

COURT 101

DOs	DON'Ts	WHYS
<u>DO: ARRIVE EARLY-ALWAYS</u>	<u>DON'T: BE LATE OR "ON TIME"</u>	<u>EXPECT THE UNEXPECTED</u>
You and "your people" (your client, witnesses, & all judge might associate with you or your client)	Count on avoiding security line bc: you're a lawyer (with bar card), or you're late, have 7 boxes with you	"On time" = late for court Minimize stress/maximize confidence
Before day of court, share directions, cell numbers, other logistics	Allow your people to disrupt	Being early & settled shows respect to all in court: judge, staff, other lawyers
<u>DO: LEARN ABOUT "THE COURT" ... WELL AHEAD OF TIME</u>	<u>DON'T: ASSUME ALL COURTS OPERATE THE SAME WAY</u>	<u>THEY DON'T! Expect unique practices, customs, pet peeves ...</u>
From court website, local rules, judge standing order, asking colleagues, & OBSERVING COURT IN SESSION	Appear without answers to at least 5 basic questions:	The classic lawyer answer to all 5 questions is ... IT DEPENDS!
Introduce yourself to courtroom staff (clerk/asst, court officer, reporter) -Make new friends! -Ask new friends questions -Be courteous & respectful	1: Where do I sit?	1: Left/right, P nearest jury, first dibs
	2: Where do I stand?	2: Counsel tables, podium, other?
	3: Can I move around courtroom?	3: If ask & judge grants permission
	4: Who handles exhibits, other docs?	4: Clerk takes & hands to witness, judge
	5: What technology can/should/must I use?	5: Technology: Elmo, laptop, phone, monitors for judge/counsel/jury
<u>DO: R-E-S-P-E-C-T THE JUDGE & ERR ON SIDE OF FORMALITY</u>	<u>DON'T: SPEAK/ACT INFORMALLY OR DISRESPECTFULLY</u>	<u>COURT IS SERIOUS SITUATION FOR ALL INVOLVED-ESPECIALLY CLIENT</u>
Stand: judge enters/leaves, you speak	Sit or rise reluctantly	Standing shows basic respect
First words always: "Your Honor ..."	Use: "Judge," "Sir"	That's just the script of this film!
"I am [name] and I represent [client]"	Assume everyone knows you	Respectful & makes clear record
"May I" ... approach, use podium, etc	Act like you own the place	Clerk or judge might "correct" you
Firmly advocate your position to judge (e.g., on motion)	Interrupt/speak over judge or argue point with adversary	Conduct will anger judge, muddy record & show inexperience
To judge: "I respectfully disagree"	Never: "With <u>all due</u> respect"	"All due respect" = little/no respect
Last words: "Thank you, Your Honor"	Express anger, frustration, disgust	Will anger judge & worsen situation
<u>DO: PRESENT THE MOST PERSUASIVE VERSION OF YOURSELF</u>	<u>DON'T: DISTRACT FROM THE "WHY WE WIN" MESSAGE/THEME</u>	<u>THE JOB IS TO PERSUADE & WIN</u>
Always prepare 15-30 second Why We Win (WWW) summary statement	Get lost in motion or witness of day & divert message from WWW	Repetition & tying evidence to WWW maximizes persuasiveness
Appear prepared & "in your element"	Show nerves (shuffle papers etc)	Competence + confidence=credibility
Dress professionally (boring is OK)	Dress-to-impress or self-express	May upset judge, distract from WWW
Treat all with courtesy & respect	Ignore or speak down to anyone	Being "nice person" helps you & case
Be aware of physical orientation in room (e.g., sightlines, eye contact)	Turn back on judge, witness, jury, or block their sightlines	Respect, factfinder must see evidence, movements→emphasis
Maintain composure & move on	Dwell on adverse ruling/setback	Shows confidence, minimizes damage
Use organization to control flow	Allow adversary to control flow	Shows confidence, supports WWW
<u>DO: GET THINGS INTO EVIDENCE</u>	<u>DON'T: FORGET TO DO IT</u>	<u>ONLY "RECORD" →JURY & APPEAL</u>
Pretrial stip to authenticity (maybe)	Stip if good objection to authenticity	Stips avoid boring witness ID process
Decide witness to introduce X with	Introduce without testimony	Testimony gives documents life
Mark for identification, show adverse counsel & lay foundation with witness	Forget to ask how witness knows what X is (seen it before?)	Screwing this up → sideshow that can frustrate judge & distract from WWW
OFFER EXHIBIT INTO EVIDENCE!	Count on clerk to remind you	Otherwise, IT'S NOT IN THE RECORD