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PROFESSIONAL RESPONSIBILITY

ABTL adopts civility guide

Rules considered new technologies and changes in legal profession

By Melanie Brisbon
Daily Journal Staff Writer

The newly minted ethics, professionalism and civility guidelines for the Los Angeles Chapter of the Association of Business Trial Lawyers address not only professional conduct, but also e-discovery and an ombudsmen civility program.

The guidelines, drafted by Davis Wright Tremaine LLP lawyer Mary H. Haas and other ABTL members, were unanimously approved by the board last week. ABTL's judicial advisory council of 10 judges also provided input and reviewed the guidelines, which are now in effect for the 1,500 members in the L.A. chapter.

"Given the new technology and the changes in the legal profession, we wanted to take a fresh look at [our ethics, professionalism and civility guidelines]," Haas said. "Several of the district and state courts have done the same."

Similar to the guidelines for the L.A. County Superior Court, ABTL's guidelines address court conduct as well as interaction with the public and with clients.

Unlike the Superior Court, the ABTL guidelines address e-discovery and encourages attorneys to conduct it with "the goal of limiting the cost, burden and time spent, while ensuring the information subject to discovery is preserved and produced to allow for fair adjudication of the merits."

"We wanted to encourage cooperation, rather than leave it by chance," said David A. Battaglia, ABTL president and partner at Gibson, Dunn & Crutcher LLP. "The way to do that was to encourage the parties to get together in order to conduct searches in a way that is beneficial to both parties."

It could take a lot of pressure off the courts if the parties could get together and try to resolve things, Battaglia said.

Another unique part of the guidelines is the ombudsmen civility program, legal experts say.

"I've seen this in other groups, but not in L.A. County," said business litigator Stephen L. Raucher, who is not an ABTL member. "The idea is that these people

on the ABTL board are going to make themselves available and almost act as a mediator."

According to the guidelines, "each ABTL Board Member or their designee will facilitate compliance with ABTL's Civility Guidelines by being available to receive and assist in the resolution of issues concerning conduct raised against his/her firm..."

This will help attorneys better communicate, Battaglia said.

"The thought was that the board members of the ABTL represent the major plaintiff and defense firms in the L.A. area and for the most part throughout the state," Battaglia said. "The goal is that if there's a major dispute between two different firms, that [dispute] could be either toned down or potentially resolved by an intermediary, before a lot of papers are filed or motions are brought before the court."

Guidelines for professional conduct are often helpful to both clients and lawyers.

"I think they're worthwhile because they tell the court and the client how it is they think lawyers should be behaving," Raucher said. "They serve an important role in terms of the reputation of the profession."