

# New Year, Same Bar License Oath—But Attorney Civility Means More in 2026

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Beginning in 2026, California attorneys will face a new requirement during the annual license renewal: the obligation to re-attest each year to a civility oath. The oath—simple in language yet significant in purpose—states:

*As an officer of the court, I will strive to conduct myself at all times with dignity, courtesy, and integrity.*

This language has been part of California's professional framework since 2014. However, a renewed emphasis reflects growing concern that civility within the legal profession has eroded rather than improved. As discussed below, California is just the latest among more than a dozen states to place renewed emphasis on civility.

California's civility oath emerged from a Civility Task Force formed by the California State Bar in 2006 in response to increasing complaints of unprofessional conduct across practice areas. The Civility Task Force documented patterns of discourtesy, hostility, and litigation tactics that unnecessarily prolonged proceedings, increased costs, and strained court resources.

Yet, most attorneys practicing law in California have never taken this oath. And despite the adoption of the civility oath, instances of attorney civility and unprofessional conduct have only increased over the past decade, prompting renewed deliberation by the California State Bar and the California Supreme Court.

In 2021, the Civility Task Force published a follow-up report concluding that incivility had not failed to abate, and set forth multiple examples of abusive discovery practices, inflammatory rhetoric, refusal to cooperate on routine matters, and conduct bordering on harassment had become increasingly visible.<sup>[1]</sup> As a result, the Civility Task Force recommended requiring annual re-attestation to the civility oath. The California Supreme Court adopted that recommendation, approving an amendment to Rule 9 that takes effect in 2026.<sup>[2]</sup>

Some may wonder: why does attorney civility matter? Civility is not about being “nice”—it is about being effective. Professionalism speeds up the resolution of matters, makes them less expensive, and makes them more credible before courts and decision-makers, whereas incivility does the opposite.

## A National Trend Toward Professionalism

California's renewed emphasis on civility reflects a broader national trend. Over two dozen states either require a civility oath or pledge as part of bar admission, or impose professionalism requirements through court rules or disciplinary standards,

including but not limited to Alaska, Arizona, Arkansas, Colorado, Delaware, Florida, Hawaii, Louisiana, Michigan, Minnesota, Montana, Nevada, New Mexico, Ohio, Oregon, South Carolina, Texas, Utah, Virginia, and Washington.<sup>[3]</sup>

## Texas Civility Clause

Texas provides a notable example. In 2015, Governor Greg Abbott signed legislation requiring a civility clause to be included in the oath taken by every attorney admitted to the Texas State Bar. This was built on Texas's longstanding commitment to professionalism, reflected in the Texas Lawyers' Creed, which was first adopted in 1989. The creed emphasizes respect for courts, opposing counsel, and the legal system, underscoring that professionalism is integral—not incidental—to effective advocacy.<sup>[4]</sup>

## ABA Model Rules of Professional Conduct

The movement towards the inclusion of a civility oath reflects a shared understanding across jurisdictions that civility is essential to the effective functioning of the legal system. Civility is not the opposite of zealous representation. The two can and do work together as one. Even the American Bar Association recognizes this potential conflict and addresses it in the preamble.

The American Bar Association's Model Rules of Professional Conduct recognize the inherent tension in legal practice. As the preamble explains:

*Virtually all difficult ethical problems arise from conflict between a lawyer's responsibilities to clients, to the legal system and to the lawyer's own interest... These principles include the lawyer's obligation zealously to protect and pursue a client's legitimate interests, within the bounds of the law, while maintaining a professional, courteous and civil attitude toward all persons involved in the legal system.*<sup>[5]</sup>

This balance is at the heart of the civility discussion. Civility does not require passivity, weakness, or concession. It requires discipline, judgment, and respect—for the process, for opposing parties, and for the rule of law.

## What Incivility Looks Like in Practice

What does incivility look like in practice? It shows up in routine, day-to-day conduct in legal matters—behavior that many attorneys have experienced firsthand. Common examples include:

- Abusive or obstructive discovery tactics
- Gratuitous personal attacks in pleadings or correspondence
- Refusal to meet and confer in good faith
- Strategic delay that is designed to increase costs or pressure settlement
- Disrespectful conduct toward court staff or opposing counsel

Courts have confronted these forms of incivility and have issued opinions underscoring that such conduct will not be tolerated.

## Case Example 1: *In re Mahoney*

In *re Mahoney*,<sup>[6]</sup> the California Court of Appeals addressed an attorney's repeated and egregiously uncivil conduct in both written and oral advocacy. The attorney's filings contained personal attacks on the trial judge, the appellate panel, and opposing counsel.

His comments included statements suggesting the legal system was "going down the tubes," accusing the court of "ignore[ing] the facts,"<sup>[7]</sup> and asserting that the court had "indiscriminately screw[ed]" his client.<sup>[8]</sup> The court found this pattern of disrespectful rhetoric incompatible with an attorney's professional obligations.<sup>[9]</sup> It held the attorney in contempt for his conduct toward both the trial and appellate courts and imposed monetary sanctions of \$1,000 for each of two counts.

In publishing the opinion, the court issued a broader warning to the profession:

*We publish this decision as a cautionary tale. The timbre of our time has become unfortunately aggressive and disrespectful. Language addressed to opposing counsel and courts has lurched off the path of discourse and into the ditch of abuse. This is not who we are.*

Emphasizing the professional responsibilities owed by lawyers, the court continued:

*We are professionals. Like the clergy, like doctors, like scientists, we are members of a profession, and we have to conduct ourselves accordingly. . . . Respect for individual judges and specific decisions is a matter of personal opinion. Respect for the institution is not; it is a sine qua non.*<sup>[10]</sup>

The decision serves as a clear reminder that civility is not optional: attorneys must advocate firmly but always with courtesy and respect for the judicial process.

## Case Example 2: *Florida Bar v. Leigh*

In *Florida Bar v. Leigh*,<sup>[11]</sup> the Florida Supreme Court disbarred an attorney for a pattern of egregious misconduct spanning six separate counts. The court found that the attorney had engaged in "humiliating, disparaging, and threatening" social media posts targeting parties involved in the litigation—conduct so troubling that a federal judge entered a protective order due to security concerns.<sup>[12]</sup>

The attorney also falsely accused opposing counsel of forgery in court filings without any factual basis and alleged racial bias against a trial judge without any reasonable support.<sup>[13]</sup>

Beyond the case-specific misconduct, the Florida Supreme Court noted that the attorney had posted additional violent and alarming messages online, including a photograph of himself accompanied by the statement: "After this round of depositions in the next 2 weeks, would love to start a shooting campaign."<sup>[14]</sup>

The Florida Supreme Court concluded that the attorney demonstrated gross incompetence and an inability "to grasp the most basic, fundamental legal concepts."<sup>[15]</sup> It further found that his refusal to follow court rules and orders showed contempt "for the courts, the parties involved, and the legal system as a whole."<sup>[16]</sup> The court emphasized that his repeated actions reflected an unwillingness to learn from past misconduct and held that "such flagrant behavior signifies a significant character flaw and merits a severe sanction."<sup>[17]</sup>

## Case Example 3: *Hindlin v. Prescription Songs LLC*

In *Hindlin v. Prescription Songs LLC*<sup>[18]</sup> (an unpublished sanctions order), the trial court imposed monetary penalties on two attorneys for what it deemed to be egregiously unprofessional behavior during multiple depositions.<sup>[19]</sup>

The record reflected a pattern of obstructive conduct. In one deposition alone, the first attorney, appearing as counsel for the witness, interjected 197 times with improper speaking objections or unnecessary colloquy.<sup>[20]</sup> The second attorney, representing the plaintiff, similarly interrupted 114 times with improper objections or argumentative commentary.<sup>[21]</sup>

The trial court also highlighted the second attorney's particularly disrespectful and bullying remarks during the proceedings. Examples included:

- “You are not very good at asking questions, but you are very good at interrupting others.”
- “You have no knowledge of the law at all. You’re a joke... you’re nonsense.”
- During a virtual deposition, when a participant struggled with the mute function, the second attorney responded: “You could have stayed on mute, Paul. That would have been fine.”

In issuing sanctions, the trial court emphasized that such conduct undermines not only the efficiency of the deposition process but also the integrity of the profession:

*Improper deposition behavior not only thwarts the deposition but tarnishes the profession. Offensive and abusive language by attorneys in the guise of zealous advocacy is plainly improper, unprofessional, and unacceptable. An attorney who demonstrates a lack of civility, good manners and common courtesy taints the image of the legal profession and, consequently, the legal system, which was created and designed to resolve differences and disputes in a civil manner.*<sup>[22]</sup>

This decision underscores that attorneys must model civility for their clients and that incivility—particularly in the discovery process—will expose counsel and their clients to sanctions and reputational harm.

## Incivility Examples in the Media

Even more extreme examples of incivility have surfaced in the national media. In 2018, for instance, the *ABA Journal* reported that a lawyer was suspended by his firm after opposing a pregnant attorney's request for a continuance because her due date coincided with the trial date.<sup>[23]</sup>

And many in the profession still recall the widely circulated 2007 video titled “*Texas Style Deposition*,” in which an attorney repeatedly swore at opposing counsel and referred to him as “fat boy.”<sup>[24]</sup>

These stories, while sensational, demonstrate that attorney incivility is not theoretical. It has real-world consequences for clients and the integrity of the legal system. Unprofessional conduct drives up legal costs, invites unnecessary court intervention, causes avoidable delays, increases stress for everyone involved, and reinforces negative stereotypes about the profession.

## Practical Tips for Civility in 2026

In that spirit, attorneys should note these few practical reminders for promoting civility in the New Year:

- Confer in good faith before filing discovery motions, aiming to resolve disputes rather than create a record of conflict.
- Communicate clearly and professionally in correspondence, even when disagreements are sharp or the stakes are high.
- Make reasonable scheduling accommodations when possible, recognizing that cooperation often leads to reciprocity.
- Focus advocacy on the merits, not personal attacks on opposing counsel or parties.

Courts and clients expect attorneys to be both strong advocates and civil professionals. Clients benefit when lawyers exercise disciplined judgment rather than reflexive aggression. In an era of rising costs, heightened scrutiny, and increasing demands on the justice system, civility is not simply a matter of etiquette—it is a strategic advantage and an essential component of effective advocacy.

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[1] Beyond the Oath: Recommendations for Improving Civility, Initial Report of the California Civility Task Force, September 2021, <https://caljudges.org/docs/PDF/California%20Civility%20Task%20Force%20Report%209.10.21.pdf>.

[2] California Supreme Court Approves Amendments to Rules Governing the Bar Exam and Attorney Conduct | Supreme Court of California

[3] Gernardo, A Lesson in Civility (2019) 32 Georgetown J. L. Ethics 135, 146.

[4] State Bar of Texas | Articles

[5] Model Rules of Professional Conduct: Preamble & Scope

[6] See *In re Mahoney*, 65 Cal. App. 5th 376 (2021).

[7] See *In re Mahoney*, 65 Cal. App. 5th 376 (2021).

[8] *Id.* at 378.

[9] *Id.* at 379.

[10] *Id.* at 381.

[11] 405 So. 3d 347 (2025).

[12] *Id.* at 352.

[13] *Ibid.*

[14] *Id.* at 353.

[15] *Id.* at 359.

[16] *Ibid.*

[17] *Ibid.*

[18] 2022 NY Misc. LEXIS 3747, 2022 NY Slip Op 32601(U) (unpublished order imposing sanctions) (Sup Ct. NY County July 30, 2022).

[19] *Id.* at \*1.

[20] *Id.* at \*2.

[21] *Id.* at \*2.

[22] *Id.* at \*9-10.

[23]

[https://www.abajournal.com/news/article/shook\\_hardy\\_lawyer\\_in\\_the\\_spotlight\\_for\\_opposing\\_pregnant\\_lawyers\\_continuan](https://www.abajournal.com/news/article/shook_hardy_lawyer_in_the_spotlight_for_opposing_pregnant_lawyers_continuan)

[24] “Texas Style Deposition”, June 27, 2007, <https://www.youtube.com/watch?v=ZlxmrvbMeKc>

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