sure that it is no more than bite-size. While at the table, do not blow on your soup to cool it; rather, wait a bit, letting it cool on its own.



Whatever may happen, never show any irritation at the table even if there is cause for this. Display only a cheerful countenance, especially if you are entertaining guests, for a good disposition turns a simple meal into a feast.

95) Do not eat from your knife. Do not spit out fruit pits or stones. Do not throw anything under the table.

96) It is unbecoming to stoop over your plate. Keep your fingers clean, and if they become dirty, use a corner of your napkin to clean them.

97) Do not take another bite without having swallowed the former. Do not take a bite that is more than you can chew.

98) Do not drink or talk with your mouth full. Do not look around while you are drinking.

99) Do not drink too slowly or too quickly. Wipe your lips before and after drinking, without breathing, and without making too much noise, for to do so is uncivil.

100) *[Do not clean your teeth with the tablecloth, napkin, fork, or knife, but if others do so, let it be done with a toothpick.]*

101) Do not rinse out your mouth in front of others.

102) Encouraging your guests repeatedly to help themselves to seconds is no longer done. You need not toast every time you have wine.

Painting by Akseli Gallen-Kallela

103) When there are others who outrank you socially at table, do not take longer to finish eating than

them. Do not rest your arm, but only your hand upon the table.

104) The most important person at the table should be the first to unfold his napkin and start his meal. Thus, he should do this without delay. The meal should be served with dexterity so that the slowest person at the table will still have sufficient time for his meal.

105) Whatever may happen, never show any irritation at the table even if there is cause for this. Display only a cheerful countenance, especially if you are entertaining guests, for a good disposition turns a simple meal into a feast.

106) Do not sit down at an important place at the table unless it is your role to do so or because the host wants you to. Do not argue, least this trouble the guests.

107) If others speak at the table pay attention to what they say and do not talk with your mouth full.

108) When you speak of God or His attributes, do so seriously and with reverence. Honor and obey your natural parents even if they be poor.

109) Let your recreations be manly not sinful.

110) Work hard to keep alive in your breast that little spark of heavenly grace called conscience.



Whatever may happen, never show any irritation at the table even if there is cause for this. Display only a cheerful countenance, especially if you are entertaining guests, for a good disposition turns a simple meal into a feast.

TFP Louisiana Call to Chivalry 2012 Participants



Let your recreations be manly not sinful. Work hard to keep alive in your breast that little spark of heavenly grace called conscience.

STATE BAR OF TEXAS

LAWYERS CREED -- A MANDATE FOR PROFESSIONALISM

I am a lawyer. I am entrusted by the People of Texas to preserve and improve our legal system. I am licensed by the Supreme Court of Texas. I must therefore abide by the Texas Disciplinary Rules of Professional Conduct, but I know that professionalism requires more than merely avoiding the violation of laws and rules. I am committed to this creed for no other reason than it is right.

I. OUR LEGAL SYSTEM

A lawyer owes to the administration of justice personal dignity, integrity, and independence. A lawyer should always adhere to the highest principles of professionalism.

1. I am passionately proud of my profession. Therefore, "My word is my bond."
2. I am responsible to assure that all persons have access to competent representation regardless of wealth or position in life.
3. I commit myself to an adequate and effective pro bono program.
4. I am obligated to educate my clients, the public, and other lawyers regarding the spirit and letter of this Creed.
5. I will always be conscious of my duty to the judicial system.

II. LAWYER TO CLIENT

A lawyer owes to a client allegiance, learning, skill, and industry. A lawyer shall employ all appropriate means to protect and advance the client's legitimate rights, claims, and objectives. A lawyer shall not be deterred by any real or imagined fear of judicial disfavor or public unpopularity, nor be influenced by mere self-interest.

1. I will advise my client of the contents of this Creed when undertaking representation.
2. I will endeavor to achieve my client's lawful objectives in legal transactions and in litigation as quickly and economically as possible.
3. I will be loyal and committed to my client's lawful objectives, but I will not permit that loyalty and commitment to interfere with my duty to provide objective and independent advice.
4. I will advise my client that civility and courtesy are expected and are not a sign of weakness.
5. I will advise my client of proper and expected behavior.
6. I will treat adverse parties and witnesses with fairness and due consideration. A client has no right to demand that I abuse anyone or indulge in any offensive conduct.
7. I will advise my client that we will not pursue conduct which is intended primarily to harass or drain the financial resources of the opposing party.
8. I will advise my client that we will not pursue tactics which are intended primarily for delay.

9. I will advise my client that we will not pursue any course of action which is without merit.

10. I will advise my client that I reserve the right to determine whether to grant accommodations to opposing counsel in all matters that do not adversely affect my client's lawful objectives. A client has no right to instruct me to refuse reasonable requests made by other counsel.

11. I will advise my client regarding the availability of mediation, arbitration, and other alternative methods of resolving and settling disputes.

III. LAWYER TO LAWYER

A lawyer owes to opposing counsel, in the conduct of legal transactions and the pursuit of litigation, courtesy, candor, cooperation, and scrupulous observance of all agreements and mutual understandings. Ill feelings between clients shall not influence a lawyer's conduct, attitude, or demeanor toward opposing counsel. A lawyer shall not engage in unprofessional conduct in retaliation against other unprofessional conduct.

1. I will be courteous, civil, and prompt in oral and written communications.

2. I will not quarrel over matters of form or style, but I will concentrate on matters of substance.

3. I will identify for other counsel or parties all changes I have made in documents submitted for review.

4. I will attempt to prepare documents which correctly reflect the agreement of the parties. I will not include provisions which have not been agreed upon or omit provisions which are necessary to reflect the agreement of the parties.

5. I will notify opposing counsel, and, if appropriate, the Court or other persons, as soon as practicable, when hearings, depositions, meetings, conferences or closings are canceled.

6. I will agree to reasonable requests for extensions of time and for waiver of procedural formalities, provided legitimate objectives of my client will not be adversely affected.

7. I will not serve motions or pleadings in any manner that unfairly limits another party's opportunity to respond.

8. I will attempt to resolve by agreement my objections to matters contained in pleadings and discovery requests and responses.

9. I can disagree without being disagreeable. I recognize that effective representation does not require antagonistic or obnoxious behavior. I will neither encourage nor knowingly permit my client or anyone under my control to do anything which would be unethical or improper if done by me.

10. I will not, without good cause, attribute bad motives or unethical conduct to opposing counsel nor bring the profession into disrepute by unfounded accusations of impropriety. I will avoid disparaging personal remarks or acrimony towards opposing counsel, parties and witnesses. I will not be influenced by any ill feeling between clients. I will abstain from any allusion to personal peculiarities or idiosyncrasies of opposing counsel.

11. I will not take advantage, by causing any default or dismissal to be rendered, when I know the identity of an opposing counsel, without first inquiring about that counsel's intention to proceed.

12. I will promptly submit orders to the Court. I will deliver copies to opposing counsel before or

contemporaneously with submission to the Court. I will promptly approve the form of orders which accurately reflect the substance of the rulings of the Court.

13. I will not attempt to gain an unfair advantage by sending the Court or its staff correspondence or copies of correspondence.

14. I will not arbitrarily schedule a deposition, court appearance, or hearing until a good faith effort has been made to schedule it by agreement.

15. I will readily stipulate to undisputed facts in order to avoid needless costs or inconvenience for any party.

16. I will refrain from excessive and abusive discovery.

17. I will comply with all reasonable discovery requests. I will not resist discovery requests which are not objectionable. I will not make objections nor give instructions to a witness for the purpose of delaying or obstructing the discovery process. I will encourage witnesses to respond to all deposition questions which are reasonably understandable. I will neither encourage nor permit my witness to quibble about words where their meaning is reasonably clear.

18. I will not seek Court intervention to obtain discovery which is clearly improper and not discoverable.

19. I will not seek sanctions or disqualification unless it is necessary for protection of my client's lawful objectives or is fully justified by the circumstances.

IV. LAWYER AND JUDGE

Lawyers and judges owe each other respect, diligence, candor, punctuality, and protection against unjust and improper criticism and attack. Lawyers and judges are equally responsible to protect the dignity and independence of the Court and the profession.

1. I will always recognize that the position of judge is the symbol of both the judicial system and administration of justice. I will refrain from conduct that degrades this symbol.

2. I will conduct myself in Court in a professional manner and demonstrate my respect for the Court and the law.

3. I will treat counsel, opposing parties, the Court, and members of the Court staff with courtesy and civility.

4. I will be punctual.

5. I will not engage in any conduct which offends the dignity and decorum of proceedings.

6. I will not knowingly misrepresent, mischaracterize, misquote or miscite facts or authorities to gain an advantage.

7. I will respect the rulings of the Court.

8. I will give the issues in controversy deliberate, impartial and studied analysis and consideration.

9. I will be considerate of the time constraints and pressures imposed upon the Court, Court staff and counsel in efforts to administer justice and resolve disputes.

ORDER OF ADOPTION

The conduct of a lawyer should be characterized at all times by honesty, candor, and fairness. In fulfilling his or her primary duty to a client, a lawyer must be ever mindful of the profession's broader duty to the legal system.

The Supreme Court of Texas and the Court of Criminal Appeals are committed to eliminating a practice in our State by a minority of lawyers of abusive tactics which have surfaced in many parts of our country. We believe such tactics are a disservice to our citizens, harmful to clients, and demeaning to our profession.

The abusive tactics range from lack of civility to outright hostility and obstructionism. Such behavior does not serve justice but tends to delay and often deny justice. The lawyers who use abusive tactics instead of being part of the solution have become part of the problem.

The desire for respect and confidence by lawyers from the public should provide the members of our profession with the necessary incentive to attain the highest degree of ethical and professional conduct. These rules are primarily aspirational. Compliance with the rules depends primarily upon understanding and voluntary compliance, secondarily upon re-enforcement by peer pressure and public opinion, and finally when necessary by enforcement by the courts through their inherent powers and rules already in existence.

These standards are not a set of rules that lawyers can use and abuse to incite ancillary litigation or arguments over whether or not they have been observed.

We must always be mindful that the practice of law is a profession. As members of a learned art we pursue a common calling in the spirit of public service. We have a proud tradition. Throughout the history of our nation, the members of our citizenry have looked to the ranks of our profession for leadership and guidance. Let us now as a profession each rededicate ourselves to practice law so we can restore public confidence in our profession, faithfully serve our clients, and fulfill our responsibility to the legal system.

The Supreme Court of Texas and the Court of Criminal Appeals hereby promulgate and adopt "The Texas Lawyer's Creed--A Mandate for Professionalism" as attached hereto and made a part hereof.

In Chambers, this 7th day of November, 1989.



Professionalism: A Lawyer's Mandate

The conduct of a lawyer should be characterized at all times by honesty, candor, and fairness. In fulfilling his or her primary duty to a client, a lawyer must be ever mindful of the profession's broader duty to the legal system.

I. Relations with Clients

A lawyer owes to a client undivided allegiance, the full application of the lawyer's learning, skill, and industry, and the employment of all appropriate legal means to protect and enforce the client's legitimate rights, claims, and objectives. In the discharge of this duty, a lawyer should not be deterred by any real or imagined fear of judicial disfavor or public unpopularity, nor be influenced directly or indirectly by any considerations or self-interest.

1. Representing my client in a professional manner is my first obligation.
2. I will be loyal and committed to my client's cause, but I will not permit that loyalty and commitment to interfere with my duty to provide objective and independent advice to the client.
3. I will endeavor to achieve my client's lawful objectives in business transactions and in litigation as expeditiously and economically as possible.
4. When appropriate, I will counsel my client with respect to mediation, arbitration, and other alternative methods of resolving disputes.
5. I will advise my client against pursuing litigation (or any other course of action) that is without merit and against insisting on tactics which are intended primarily to delay resolution of a matter or to harass or drain the financial resources of the opposing party.
6. A client has no right to demand that I abuse the opposite party or counsel or indulge in other offensive conduct. I will always treat adverse parties and witnesses with fairness and due consideration.

II. Relations with Other Lawyers

A lawyer owes to opposing counsel courtesy, candor, and cooperation in all respects not inconsistent with a client's interest and scrupulous observance of all mutual agreements and understandings. Ill feelings between clients should not influence a lawyer's conduct, attitude, or demeanor toward opposing lawyers.

1. I will be courteous, civil, and prompt in oral and written communications.
2. In litigation proceedings, I will agree to reasonable requests for extensions of time and for waiver of procedural formalities, provided a legitimate interest of my client will not be adversely affected.
3. I will not serve motions and pleadings at such a time or in such a manner as will unfairly limit the other party's opportunity to respond.
4. I will attempt to resolve by agreement my objections to matters contained in pleadings and discovery requests and responses.

5. When scheduled hearings or depositions are cancelled, I will notify opposing counsel, and, if appropriate, the Court (or other tribunal) as soon as practicable.

6. In business transactions, I will not quarrel over matters of form or style, but will concentrate on matters of substance.

7. I will identify for other counsel or parties all changes I have made in documents submitted to me for review.

III. Conduct in Court

A lawyer owes to the judiciary respect, diligence, candor, punctuality, and protection against unjust and improper criticism and attack. A judge has a reciprocal responsibility to maintain the dignity and independence of the Court and to treat the lawyer with courtesy and respect as an officer of the Court.

1. I will conduct myself in Court in a professional manner and demonstrate my respect for the Court and the law.
2. I will treat opposing counsel, opposing parties, the Court, and members of the Court staff with courtesy and civility.
3. I will advise my client of the behavior expected of him or her.
4. I will be punctual so that preliminary matters may be disposed of in order to start the trial, hearing, or conference on time.

IV. Administration of Justice & Discovery

A lawyer owes to the administration of justice personal dignity, professional integrity, and independence. A lawyer should adhere to the highest principles of professionalism in all dealings with others, regardless of the desires of a client.

1. Ordinarily, I will not give notice of a deposition or hearing until an effort has been made to schedule it by agreement.
2. In oral depositions and other discovery proceedings, I will treat opposing counsel, opposing parties, and any others present, with courtesy and civility.
3. I will refrain from excessive and abusive discovery, and I will comply with all reasonable discovery requests.
4. I will submit proposed orders to the Court promptly and will send copies to opposing counsel before or contemporaneously with submission to the Court.
5. If the matter does not merit the filing of a motion or an agreed order, I will not unnecessarily involve the Court or its staff with correspondence or with copies of correspondence to opposing counsel.

U.S. DISTRICT COURT
Southern District of Texas

APPENDIX C

Courtroom Etiquette.

People who appear in court must observe these and other conventions of courteous, orderly behavior.

- A. Be punctual.
- B. Remain in attendance until excused. All persons sitting before the bar shall remain there during each session and return after recess. Parties and counsel must remain in attendance during jury deliberations; absence waives the right to attend the return of the verdict.
- C. Dress with dignity.
- D. Address others only by their titles and surnames, including lawyers, witnesses, and court personnel.
- E. Stand when the Court speaks to you; stand when you speak to the Court. Speak only to the Court, except for questioning witnesses and, in opening and closing, addressing the jury.
- F. Avoid approaching the bench. Counsel should anticipate the necessity for rulings and discuss them when the jury is not seated. When a bench conference is unavoidable, get permission first.
- G. Hand to the clerk, not the judge or reporter, all things for examination by the judge.
- H. Stand when the judge or jury enters or leaves the courtroom.
- I. Contact with the law clerks is ex parte contact with the Court. Contact must be through the case manager.
- J. Assist the summoning of witnesses from outside the courtroom. Furnish the clerk and marshal with a list of witnesses showing the order they are likely to be called.
- K. Question witnesses while seated at counsel table or standing at the lectern. When it is necessary to question a witness about an exhibit, ask permission to approach the witness.
- L. Conduct no experiment or demonstration without permission.
- M. Do not participate in a trial as an attorney if you expect you may be called as a material witness.

- N. Avoid disparaging remarks and acrimony toward counsel, and discourage ill will between the litigants. Counsel must abstain from unnecessary references to opposing counsel, especially peculiarities.
- O. Make no side-bar remarks.
- P. Counsel are responsible for advising their clients, witnesses, and associate counsel about proper courtroom behavior.
- Q. Request the use of easels, light boxes, and other equipment well in advance so that they may be set up while the Court is not in session.

APPENDIX D

Guidelines for Professional Conduct.

- A. In fulfilling his or her primary duty to the client, a lawyer must be ever conscious of the broader duty to the judicial system that serves both attorney and client.
- B. A lawyer owes, to the judiciary, candor, diligence and utmost respect.
- C. A lawyer owes, to opposing counsel, a duty of courtesy and cooperation, the observance of which is necessary for the efficient administration of our system of justice and the respect of the public it serves.
- D. A lawyer unquestionably owes, to the administration of justice, the fundamental duties of personal dignity and professional integrity.
- E. Lawyers should treat each other, the opposing party, the court, and members of the court staff with courtesy and civility and conduct themselves in a professional manner at all times.
- F. A client has no right to demand that counsel abuse the opposite party or indulge in offensive conduct. A lawyer shall always treat adverse witnesses and suitors with fairness and due consideration.
- G. In adversary proceedings, clients are litigants and though ill feeling may exist between clients, such ill feeling should not influence a lawyer's conduct, attitude, or demeanor towards opposing lawyers.
- H. A lawyer should not use any form of discovery, or the scheduling of discovery, as a means of harassing opposing counsel or counsel's client.
- I. Lawyers will be punctual in communications with others and in honoring scheduled appearances, and will recognize that neglect and tardiness are demeaning to the lawyer and to the judicial system.
- J. If a fellow member of the Bar makes a just request for cooperation, or seeks scheduling accommodation, a lawyer will not arbitrarily or unreasonably withhold consent.
- K. Effective advocacy does not require antagonistic or obnoxious behavior and members of the Bar will adhere to the higher standard of conduct which judges, lawyers, clients, and the public may rightfully expect.

(Added May 8, 2001)

**U.S. BANKRUPTCY COURT
Southern District of Texas**

**APPENDIX A
TO THE LOCAL RULES OF THE SOUTHERN DISTRICT OF TEXAS**

COURTROOM ETIQUETTE

People who appear in court must observe these and other conventions of courteous, orderly behavior.

1. Be punctual.
2. Remain in attendance until excused. All persons sitting before the bar shall remain there during each session and return after recess.
3. Wear attire that is appropriate for a federal courtroom.
4. Address witnesses only by their titles and surnames. Refer to others in the same way.
5. Stand when the court speaks to you; stand when you speak to the court, unless otherwise excused or directed. Speak only to the court, except for questioning witnesses and, in opening and closing.
6. Avoid approaching the bench. Counsel should anticipate the necessity for rulings and discuss them before court is in session. When a bench conference is unavoidable, get permission first.
7. Hand to the clerk, not the judge or reporter, all things for examination by the judge.
8. Stand when the judge enters or leaves the courtroom.
9. Contact with the court must be through the case manager. Do not initiate calls to the Court's law clerks.
10. Assist the summoning of witnesses from outside the courtroom. Furnish the clerk and Electronic Court Recorder (ERO) with a list of witnesses showing the order they are likely to be called.
11. Question witnesses while seated at counsel table or standing at the lectern. When it is necessary to question a witness about an exhibit, ask permission to approach the witness.
12. Conduct no experiment or demonstration without permission.

13. Do not participate in a trial as an attorney if you expect you may be called as a material witness.

14. Avoid disparaging remarks and acrimony towards anyone, especially adverse parties and counsel, and discourage ill-will between the litigants. Counsel must abstain from unnecessary references to opposing counsel, especially peculiarities.

15. Make no side-bar remark.

16. Counsel are responsible for advising their clients, witnesses, and associate counsel about proper courtroom behavior.

17. Request the use of easels, light boxes, and other equipment well in advance so that they may be set up while court is not in session.

**Materials from
The Honorable Jeff Bohm**

**HELPFUL HINTS FOR COURTROOM
APPEARANCES**

(revised July 26, 2012)

1. All counsel are strongly urged to use the technology in the courtroom. For example, if counsel has voluminous exhibits, counsel should consider putting the exhibits on a disk and bringing the disk to the courtroom so that the exhibits may be shown on the screens in the courtroom (as opposed to putting the exhibits in a thick binder that becomes difficult to handle). For wireless access questions, please contact Vangie Attaway at (713) 250-5136 or cmA679@txs.uscourts.gov

2. Counsel must comply with Local Rule 9013-2 regarding exhibits and witness lists. Counsel are urged to carefully review this Local Rule so that counsel understands what he/she must do in preparing for hearings and trials.

3. The court will want counsel for each party to give closing arguments in all contested matters and adversary proceedings.

4. Please deliver to chambers copies of any pleadings that contain voluminous exhibits.

5. If a hearing is set and an agreed order has been filed, signed and entered on the docket prior to the hearing, then no appearance is necessary.

6. If an application to compromise is filed regarding an adversary proceeding, and a pre-trial conference or trial is scheduled, please email the case manager, Robin Stennis, to inform the court. Her email address is cmA679@txs.uscourts.gov.

**Materials from
The Honorable Karen K. Brown**

Judge Brown's Procedures
revised effective 04/27/11

Continuances

A request for continuance **must be in writing** and must be filed prior to the hearing. Do not request a continuance by telephone. Unless Judge Brown authorizes a continuance in advance of the hearing, the matter will be called on the date and time set. Attorneys are expected to appear and be prepared to go forward on the hearing.

Settlements and Hearing Attendance

If a matter has been settled, counsel must submit an agreed order signed by counsel for each party to the agreement. If a hearing has been set on the matter counsel must appear at the hearing and announce the details of the settlement or submit an agreed order when the case is called in court containing the terms of the settlement signed by all of the parties in interest. As soon as settlement is reached, counsel should notify the case manager of the settlement to allow for efficient management of court time and courtroom personnel. Where applicable, a motion to compromise controversy shall be timely filed and noticed within ten days after the hearing at which the settlement was announced.

In adversary proceedings, if a final judgment has not been submitted within one month after an order approving compromise of controversy has been entered, the court will issue a show cause for dismissal of the adversary proceeding.

Discovery

Parties may resolve discovery disputes without necessity of filing motions to compel or quash by calling chambers. In the event motions to compel or quash discovery are filed they may be considered by Judge Brown on an emergency basis with or without a hearing or in some cases by telephone conference. For those matters suited to disposition by telephone conference, Judge Brown's secretary will contact the moving party.

Motions to extend discovery deadlines shall be filed no later than 20 days prior to the deadline sought to be extended unless an emergency is shown.

Hearing Attendance by Telephone

Attendance at hearings set on complex chapter 11 cases may be made via the "meet-me-line." Parties may call the meet-me-line, 713-250-5622 with or without advance notice to the Court. The line is called by the Court for every complex chapter 11 case hearing.

Attendance at any other hearing via the meet-me-line must be arranged 2 days prior to hearing by the case manger or courtroom deputy by e-mail or by telephone and approved by Judge Brown.

Without Judge Brown's approval and arrangements with the courtroom deputy or case manager, the meet-me-line will not be accessed by the Court at the time the hearing is called in the courtroom.

Any party that opts to participate in a hearing via the meet-me-line do so at the risk of technological failure; the hearing will proceed regardless of such failure. Telephone participation is a privilege which either counsel or a party may forfeit by discourteous conduct.

Emergencies

Settings of emergency hearings are done by Judge Brown's case manager after the motion is filed. Attorneys are notified by the case manager of the setting.

Correspondence

Do not request action on any case matter or attempt to inform the Court of case issues by letter. Any requests or information concerning cases must be set out in a pleading filed with Intake and served on all parties as required by local and federal rules.

Appearances

An attorney appearing at a hearing shall be familiar with the case, have authority to bind the client, and be in charge of the case for that appearance.

Motions Older than 30 Days

If you do not have an order or a hearing setting within 30 days from the date of the filing of your motion, you may resubmit the proposed order as an email attachment to the attention of Judge Brown's case manager at cmA487@txs.uscourts.gov. or call 713-250-5445.

Hearing Settings

Do not contact the court's staff for hearing settings unless directed to do so by Judge Brown. Hearings are set by using the self-calendaring procedure described below, or at Judge Brown's discretion. If Judge Brown sets a hearing, her case manager will contact the moving party who shall then notify all parties in interest of the setting and file a certificate of service. All settings are shown on Judge Brown's calendar at www.txs.uscourts.gov and on the case docket sheet. Go to the Complex Chapter 11 Information link for instructions on setting complex chapter 11 case hearings.

Self-calendared Hearings

Attorneys shall set hearings for miscellaneous motions described below, motions for relief from stay, objections to claims, fee applications in chapters 7 and 11, and initial status hearings in adversary proceedings in accordance with the procedures listed below. Display your selected hearing date prominently on the first page of the pleading. **SEND NOTICE OF YOUR SELECTED HEARING DATE TO JUDGE BROWN'S CASE MANAGER, RUBEN CASTRO, IDENTIFYING THE CASE NUMBER, THE PARTIES, THE MATTER SET, AND THE SELECTED HEARING DATE.** You may send notice to Ruben Castro by email at cmA487@txs.uscourts.gov.

Evidentiary Hearings

Parties are to file witness and exhibit lists at least 2 days prior to the hearing. All exhibits are to be legible. Printed exhibits in less than 12 pt font are to be enlarged to 14 pt font. Regarding exhibits: Parties are to bring 1 copy for the Court, 1 copy for the witness and enough copies to exchange with all opposing counsel.

Miscellaneous Motions

Counsel may set for hearing all **electronically-filed** pleadings requiring less than 30 minutes of court time in adversary proceedings, chapter 7 main cases, and in non-complex chapter 11 main cases, **EXCEPT:**

- pleadings for which a hearing setting process is otherwise provided on Judge Brown's webpage
- pleadings in a chapter 13 or complex chapter 11 main case
- motions for summary judgment
- disclosure statements
- plan confirmation
- expedited motions

Miscellaneous motions shall be set for the dates and times shown on Judge Brown's webpage. You must serve notice of your motion and hearing date in accordance with applicable federal and local rules and file a certificate of service. Once your motion is set using the self-scheduling procedure, continuances may be granted only by written motion and court order. **If your setting fails to comply with these instructions, applicable notice requirements, or you fail to appear for your setting, your motion may be dismissed.** At the Court's discretion, your motion may be reset by Judge Brown's case manager, in which event you will be contacted to serve another notice of hearing.