

WORKSHEET E
INTRODUCTION TO UNWRITTEN CUSTOMS AND RULES

Discuss the following customs and unwritten rules of your local court(s) or at least those in which the mentee might practice:

- How is a judicial officer 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 judicial officer or the capacity in which you know the judicial officer? For example, if you are a prosecutor and appear before the same judicial officer/magistrate every day? Or, if you don't appear before the judicial officer in court, but you are on a bar association taskforce together resulting in frequent meetings?
- Discuss the appropriate demeanor with other court personnel—clerks, bailiffs, administrative assistants, court reporters, etc. Explain the roles of each in running the court.
- What is appropriate attire for lawyers in your local court(s)? How should a lawyer advise a client to dress? Does a client's dress depend upon the type of case being litigated? What if a client does not have the proper attire?
- Discuss the local court rules and standing orders and how they impact your conduct.
- Review the Commission on Professionalism's *Professionalism Dos and Don'ts: Professionalism in the Courtroom* and *Working with Opposing Counsel and Other Lawyers*, linked below.
- Discuss appropriate demeanor when addressing 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? Discuss tips for keeping calm during conversations with an opposing counsel who is acting unprofessionally, such as yelling, making personal attacks, or making threats.
- What is the appropriate demeanor with your clients, both 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 of your community. What are the benefits and disadvantages to doing so? How do you find local counsel in another community with which to associate yourself? Discuss the requirements for admission *pro hac vice*.
- 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 if the other counsel wants to completely control the litigation and your actions?

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RESOURCES

20 Professional Tips for Millennials:

<https://www.2civility.org/20-tips-rising-millennial-attorneys/>

Professionalism Dos & Don'ts: Professionalism in the Courtroom:

<https://www.supremecourt.ohio.gov/docs/Publications/AttySvcs/courtroom.pdf>

Professionalism Dos & Don'ts: Working with Opposing Counsel and Other Lawyers:

<https://www.supremecourt.ohio.gov/docs/Publications/AttySvcs/opposingCounsel.pdf>