

PROFESSIONALISM IN DEALING WITH THE COURT

**The Honorable June Berry
Darensburg
24th Judicial District Court
Judge, Division “C”**

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WHAT IS PROFESSIONALISM?



- **Professionalism is the pursuit and practice of the highest ideals and tenets of the legal profession.**
- **Professionalism concerns the knowledge and skill of the law faithfully employed in the service of client and public good, and entails what is more broadly expected of attorneys. It is different from ethics in that professionalism is what is broadly expected from an Attorney while legal ethics set forth the standards of conduct required of an Attorney.**
- **It embraces far more than simply complying with the minimal standards of professional conduct.**

WHAT IS PROFESSIONALISM?



- **Professionalism includes developing a state of mind that overcomes our natural tendency to strike back when challenged unfairly and allows the more rational part of our brain to respond in a more cogent and persuasive manner.**
- **The essential ingredients of professionalism are character, competence, civility, and commitment.**

WHY DOES PROFESSIONALISM MATTER?



- **Better quality of justice**
- **Affects the public view of our profession**

CODE OF PROFESSIONALISM

My word is my bond.

- **I will conduct myself with honesty, dignity, civility, courtesy and fairness and will not engage in any demeaning or derogatory actions or commentary toward others.**
- **I will not knowingly make statements of fact or law that are untrue or misleading and I will clearly identify for other counsel changes I have made in documents submitted to me.**
- **I will be punctual in my communication with clients, other counsel and the court. I will honor scheduled appearances and will cooperate with other counsel in all respects.**
- **I will allow counsel fair opportunity to respond and will grant reasonable requests for extensions of time.**
- **I will not abuse or misuse the law, its procedures or the participants in the judicial process.**
- **I will cooperate with counsel and the court to reduce the cost of litigation and will not file or oppose pleadings, conduct discovery or utilize any course of conduct for the purpose of undue delay or harassment of any other counsel or party.**
- **I will not engage in personal attacks on other counsel or the court or use the threat of sanctions as a litigation tactic.**



CODE OF PROFESSIONALISM

My word is my bond.

- **I will support my profession's efforts to enforce its disciplinary rules and will not make unfounded allegations of unethical conduct about other counsel.**
- **I will work to protect and improve the image of the legal profession in the eyes of the public.**
- **I will endeavor to improve our system of justice.**
- **I will use technology, including social media, responsibly. My words and actions, no matter how conveyed, should reflect the professionalism expected of me as a lawyer.**
- **I will seek opportunities to be of service to the bench and bar and assist those who cannot afford legal help.**
- **I will be supportive of new members in the profession.**
- **I will stay informed about changes in the law, communication, and technology which affect the practice of law.**



JUDGES' DUTIES TO COURT

- We will be courteous, respectful, and civil to lawyers, parties, and witnesses. We will maintain control of the proceedings, recognizing that judges have both the obligation and authority to insure that all litigation proceedings are conducted in a civil manner.
- We will not employ hostile, demeaning, or humiliating words in opinions or in written or oral communications with lawyers, parties, or witnesses.
- We will be punctual in convening all hearings, meetings, and conferences; if delayed, we will notify counsel, if possible.
- We will be considerate of time schedules of lawyers, parties, and witnesses in scheduling all hearings, meetings and conferences.
- We will make all reasonable efforts to decide promptly all matters presented to us for decision.
- We will give the issues in controversy deliberate, impartial, and studied analysis and consideration.
- While endeavoring to resolve disputes efficiently, we will be considerate of the time constraints and pressures imposed on lawyers by the exigencies of litigation practice.



JUDGES' DUTIES TO COURT

- **We recognize that a lawyer has a right and a duty to present a cause fully and properly, and that a litigant has a right to a fair and impartial hearing. Within the practical limits of time, we will allow lawyers to present proper arguments and to make a complete and accurate record.**
- **We will not impugn the integrity or professionalism of any lawyer on the basis of clients whom or the causes which a lawyer represents.**
- **We will do our best to insure that court personnel act civilly toward lawyers, parties, and witnesses.**
- **We will not adopt procedures that needlessly increase litigation expense.**
- **We will bring to lawyers' attention uncivil conduct which we observe.**
- **We will be courteous, respectful, and civil in opinions, ever mindful that a position articulated by another judge is the result of that judge's earnest effort to interpret the law and the facts correctly.**
- **We will abstain from disparaging personal remarks or criticisms, or sarcastic or demeaning comments about another judge in all written and oral communications.**
- **We will endeavor to work with other judges in an effort to foster a spirit of cooperation in our mutual goal of enhancing the administration of justice.**



LAWYERS' DUTIES TO COURT

- We will speak and write civilly and respectfully in all communications with the court.
- We will be punctual and prepared for all court appearances so that all hearings, conferences, and trials may commence on time; if delayed, we will notify the court and counsel, if possible.
- We will be considerate of the time constraints and pressures on the court and court staff inherent in their efforts to administer justice.
- We will not engage in any conduct that brings disorder or disruption to the courtroom. We will advise our clients and witnesses appearing in court of the proper conduct expected and required there and, to the best of our ability, prevent our clients and witnesses from creating disorder or disruption.
- We will not knowingly misrepresent, mischaracterize, misquote, or miscite facts or authorities in any oral or written communication to the court.
- We will not engage in ex parte communication on any pending action.
- We will attempt to verify the availability of necessary participants and witnesses before dates for hearings or trials are set, or if that is not feasible, immediately after such date has been set, so we can promptly notify the court of any likely problems.
- We will act and speak civilly to court marshals, clerks, court reporters, secretaries, and law clerks with an awareness that they too, are an integral part of the judicial system.



WHAT TO DO WHEN DEALING WITH COURTS!



- **Be prepared for your participation in any Court conference or proceeding.**
- **Be on time and if you are running late then let the Court know.**
- **Wear appropriate courtroom attire when appearing in the Court. Louisiana District Court Rule 6.1 provides that Male Attorneys shall wear coats and ties in the Courtroom; and, Female Attorneys shall wear a comparable level of attire.**
- **Be courteous when addressing the Judge, the Judge's Staff Attorney and/or Law Clerk, opposing counsel, and any other individuals..**

WHAT TO DO WHEN DEALING WITH COURTS!



- **Treat court personnel with the same respect you would show the judge.**
- **Respect the private nature of a sidebar conference; avoid making statements or arguments at a level that may be overheard by the jury.**
- **Show all exhibits to opposing counsel before showing to a witness or the court.**
- **Always call the Court to determine the specific Judge's procedure for doing something. (i.e. courtesy copies, witness testimony, appearing via zoom)**

WHAT NOT TO DO WHEN DEALING WITH COURTS!



- **DO NOT ATTEMPT TO HAVE EX PARTE COMMUNICATION WITH THE COURT.**
- **DO NOT YELL, MAKE FACES, OR ARGUE IN COURT TO GET YOUR POINT ACROSS.**
- **DON'T INTERRUPT THE JUDGE OR OPPOSING COUNSEL.**
- **DON'T ARGUE WITH THE JUDGE AFTER THEY RULE**
- **DO NOT FILE PLEADINGS THE NIGHT BEFORE YOUR HEARING AND/OR TRIAL**

WHAT NOT TO DO WHEN DEALING WITH COURTS!



- **DON'T CALL THE COURT AND SAY "I HAVE A CASE IN YOUR DIVISION," THEN JUST START TALKING ABOUT YOUR CASE WITHOUT GIVING A CASE NUMBER AND NAME.**
- **DO NOT TRY TO RUSH THE COURT TO HEAR YOUR MATTER.**