



LAWYER TO LAWYER MENTORING PROGRAM

WORKSHEET E

THE COURTHOUSE

Worksheet E is intended to facilitate a discussion about the local courthouse and court personnel.

WHAT WENT WELL?

Start by sharing with each other a brief story of something that went well in your practice this week:

Share your reflection by on one of these questions: What caused the good event? What does it mean? How did you contribute? Others? How can you have more such events in the future?

ACTIVITIES FOR TODAY

- Go to the local courthouses, particularly to the court where the new lawyer will primarily be appearing, and, to the extent possible, introduce the new lawyer to members of the judiciary, court personnel, and clerks of court.
- Ask the clerk to provide to the new lawyer his or her perspective on filing protocols such as cover sheets, number of copies, walking copies through to the judge, etc.
- Review with the new lawyer protocols such as whether lawyers are required to check in before a hearing, whether simple or uncontested matters are called ahead of the regular docket, how a lawyer should handle a situation where s/he is covering two cases scheduled at the same time, whether courtesy copies are expected and when, whether draft orders should be proposed with courtesy copies, how far in advance to an appearance the judges receive the files, etc.
- Introduce the new lawyer to several court reporters and discuss the procedure for obtaining a transcript from them.
- Ask the judges to whom you introduce the new lawyer to share any pointers they have for handling a case in front of them.
- Show the new lawyer where the clerk's office is, explaining where to go to file pleadings, obtain certified copies of case documents, get journal entries, search the docket, etc. If the mentor has errands at court (which are non-privileged), invite the new lawyer to participate in those errands with the mentor.
- Explain the roles of different court staff, including the clerks, the bailiffs, and the



judge's assistants. Discuss the appropriate demeanor with court personnel. Explain the protocol for meeting with a judge, such as how to get to a judge's chambers, how a meeting should be requested, who should be contacted to set up a meeting, etc. Discuss examples of *ex parte* contact and how to avoid it

- Discuss when it is appropriate to enter a courtroom that is in session. .
- Discuss how a judge is 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 attire for lawyers in your local court(s). Discuss how you should 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. Discuss how different judges have different views and interpretations of the local rules, as well as different courtroom practices. To the extent possible, share information in this regard about the preferences of the judges before whom the new lawyer is likely to appear.
- Discuss the importance of punctuality in court and the expectations of individual judges in this regard.
- Discuss the appropriate demeanor with opposing counsel.
 - a. How should you address opposing counsel?
 - b. What if you know opposing counsel well because you often oppose each other in cases?
 - c. Because you went to law school together?
 - d. Because you are good friends?
 - e. How should you react if opposing counsel has been underhanded or dishonest during your case?
 - f. What types of recourse are there?
- Discuss tips that the mentor has for keeping yourself calm during conversations with an opposing counsel who is conducting himself or herself unprofessionally, such as yelling at you, attacking you personally, threatening you, etc.
- Discuss courtroom technology that is available to litigators such as overhead projectors, VCR/DVD players, microphones, etc. Provide contact information for or introduce the new lawyer to the court personnel who should be contacted when the new lawyer is interested in using technology in a proceeding.
- Discuss etiquette for speaking on and off the record.
- Discuss court procedure for handling exhibits, examining witnesses, and using the podium in the courts before which the new lawyer is likely to appear.



ACTION STEPS

End the session by discussing what action steps you can take to either improve or set yourself up for future success based on today's discussion. Discuss how one or more of your Signature Strengths can help you achieve success in these steps.
