

TERMS POLICY

Judges and court commissioners are required by their judicial ethics to be responsible for the administration of justice in their courtrooms. This includes the obligation to require lawyers to refrain from manifesting bias or prejudice, or engaging in harassment against parties, witnesses, lawyers and others. *See Canon 2.3 (C)*. They also are required to ensure that lawyers, court staff, court officials and others subject to their control are patient, dignified and courteous. *See Canon 2.8(B)*. These obligations extend beyond the courtroom and require a judge when possessing credible information that a lawyer has violated Rules of Professional Conduct, to take appropriate action. *See Canon 2.15 (B) and (D)*. Among those ethical imperatives of attorneys that intersect with judicial expectations are the obligations of attorneys to exhibit candor in all matters before the court (*RPC 3.3*), and to act with fairness toward the opposing party and counsel (*RPC 3.4*). Specifically *RPC 3.4 (e)* prohibits attorneys from alluding to a matter that they do not reasonably believe is relevant or that is not supported by relevant evidence. The Spokane Superior Court bench is committed to these standards of conduct and to promoting dignity and fairness in our courts by dealing with those infrequent instances of violations of the spirit and letter of the rules with the imposition of appropriate terms or sanctions.

POSSIBLE TERMS

Objections pertaining to inadmissible portions of documents:

The objecting party will need to file and fax a Motion Status Report form along with a formal Objection that includes the specific objection, and what statements it pertains to. These documents must be faxed to Family Law no later than noon on the day prior to the hearing, with a copy of both provided to opposing counsel, and filed in the court file.

Opposing counsel will have until docket call the next morning to either redact their documents, withdraw declarations, or provide a formal written response filed in the court file as to why the information should be permitted. (i.e., exceptions to hearsay). A copy of the response will be provided for the court at docket call.

At the time of the hearing the court may either rule on the formal objection and response or allow argument regarding same. Any time needed to address the objections will be deducted from the

offending parties' argument time. The court may also refuse to consider the document in its entirety, or assess monetary sanctions for each inadmissible item. (i.e., \$25 sanction/terms for each hearsay statement). An order should be entered indicating which portions were stricken. Terms normally will not be assessed for good faith assertions of admissibility of evidence.

Contempt terms/sanctions for misconduct during a hearing:

Late to a hearing – Court will not call lawyer's offices. If not present, opposing counsel may make their argument and the court rules on the argument of that counsel and admissible written materials. Additional money terms to opposing side and sanctions to the court (made payable either to clerk's office, or charity of their choice)

Rude comments or personal attacks during a hearing – Give one warning that any repeat of such behavior will result in a waiver of argument, and or financial sanctions. Second offense, their argument time is waived, terms to opposing party, sanctions to the court.

Caveats:

1. These suggested terms/sanctions are not exclusive and judicial officers may employ other means or other terms or sanctions as a way of addressing these concerns.
2. This policy will be subject to change in the event it appears it is ineffectual or overly burdensome.