

## Cal. Rules of Prof'l Conduct, Rule 3.4

This document reflects first and last orders received through July 30, 2019. Rules are current through August 14, 2019.

*CA - California Local, State & Federal Court Rules > RULES OF THE STATE BAR OF CALIFORNIA > Rules of Professional Conduct > Chapter 3. Advocate*

### Rule 3.4 Fairness to Opposing Party and Counsel

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A lawyer shall not:

- (a) unlawfully obstruct another party's access to evidence, including a witness, or unlawfully alter, destroy or conceal a document or other material having potential evidentiary value. A lawyer shall not counsel or assist another person\* to do any such act;
- (b) suppress any evidence that the lawyer or the lawyer's client has a legal obligation to reveal or to produce;
- (c) falsify evidence, counsel or assist a witness to testify falsely, or offer an inducement to a witness that is prohibited by law;
- (d) directly or indirectly pay, offer to pay, or acquiesce in the payment of compensation to a witness contingent upon the content of the witness's testimony or the outcome of the case. Except where prohibited by law, a lawyer may advance, guarantee, or acquiesce in the payment of:
  - (1) expenses reasonably<sup>(\*)</sup> incurred by a witness in attending or testifying;
  - (2) reasonable\* compensation to a witness for loss of time in attending or testifying; or
  - (3) a reasonable\* fee for the professional services of an expert witness;
- (e) advise or directly or indirectly cause a person\* to secrete himself or herself or to leave the jurisdiction of a tribunal\* for the purpose of making that person\* unavailable as a witness therein;
- (f) knowingly\* disobey an obligation under the rules of a tribunal\* except for an open refusal based on an assertion that no valid obligation exists; or
- (g) in trial, assert personal knowledge of facts in issue except when testifying as a witness, or state a personal opinion as to the guilt or innocence of an accused.

### History

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Rule 3.4 approved by order of the Supreme Court filed September 26, 2018, effective November 1, 2018.

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<sup>(\*)</sup> An asterisk (\*) identifies a word or phrase defined in the terminology rule, rule 1.0.1.

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