THE COMMONWEALTH OF PENNSYLVANIA’S
COURT OF COMMON PLEAS’, PHILADELPHIA COUNTY
COMPULSORY ARBITRATION PROGRAM’S
CODE OF CIVILITY

(Adopted May 27, 2003)

PREAMBLE

The hallmark of an enlightened and effective compulsory arbitration system of justice is the adherence to standards of professional responsibility and civility. Arbitrators and lawyers must always be mindful of the appearance of justice as well as its dispensation. The following principles are designed to assist arbitrators in how to conduct themselves in a manner that preserves the dignity and honor of the ultimate fact-finder and the legal profession. These principles are intended to encourage lawyers and arbitrators to practice civility and decorum and to confirm the legal profession’s status as an honorable and respected profession where courtesy and civility are observed as a matter of course.

The conduct of lawyers and arbitrators should be characterized at all times by professional integrity and personal courtesy in the fullest sense of those terms. Integrity and courtesy are indispensable to the practice of law and the orderly administration of justice by the Philadelphia Arbitration Center. Uncivil or obstructive conduct impedes the fundamental goal of resolving disputes in a rational, peaceful and efficient manner.

The following principles are designed to encourage arbitrators and lawyers to meet their obligations toward each other and the arbitration system in general. It is expected that arbitrators and lawyers will make a voluntary and mutual commitment to adhere to these principles. These principles are not intended to supersede or alter existing disciplinary codes or standards of conduct.

Jeffrey L. Dashevsky, Esquire
Co-Chair, Phila. Bar Assoc.’s Compulsory Arbitration Com.

Patrick C. Lamb, Esquire
Co-Chair, Phila. Bar Assoc.’s Compulsory Arbitration Com.
I. An Arbitrator's Duties to Lawyers and Other Arbitrators:

1. An arbitrator must maintain control of the proceedings and has an obligation to ensure that proceedings are conducted in a civil manner.

2. An arbitrator should show respect, courtesy and patience to the lawyers, parties and all participants in the legal process by treating all with civility.

3. An arbitrator should dress and conduct themselves appropriately.

4. An arbitrator should refrain from acting upon or manifesting racial, gender or other bias or prejudice toward any participant in the legal process.

5. An arbitrator should always refer to counsel by surname preceded by the preferred title (Mr., Mrs., Ms. or Miss) or by the professional title of attorney or counselor while in the arbitration center.

6. An arbitrator should not employ hostile or demeaning words in deliberations or in speaking with lawyers, parties or witnesses.

7. An arbitrator should be punctual in convening hearings.

8. An arbitrator should give all issues in controversy deliberate, informed and impartial analysis.

9. An arbitrator should allow the lawyers to present proper arguments and to make a complete and accurate record.

10. An arbitrator should not impugn the integrity or professionalism of any lawyer on the basis of the clients whom or the causes which he or she represents.

11. An arbitrator should conscientiously cooperate with the arbitration center’s schedule to assure the efficient and expeditious processing of cases.

12. Arbitrators should treat each other with courtesy and respect.
II. The Lawyer’s Duties to the Court:

1. A lawyer should act in a manner consistent with the fair, efficient and humane system of justice and treat all participants in the legal process in a civil, professional and courteous manner at all times.

2. A lawyer should speak and write in a civil and respectful manner in all arguments and memos of law.

3. A lawyer should not engage in any conduct that diminishes the dignity or decorum of the arbitration center.

4. A lawyer should advise clients and witnesses of the proper dress and conduct expected of them when appearing at the arbitration center and should, to the best of his or her ability, prevent clients and witnesses from creating disorder and disruption in the arbitration center.

5. A lawyer should abstain from making disparaging personal remarks or engaging in acrimonious speech or conduct toward opposing counsel or any participants in the arbitration and shall treat everyone involved with fair consideration.

6. A lawyer should not bring the profession into disrepute by making unfounded accusations of impropriety or personal attacks upon counsel and, absent good cause, should not attribute improper motive or conduct to other counsel.

7. A lawyer should refrain from acting upon or manifesting racial, gender or other bias or prejudice toward any participant in the arbitration.

8. A lawyer should not misrepresent, mischaracterize, misquote or miscite facts or authorities in any oral or written memos to the arbitration panel.

9. A lawyer should be punctual and prepared for their arbitration appearances.

10. A lawyer should avoid ex parte communications with arbitrators, prior to an award being rendered.

11. A lawyer should be considerate of the time constraints and pressures on the arbitration center’s personnel in the arbitration center’s effort to administer justice and make every effort to comply with schedules set by the arbitration center.

12. A lawyer should show respect for the arbitration center by proper demeanor and decorum. During the arbitration, a lawyer should address the panel by formal designation.

13. A lawyer should attempt to verify the availability of necessary participants and witnesses before the arbitration date in order to reschedule the arbitration, if necessary, in advance.

14. A lawyer should understand that the arbitration center’s personnel are an integral part of the justice system and should treat them with courtesy and respect at all times.

15. A lawyer should strive to protect the dignity and independence of the arbitrators, particularly from unjust criticism and attack.