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### Question

Lawyer Andrew and Lawyer Beatrice are involved in contentious litigation on behalf of their clients. During a heated argument in court over a pretrial motion, Andrew says, "Well, judge, you know how emotional women lawyers get sometimes." Beatrice decides to let this comment go, not wanting to create a distraction or run the risk of annoying the judge while she is trying to be persuasive on what she considers to be an important matter for her client. Over the next few minutes, things deteriorate and Andrew again disparages Beatrice, saying things such as, "Your Honor, I think my opponent's behavior in this case demonstrates conclusively why women attorneys are not cut out to be litigators."

Finally, Beatrice has had enough and asks the judge to put a stop to Andrew's comments regarding her and her gender. The judge says, "Well, let's see if we can keep this on topic" and then asks a specific question about the merits. The judge does not address Beatrice's complaints during the rest of the hearing.

Which of the following is most accurate?

- A. Both Lawyer Andrew and the judge violated their ethical obligations under the applicable rules.
- B. Lawyer Andrew violated the Disciplinary Rules of Professional Conduct, but the judge did not violate the Code of Judicial Conduct.
- C. The judge violated the Code of Judicial Conduct, but Lawyer Andrew did not violate the Disciplinary Rules of Professional Conduct.
- D. Neither violated any enforceable ethical rules because the behavior in question, at worst, violated the Texas Lawyer's Creed, which is, by its terms, merely "aspirational."



#### ABOUT THE CENTER

The Texas Center for Legal Ethics was created by three former chief justices of the Supreme Court of Texas to educate lawyers about ethics and professionalism. Lawyers can access the Texas Disciplinary Rules of Professional Conduct, the Texas Lawyer's Creed, and a variety of other online ethics resources by computer or smart device at [legalethictexas.com](http://legalethictexas.com).

#### DISCLAIMER

The information contained in Ethics Question of the Month is intended to illustrate an ethics issue of general interest in the Texas legal community; it is not intended to provide ethics advice that applies regardless of particular facts. For specific legal ethics advice, readers are urged to consult the Texas Disciplinary Rules of Professional Conduct (including the official comments) and other authorities and/or a qualified legal ethics adviser.

### Answer

The correct answer is A. For the reasoning behind the answer, go to [legalethictexas.com](http://legalethictexas.com).