

February 22, 2023

Board of Trustees
The State Bar of California
180 Howard Street
San Francisco, CA 94105

Re: Proposed Amendments Requiring Attorneys to Complete Annual Civility Pledge

Dear Trustees of the State Bar of California:

The California Lawyers Association (CLA) submits these comments in response to the proposed amendments requiring attorneys to complete the annual civility pledge.

The attorney oath was last revised in 2014 to include a civility pledge, which states: “As an officer of the court, I will strive to conduct myself at all times with dignity, courtesy and integrity.” With one recommended modification, CLA supports the proposed amendments to rule 9.7 of the California Rules, which would (1) require attorneys who have not taken the oath with the civility pledge to submit a declaration containing that pledge, and (2) require attorneys to reaffirm the civility pledge on an annual basis.

The existing civility pledge refers to conduct “at all times.” CLA recommends that this language be amended to refer to conduct “in the practice of law or related professional activities.” Requiring attorneys to take an annual pledge to act with “dignity, courtesy and integrity” at all times seems overly broad, particularly because “dignity, courtesy and integrity” are somewhat amorphous and subjective terms.

We recognize that the current language of the civility pledge has been included in the oath taken by attorneys admitted since 2014 (and that CLA has supported the proposal that all attorneys be required to affirm and reaffirm the civility pledge), but recommend that the language be re-visited in the context of the comprehensive civility package currently under consideration. Specifically, the proposed amendments to the Rules of Professional Conduct refer to conduct or incivility “in the practice of law or related professional activities.” The proposed amendments to the MCLE rules would require at least one hour of education addressing “civility in the legal profession” and the proposed definition of civility MCLE provides that the activity must consist of education that addresses “civility in the legal profession.” We believe the language of the civility pledge should be amended to be consistent with this other language governing civility.

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We appreciate your consideration of our comments.

Sincerely,

A handwritten signature in black ink, appearing to read 'J. Evans', with a large loop at the beginning and a trailing flourish.

Jeremy M. Evans
President