
E-93-2 Filing suit in the wrong venue

Question

May a lawyer knowingly commence a small claims action in a venue that has no substantial purpose other than to embarrass, delay or burden a third person?

Answer

No. “In representing a client, a lawyer shall not use means that have no substantial purpose other than to embarrass, delay, or burden a third person, . . .” SCR 20:4.4. *See also* SCR 20:3.1(a).

In this committee’s opinion, knowingly commencing a legal proceeding in an improper venue primarily to burden the defendant(s) violates SCR 20:4.4. “A lawyer should use the law’s procedure only for legitimate purposes and not to harass or intimidate others.” SCR Chapter 20, *Preamble: A Lawyer’s Responsibilities*.