

MENTOR MATCH PROGRAM
WORKSHEET E
INTRODUCTION TO CUSTOMS AND RULES

Worksheet E is intended to facilitate a discussion about the rules and customs of civility and etiquette among lawyers and judges in the community.

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Read and discuss the attached article, Donald R. Lundberg, *Zealotry v. Zeal: Thoughts About Lawyer Civility*, RES GESTAE, December 2007 (Attached)

Discuss the following customs and rules of each of your local court(s) 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 taskforce 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 roles of different court staff.
- What is appropriate attire for lawyers in your local court(s)? How should you advise your client to dress? Does your client's dress depend upon the type of case being litigated? What if your client does not have the proper attire to appear in court?
- Discuss the local court rules and how they impact your conduct. See Marion County Local Rules, Commitment to Civility
- 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 yourself calm during conversations with an opposing counsel who is conducting him or herself 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.
- Discuss the importance of associating with local counsel if you are handling a case outside your community. What are the benefits and disadvantages to doing so? How do

you go about finding local counsel in another community with which to associate yourself?

- If you are acting as local counsel with an out-of-state/town lawyer, 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?

MARION COUNTY COMMITMENT TO RESPECT AND CIVILITY

GUIDELINES

I will maintain the highest level of professional integrity and personal courtesy in all dealings with parties, counsel, witnesses and courts.

I will advise clients that I am bound by the responsibilities and restrictions set forth in the Rules of Professional Conduct in all matters relating to the handling of their cases.

I will pursue the zealous advancement of clients' legitimate objectives, but I will not participate in litigation based upon vengeance or other inappropriate emotions.

I will use legal procedures for the fullest benefit of clients without misusing or abusing the legal process.

I will not intentionally speak or act in an abrasive, hostile, offensive or acrimonious manner toward parties, counsel or courts.

I will not knowingly misstate, mischaracterize or fail to disclose relevant facts or legal authority.

I will familiarize myself with and comply with all requirements of the common law, the trial rules, the local rules, and the court policy and procedure.

I will endeavor to have clients fully disclose assets and liabilities, informally exchange information and confer with opposing counsel to discuss settlement, stipulate undisputed matters, and identify issues prior to scheduled hearings.

I will strive to reach agreements on procedural and preliminary matters consistent with clients' legitimate objectives.

I will honor promises and commitments in an effort to raise the level of professionalism and civility in domestic matters.

I will advise clients of the legal standards by which courts decide family law issues including the rebuttable presumption of an equal division of the marital estate and application of the best interest standard when determining custody of the children.

I will, whenever possible, encourage clients to reach amicable settlement of all issues after careful review of statutes and reasonable consideration of the risks, costs, delay and emotional trauma of trial.

I will not seek judicial intervention in matters that can be resolved through cooperation and communication between counsel and parties.

I will not resort to ex parte proceedings in the absence of extreme emergency, as the interests of justice and fair play mandate notice to the opposing party.

I will not abuse time limitations set by courts, will be punctual and prepared for all court appearances and I will notify the court promptly when a case has been settled or must be continued.

I will prepare clients and witnesses for court appearances and advise them of the conduct required of them in order to promote the prompt and efficient administration of justice and to avoid conduct that brings disorder, disruption and disrespect upon the courts.