

ISLAND/SAN JUAN COUNTY SUPERIOR COURT CONDUCT AND DRESS CODE

THE FOLLOWING CONDUCT AND DRESS CODE SHALL APPLY WHEN COURT IS IN SESSION:

1. No firearms or other weapons, including knives, shall be allowed in the courtroom.
 2. No food or drinks, except water, shall be allowed in the courtroom.
 3. No cell phones or pagers, with audible signals activated, shall be allowed in the courtroom.
 4. All persons in the courtroom, except those required to be there because of arrest or court order, shall be attired in a manner appropriate to the dignity and decorum of the courtroom setting. As minimum standards, the following rules shall apply:
 - * Men shall wear shirts, trousers and shoes.
 - * Woman shall wear shoes, and either dresses, skirts and tops, or pants and tops.
 - * Shorts, halter-tops, tank tops, hats, caps, torn clothing, shirts or other clothing with obscene or profane pictures or messages, and thongs, shall not be worn.
 - * Male attorneys shall wear coats, slacks and ties. Women attorneys shall wear professionally appropriate attire.
 5. All persons in the courtroom shall, in their speech and actions, conduct themselves in a manner appropriate to the dignity and decorum of the courtroom setting. As minimum standards, the following rules shall apply:
 - * Spectators and persons not then actively engaged in court proceedings shall be quiet; any speech which does occur shall be as unobtrusive as possible.
 - * All persons shall refrain from any gestures and from conduct or behavior, which manifest disrespect for the court, counsel, litigants, witnesses, court staff, law enforcement personnel, or other persons.
 - * Children shall be closely controlled by adults inside and outside the courtrooms.
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COURTROOM DECORUM AND PRACTICE GUIDELINES

Preface

The pursuit of justice is a serious undertaking and conduct during the litigation process, both within and outside the courtroom, must at all times satisfy the appearance as well as the reality of fairness and equal treatment. Dignity, order, and decorum are indispensable to the proper administration of justice.

A trial is an adversary proceeding, and lawyers must advocate for their clients' positions. However, conduct that may be characterized as discriminatory, abusive, or obstructive impedes the fundamental goal of resolving disputes rationally, peacefully and efficiently. Such conduct tends to delay and often to deny justice.

Attorneys are privileged to participate in the administration of justice in a unique way, and are responsible to their own consciences, to their clients, to one another, and to the public to conduct themselves in a manner which will facilitate, and never detract from, the administration of justice.

A trial is a truth-seeking process designed to resolve human and societal problems in a rational and efficient manner. A lawyer's conduct should be characterized at all times by personal courtesy and professional integrity in the fullest sense of those terms. A judge's conduct should be characterized at all times by courtesy, patience, and fairness toward all participants. The courts belong to the people of this state. The guidelines are intended to facilitate access to the courts for the fair resolution of disputes, and should never be applied to deny access.

Application

The purpose of these guidelines is to provide lawyers, judges, and parties with a reasonable standard of conduct in judicial proceedings. However, these guidelines are not intended to homogenize conduct or remove individuality from the courtroom. To facilitate professional growth and foster voluntary compliance with these guidelines, the WSBA Court Congestion and Improvement Committee periodically reviews the guidelines. Comments are considered by the committee and changes are incorporated as needed.

All participants in judicial proceedings should voluntarily adhere to these guidelines. These guidelines shall not be used as a basis for litigation or for sanctions or penalties. Nothing in these guidelines supersedes or detracts from existing codes or rules of conduct or discipline or alters existing standards by which lawyer negligence may be determined.

Courtroom Decorum

I. General Courtroom Conduct

- A. Always be prompt.
- B. Stand when the judge enters or leaves the courtroom.
- C. Do not make personal attacks on opposing counsel.
- D. Do not interrupt. Wait your turn.
- E. Enhancing courtroom decorum is a cooperative venture among bench and bar. It is appropriate to call to the attention of opposing counsel any perceived violations of these guidelines out of the presence of the jury.
- F. After the court has ruled, ask the court's permission before arguing further.
- G. Advise clients and witnesses of the formalities of the court, the appropriate guidelines, and any rulings on motions in limine. Encourage their cooperation. This applies both to attorneys and to pro se parties.
- H. If there is a live microphone at counsel table, remember not to confer with others or rustle papers near the microphone.
- I. Courtrooms equipped for videotaped reporting may require special precautions, such as remaining near a microphone.
- J. Treat everyone in the courtroom with fairness, consideration, and respect. Refrain from conduct that discriminates on the basis of race, color, national origin, religion, creed, sex, age, disability, sexual orientation, or marital status.

II. General Trial Conduct

- A. Offers of and requests for stipulations are appropriate to facilitate the presentation of a case, but should not be employed to communicate to the jury a

party's willingness or unwillingness to stipulate.

- B. During trial, maintain appropriate respect for witnesses, jurors, and opposing counsel, avoiding informality. Address adults by their titles or surnames unless permission has been given to use first names. Avoid referring to adults by biased and demeaning expressions or labels such as "girl," "gal," or "boy." Address jurors individually or by name only during voir dire.
- C. Treat jurors with respect and dignity, avoiding fawning, flattery, or pretended solicitude. Suggestions regarding the comfort or convenience of jurors should generally be made to the court out of the jury's hearing.
- D. During the opening statement and argument of opposing counsel, never inappropriately divert the attention of the court or the jury.
- E. Avoid expressing an opinion to the jury about the testimony of a witness, a ruling of the court, or argument of counsel through exaggerated facial expressions or other contrived conduct.
- F. When practical, give the court advance notice of any legal issue which is likely to be complex, difficult, and which you expect to require argument.
- G. Do not argue the case in the opening statement.
- H. Counsel should not express to the jury personal knowledge or personal opinions about the evidence.
- I. Address your remarks to the court, not to opposing counsel except when extending necessary courtesies, e.g., thank you.
- J. Only attorney, parties, court personnel, and witnesses, when called to the stand, are permitted within the bar of the courtroom, unless otherwise allowed by the court.

III. Examination of Witnesses

- A. When examining a witness, avoid undue repetition of the witness's answer.
- B. Make objections for evidentiary reasons without delivering a speech or guiding a

witness. Recapitulate testimony only as needed to put an objection in context.

- C. If a witness was on the stand at a recess or adjournment, have the witness ready to proceed when the court is resumed.
- D. Attempt to anticipate witness scheduling problems and discuss them with opposing counsel and the court. Try to schedule witnesses in advance of trial.

IV. Exhibits and Documents

- A. Premark exhibits with the clerk for identification prior to trial where appropriate. Hand all unmarked exhibits to the clerk for marking before using them in trial.
- B. If practical, have photocopies of an exhibit for the court, opposing counsel, and the witness. Avoid illegible copies if possible.
- C. Return all exhibits to the clerk at each adjournment.
- D. Whenever referring to an exhibit, mention the exhibit number.
- E. After an exhibit has been admitted, mark on it only with the court's permission. Avoid unnecessary markings. When referring to locations or features on exhibits such as maps or diagrams, indicate the locations by appropriate markings if they are not readily apparent from the documents.
- F. Give to the clerk all papers intended for the court.
- G. Show the proposed exhibit to opposing counsel prior to offering the exhibit in evidence.

V. Scheduling

- A. When practical, consult opposing counsel before scheduling hearings and discovery appearances in an effort to avoid scheduling conflicts. Assert a scheduling conflict only if the requested time is not available, not to obtain any unfair advantage.
- B. If opposing counsel fails promptly to accept or reject a time offered for hearing or discovery appearance, raises an unreasonable number of conflicts, or consistently fails to comply with this standard, agreement is not required.

- C. Where time associated with scheduling agreements could cause damage or harm to a client's case, then a lawyer is justified in setting a hearing or discovery appearance without first consulting with opposing counsel.
- D. Give notice of cancellation of appearances and hearings to all involved at the earliest possible time.

VI. Preferences of Individual Judges

Counsel are advised to determine the preferences of individual judges with respect to movement within the courtroom. Following are some examples of individual preferences.

- A. Stand when addressing the court and when making objections.
- B. Stand during opening statement and closing argument.
- C. Approach the bench only with permission.
- D. Maintain an appropriate distance from the witness and the jury.
- E. In the presence of the jury, address the judge as "Your Honor."

VII. Discovery

- A. Make reasonable efforts to conduct all discovery by agreement. Consider agreeing to an early voluntary exchange of information.
 - 1. Comply with all reasonable discovery requests in a timely manner.
 - 2. Stipulate to facts unless there is a genuine dispute.
- B. Conduct yourself in a professional manner and treat other lawyers, the opposing party, and all involved with courtesy and civility at all times. Clients should be counseled that civility and courtesy are required.
- C. Be punctual in fulfilling all professional commitments and in communicating with the court and other lawyers.
- D. Concentrate discovery responses on matters of substance and content, avoiding quarrels over form or style.
- E. Clearly identify for other counsel or parties all changes made in documents submitted for review.

- F. Fully respond to discovery, unless making a specific and clear objection warranted by existing law or a reasonable extension thereof. Do not produce documents in a manner designed to hide or obscure the existence of particular documents.

VIII. Depositions

- A. Advise clients regarding appropriate behavior, attire and other matters involved with depositions and other proceedings.
- B. Take depositions only when actually needed to ascertain facts or information or to perpetuate testimony.
- C. Make only good-faith objections to discovery, and avoid objections solely for the purpose of withholding or delaying the disclosure of relevant information.

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