

I. RULES FOR PROFESSIONALISM

The practice of law is a profession, a genuine calling inspired with the service to the system of justice, not a common business enterprise. The quality of the profession is as worthy as the character of the people who practice it.

Self-esteem, shared respect for each other, the clients we serve, the judges and the officers with whom we work, are essential to it.

Civility is a virtue, not a shortcoming. Willingness to temper zeal with respect for society's interest in preserving responsible judicial process will help to preserve it.

Unwritten rules of professional courtesy have long sustained us. Since they are sometimes forgotten, or sometimes ignored, we should set them down again and conscientiously observe them.

1. Treat the lawyers, client, opposing parties, the Court, and all the officials with whom we work with civility. Professional courtesy is compatible with vigorous advocacy and zealous representation.

2. Communications are lifelines. Keep the lines open. Telephone calls and correspondence are a two-way channel; respond to them promptly.

3. Respect other lawyers' schedules as your own. Seek agreement on meeting, depositions, hearings and trial dates. A reasonable request for a scheduling accommodation should never be unreasonably refused. ➡

4. Be punctual in appointments, communications and in honoring scheduled appearances. Neglect and tardiness are demeaning to others and to the judicial system.

5. Procedural rules are necessary to judicial order and decorum. Be mindful that pleadings, discovery processes and motions cost time and money. They should not be needlessly used. If an adversary is entitled to something, provide it without unnecessary formalities.

6. Grant extensions of time when they are reasonable and when they will not have material, adverse effect on your client's interest.

7. Resolve differences through negotiation, expeditiously and without needless expense.

8. Enjoy what you are doing and the company you keep. You and the world will be better for it.

*Beyond all this,
the respect of our peers
and the society which we serve
is the ultimate measure of
responsible professional conduct.*

THE MONROE COUNTY BAR ASSOCIATION



GUIDE TO PROFESSIONALISM AND CONDUCT

II. GENERAL RULES OF ETIQUETTE

1. Lawyers should ask permission to address the Court rather than just jumping up and starting to talk. The proper method of requesting such permission is to preface one's remark by the phrase "May it please the Court..."
2. Lawyers should request permission to approach the bench prior to doing so.
3. Lawyers should first address the Court and opposing counsel before addressing the jury. The proper form of doing this is "May it please the Court, Counsel, Ladies and Gentlemen of the Jury."
4. Lawyers should always stand when addressing the Court at all proceedings.
5. Lawyers when making objections should stand and state a brief basis for the objection, such as "Objection: hearsay." If it necessary to enlarge the record after an objection, lawyers should request to approach the bench and quietly, out of the hearing of the jury, state their reasons.
6. Lawyers should refrain from crowding the witness. This makes it difficult for both the Court and jury to hear the witness' testimony, since it tends to encourage the witness to lower his or her voice.

7. When marking exhibits for identification, it is suggested that the courteous way of doing this is to give the exhibit to the court reporter to have the exhibit marked, and to then exhibit it to the Court and to opposing counsel. All these actions should be performed before questions are again directed to the witness. The court reporter cannot possibly mark and exhibit and record testimony at the same time. Where there are a multitude of exhibits, they should be marked in advance by the court reporter.

8. Lawyers should always keep their voices up and remind their witnesses to do the same.

9. Lawyers should never directly address opposing counsel in Court. Lawyers should directly address only the Court, the jury and the witness.

10. A lawyer should not call any witness, even his or her client, by the witness' first name.

11. Lawyers should limit voir dire questions to the proper purpose of voir dire and should not attempt to instruct the jury as to the law or to argue their case to the jury by means of voir dire questions.

12. Lawyers should be on time for all Court appearances, including all calls of the list.

13. Lawyers who have cases on a miscellaneous hearing list should remain immediately available, so that when their case is called they are ready to begin promptly.

14. All lawyers, in accordance with the Court Rules, should be prepared at all times when they appear before the Court.

15. Lawyers should exhibit courtesy in the courtroom toward opposing counsel as well as to the Court.

16. Trial Counsel should include the authority relied upon in points for charge and refrain from unduly repetitious points.

17. Lawyers should wait until all of the assignments have been announced on an argument or other list before engaging others in conversation or gathering their briefcases, charts, and other paraphernalia and leaving the courtroom.

18. Counsel should be available in their offices or at the Court House to respond to telephone calls during civil and criminal trials.

19. Trials or hearings may not be continued without court approval. Discovery deadlines fixed by court order may not be extended without court approval. The mere agreement of counsel to a continuance or to an extension is insufficient.