

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

In the Matter of Amending Local Rule 83.5)
Attorneys - Admission to Practice - Standards)
of Conduct - Duties)
_____)

General Order No. 429

The court hereby amends Local Rule 83.5(e) to add the following code of conduct for practice before this court as Local Rule 83.5(e.1). The existing Local Rule 83.5(e) is renumbered as 83.5(e.2).

(e) Professionalism

1. Code of Conduct. The United States District Court for the Southern District of California is committed to the highest standards of professionalism and expects those standards to be observed by lawyers who practice before it. Compliance with high standards of professionalism depends primarily upon understanding the value of clients, the legal system, the public, and lawyers of adhering to the voluntary standards. Secondly, compliance depends upon reinforcement by peer pressure and public opinion, and finally, when necessary, by enforcement by the courts through their powers and rules already in existence. This code of conduct is not intended to be a set of rules that lawyers can use to incite ancillary litigation on the question whether the standards have been observed by an adversary, but the court may take any appropriate measures to address violations of the rules.

a. Conduct to Follow. An attorney in practice before this court shall:

1. Be courteous and civil in all communications, oral and written, and in all proceedings conduct herself/himself with dignity and respect.
2. Be a vigorous and zealous advocate on behalf of a client without acting in a manner detrimental to the proper functioning of the judicial system.
3. Attempt to resolve litigation consistent with his or her client's interests.
4. Attempt to informally resolve disputes with opposing counsel.

5. Agree to reasonable scheduling changes, requests for extensions of time and waivers of procedural formalities, if the legitimate interests of a client will not be adversely affected.
6. Communicate with opposing counsel in an attempt to establish a discovery plan and a voluntary exchange of non-privileged information.
7. When possible, confer with opposing counsel before scheduling or rescheduling hearings, depositions, and meetings and notify all parties and the court, as early as possible, when hearings or depositions must be cancelled.

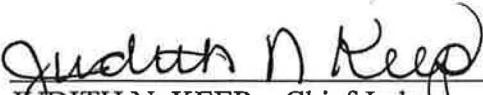
b. **Conduct to Avoid.** An attorney in practice before this court shall not:

1. Disparage the intelligence, ethics, morals, integrity or behavior of opposing parties or counsel unless such characteristics are in issue.
2. Disparage any person's gender, race, religious creed, color, national origin, ancestry, physical handicap, medical condition, marital status or sexual orientation.
3. Knowingly participate in litigation or any other proceeding that is without merit or is designed to harass or drain the financial resources of the opposing party.
4. Arbitrarily or unreasonably deny an opposing counsel's reasonable request for cooperation or accommodation.
5. Serve motions and pleadings on opposing parties or counsel at a time or in a manner that will unfairly limit their opportunity to respond.
6. Seek sanctions against or the disqualification of any other attorney for any improper purpose.
7. Engage in excessive, abusive discovery, or delaying tactics.


2. **Standards of Professional Conduct.** (same as existing rule 83.5(e))

The period for public comment shall be until May 31, 1995. The rule shall be effective June 1, 1995. Any comments should be submitted to the Clerk, U. S. District Court at 880 Front Street, Suite 4290, San Diego, California 92101-8900. Please note on the envelope: In Re: Local Rule 83.5.


DATED: 4-17-95



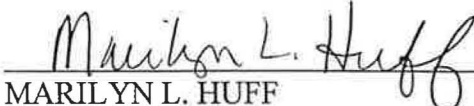
JUDITH N. KEEP, Chief Judge
United States District Court




RUDI M. BREWSTER
United States District Judge



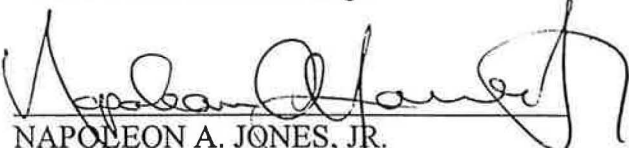
JOHN S. RHOADES
United States District Judge



MARILYN L. HUFF
United States District Judge



IRMA E. GONZALEZ
United States District Judge



NAPOLEON A. JONES, JR.
United States District Judge