

## Unwritten Rules of Civility in the Practice of Law Resource 5

Resource 5 is about the unwritten rules and customs of civility and etiquette among lawyers and judges in the community.

Discuss the following customs and unwritten rules of each of your local courts or at least those in which the new lawyer might practice.

- How is the Judge customarily addressed in court, at formal functions and events, in social settings, or at the grocery store? Does this custom change depending upon how often you appear before the Judge or the capacity in which you know the Judge? For example, if you are a prosecutor and appear before the same judge/magistrate every day? Or, if you don't appear before the judge in court, but you are on a bar association committee with him or her resulting in frequent meetings together? Discuss the appropriate demeanor with court personnel-the clerks, the bailiffs, the judge's assistants, etc. Explain the different roles of court staff.
- What is the appropriate attire for lawyers in your local court(s)? How should you advise your client to dress? Does your client's attire depend upon the type of case being litigated? What if your client does not have the proper attire to appear in court?
- Discuss local court rules and how they impact your behavior.
- What is the appropriate demeanor with opposing counsel? How should you address opposing counsel? What if you know opposing counsel well because you often oppose each other in cases? Because you went to law school together? Because you are good friends? How should you react if opposing counsel has been underhanded or dishonest during your case? What types of recourse are there? What tips does the mentor have for keeping calm during conversations with an opposing counsel who is behaving unprofessionally, such as yelling at you, attacking you personally, threatening you, etc.?
- What is the appropriate demeanor with your clients – in and out of court? Discuss the importance of sensitivity towards your clients.
- What is the importance of associating with local counsel if you are handling a case outside of your community? What are the advantages and disadvantages of doing this?
- If you are acting as local counsel with an out-of-state attorney, what is your relationship to each other and to the case? What do you do when the other counsel wants to completely control the litigation and your actions?