



LAWYER TO LAWYER MENTORING PROGRAM
WORKSHEET F
INTRODUCTION TO UNWRITTEN CUSTOMS AND RULES

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

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Discuss the following customs and unwritten 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.
- 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?