

Civility and Professionalism - standards of courtesy...cont. from page 38

It goes beyond tactical aggressiveness to a level of gratuitous insult, intimidation, and degradation of the witness. It is behaviour that brings the legal profession into disrepute." According to the court it did not matter that the conduct took place during a deposition and not in a courtroom. In addition to the above conduct, the lawyer was also disciplined for belittling and insulting a witness who he knew had a history of emotional and physical problems. The lawyer justified his conduct in the latter matter on the basis that he needed to destroy the witness's credibility.

In re First City Bancorporation of Texas, Inc. (282 F 3d 864 (5th Cir 2002), a lawyer was sanctioned for repeatedly insulting opposing counsel and a witness during a bankruptcy proceeding. The lawyer referred to opposing counsel as a "puppet" and a "weak pussyfooting deadhead" who "had been dead mentally for ten years." The lawyer referred to other lawyers as "inept", as "clinks" as "a bunch of starving slob" and as "underling who graduated from a 29th tier law school." The lawyer called the witness a

The members of William Forster Chambers wish you all a Happy Christmas and a prosperous New Year.



(This year the money we would have spent on your Christmas cards will be donated to the Kids Help Line).

"hayseed" and a "washed-up has been." The lawyer defended himself against the sanctions by arguing that his characterisations were accurate and blamed the bankruptcy court and opposing counsel for his behaviour. The bankruptcy court fined the lawyer \$25,000 which was upheld by the appeals court.

CONFERENCES

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