

Utah Standards of Professionalism and Civility Excerpts

11. Lawyers shall avoid impermissible ex parte communications.
20. Lawyers shall not authorize or encourage their clients or anyone under their direction or supervision to engage in conduct proscribed by these Standards

Maintaining the Public Trust – Ethics for Federal Judicial Law Clerks (4th ed., Federal Judicial Center 2013)

Dealing with attorneys

Dealing with attorneys can pose challenges. Attorneys often want an insider's view on how their cases are going and how they can improve their clients' prospects. They may call and try to argue their points, and lead you into a discussion of the case. Do not participate in these conversations. Some judges do not permit law clerks to talk with counsel at all. But even if your judge allows you to talk with attorneys under certain circumstances, never discuss or divulge confidential information.

If an attorney tries to continue the conversation, say, "If you made those points in your filing, the judge will read it and consider them." If the attorney tries to discern the judge's thoughts, say, "I'm sorry, but you'll have to wait until the opinion issues." Making these statements can be more difficult if you know the attorney from law school or through your family, or if the attorney has appeared in multiple cases before your judge. But your obligation to the court remains the same: to protect confidential information and the integrity of the court.

Information That's Confidential

- Statements, or even hints, about a judge's likely actions in a case
- The timing of a judge's decision or order, or any other judicial action
- The content of case-related discussions with a judge, including past cases
- Observations about a judge's decision-making process in specific cases
- Documents or other information related to a sealed case
- Information obtained in the course of a law clerk's work that is not available to the general public

Information That's Not Confidential

- Court rules
- Court procedures
- In general, information on how the court operates
- Court records, including the case docket available from the clerk's office
- Information disclosed in public court proceedings

An Attorney Calls Chambers . . . (remember, we are here to help, but we just can't answer some questions)

An attorney calls chambers to give a reminder that a motion is pending and then asks: "When can I expect the judge's ruling?"

An attorney calls chambers yelling because the attorney doesn't understand how voluntary dismissals work under Rule 41. Then, after the law clerk refers to the Rule and general court procedures, the attorney proceeds to explain that case wasn't resolved earlier because opposing counsel doesn't know what she/he is doing.

An attorney calls chambers stating she/he has a "procedural question" and then spends several minutes explaining the case's facts and substantive issues, and finally asks: "What type of motion should I file? Is the judge looking for a summary judgment motion, a motion in limine, or something else?"

An attorney calls chambers shortly after a ruling is issued to ask: "What does this mean?" or "Why did the judge do that?" or "What does the judge want me to do now?"

An attorney calls chambers to explain that she/he will be filing a motion for extension of time, and then explains why the extension is needed and how unreasonable opposing counsel is for not stipulating.

An attorney calls chambers to propose that "things in this case need to be sorted out by telephone conference with the judge."

An attorney calls chambers to inquire whether the judge would be willing to reconsider the denial of the attorney's motion, and gives argument for why reconsideration is appropriate.

An attorney calls chambers to ask: "Does the judge usually grant motions for overlength briefs?"

An attorney calls chambers, knowing that requests for overlength briefs are rarely granted, to explain why the extra pages are really needed this time.

DUCivR 83-1.1 ATTORNEYS - ADMISSION TO PRACTICE

(b)(3) Pro Bono Service Requirement. Any attorney who is admitted to the bar of this court must agree, as a condition of such admission, to engage in a reasonable level of pro bono work when requested to do so by the court.

UNITED STATES DISTRICT COURT
DISTRICT OF UTAH
PRO BONO ENROLLMENT FORM

“Any attorney who is admitted to the bar of this court must agree, as a condition of such admission, to engage in a reasonable level of pro bono work when requested to do so by the court.” (DUCiv R 83-1.1(b) (3).

Name & Bar Number

Firm Name

Email Address & Telephone Number

I am willing to represent pro se litigants in the following geographical areas:

Southern Region Northern Division Central Division (excluding Southern Region)

I am **not** willing to accept cases in the following areas:

employment discrimination/wrongful termination (plaintiff)

prisoner civil rights non-prisoner civil rights

social security disability appeals

personal injury (plaintiff)

medical malpractice (plaintiff)

other (please specify): _____

I am willing (and trained) to be a guardian ad litem: Yes No

I represent defendants in the following categories, which would preclude me from taking cases against these categories of defendants (e.g., state or local governmental entities, law enforcement associations, etc.): _____

Is there anything else you would like us to know? _____

Please email/mail the completed form to:

Pro Bono Enrollment

United States District Court

Office of the Clerk – Anne Morgan

351 South West Temple

Salt Lake City, Utah 84101

Anne_morgan@utd.uscourts.gov