

ITEM 6.00 | CHAPTER INTRO

Starting on the date of admission to The Florida Bar, counsel pledges fairness, integrity and civility to opposing parties and their counsel, not only in court but also in all written and oral communications. Oath of Admission to the Florida Bar. The Rules Regulating the Florida Bar also prohibit a lawyer from “unlawfully obstruct[ing] another party’s access to evidence,” “fabricat[ing] evidence” or “counsel[ing] or assist[ing] a witness to testify falsely.” Rule 4-3.4. See also Rule 3-4.3 and 3-4.4 (misconduct may constitute a ground for discipline); Rule 4-3.5 (Disruption of a Tribunal); Rule 4-4.4 (Respect for Rights of Third Persons); Rule 4-8 (Maintaining the Integrity of the Profession).

The Florida Bar’s “Guidelines for Professional Conduct,” promulgated jointly by the Conference of Circuit Court Judges, the Conference of County Court Judges, and the Trial Lawyers Section of the Florida Bar, specifically address deposition conduct. See Section F (2008 edition), found within the 2014-2016 Professionalism Handbook. These guidelines make clear that counsel should refrain from repetitive and argumentative questions, as well as questions and comments designed to harass or intimidate a witness or opposing counsel. Counsel are also advised not to engage in any conduct during a deposition that would not be allowed in the presence of a judicial officer.

Let there be no doubt that violations of these rules of fairness and civility may result in significant disciplinary action. In *The Florida Bar v. Ratiner*,¹ a lawyer was publicly reprimanded by the Supreme Court of Florida, suspended for sixty days, and put on probation for two years, all for engaging in deposition misconduct. See also, *5500 North Corp. v. Willis*,² in which the Fifth District Court of Appeal approved the trial court’s referral of deposition conduct issues to The Florida Bar. The appellate court noted that in terms of counsel’s deposition behavior, “[w]e would expect more civility from Beavis and Butthead.”

Trial Lawyers Section of the Florida Bar
Conference of Circuit Court Judges
Conference of County Court Judges



Footnotes

¹ 46 So. 3d 35 (Fla. 2010)

² 729 So. 2d 508, 514 (Fla. 5th DCA 1999).

