

Maintaining Professionalism in the Legal Industry

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It goes without saying that as professionals, attorneys are obligated to maintain professionalism at all times and to refrain from acting in a manner deemed inappropriate for the situation. While attorneys are encouraged to act as zealous advocates for their clients, they must do so in a manner that is neither disrespectful nor disruptive. While emotions can understandably run high at times, there are boundaries of professionalism that should not be crossed.

Model Rule of Professional Conduct 3.5(d) prohibits an attorney from “engag[ing] in conduct intended to disrupt a tribunal.” Missouri, Kansas and many other states have adopted similar rules. See Missouri Rule of Professional Conduct 3.5(d) and Kansas Rule of Professional Conduct 3.5(d). While likely not a common basis for disciplinary actions, a recent case from Florida, *The Florida Bar v. Ratiner*, No. SC13-539, 2018 WL 1007927, demonstrates how unprofessional conduct can lead to dire consequences.

In *The Florida Bar v. Ratiner*, this was the third disciplinary action for the attorney arising out of representation of his client against the same defendant. There were findings and allegations the attorney: (1) said “lie, lie, lie” to an associate during cross-examination by opposing counsel in a post-trial hearing loudly enough for the judge to hear; (2) kicked the leg of counsel’s table during the post-trial hearing that led the judge to end the hearing; (3) after exceeding his allotted time for the closing arguments during trial and when the judge attempted to stop him, replied that he would take whatever time he needed; and (4) threw papers around at counsel’s table during trial. The judge for the underlying trial referred to the attorney as “not respectful”, “disruptive”, and a “bully”. Largely due to the prior disciplinary matters arising out of similar-type conduct, the Florida Supreme Court chose to disbar the attorney following the current complaint.

While certainly an extreme example of conduct and outcome, the *Ratiner* case serves as a reminder to all attorneys that control of emotions, professionalism, and respectful behavior are both expected and required by disciplinary boards, clients, and judges.