

Top 10 ways to make a great impression in any courtroom:

1. Be on Time
2. Be neatly and appropriately dressed
3. Be Prepared
4. Be Prepared
5. Be Prepared
6. Be Prepared
7. Be Prepared
8. Be Prepared
9. Be Respectful
10. And one last time, BE PREPARED.

Ten sure-fire methods for leaving a bad impression and an irritable Judge:

1. Be chronically late with unending excuses for your failure to be prepared, whine often.
2. Blame others (secretaries, investigators, associates and even clients) for something that is your responsibility anyway.
3. Be rude or abusive to court staff.
4. Make sexist, racist, boorish remarks. (Remember, when not on the record, the staff and judge knows what you say).
5. Be disrespectful and rude to opposing counsel.
6. Be sarcastic or snarky, especially to the Court or a witness.
7. Argue with the judge
8. Don't meet with your client or your witnesses before court
9. Misrepresent the law to the Court.
10. Don't prepare

I. BE ON TIME: ON TIME MEANS YOU ARE AT LEAST 15 MINUTES EARLY, AND ABSOLUTELY NEVER LATE.

A. MAKE SURE YOUR CLIENT AND ALL MEMBERS OF YOUR TEAM ARE ALSO ON TIME.

II. BE NEATLY AND APPROPRIATELY DRESSED IN ACCORDANCE WITH THE RULES.

A. UTCR 3.010 PROPER APPAREL

(1) All persons attending the court must be dressed so as not to detract from the dignity of court. Members of the public not dressed in accordance with this rule may be removed from the courtroom.

(2) When appearing in court, all attorneys and court officials must wear appropriate attire.

B. WHAT IS APPROPRIATE ATTIRE?

1. MEN: THIS MEANS WEAR A SUIT, DRESS SHIRT (IRONED) AND A TIE. DON'T FORGET DRESS SHOES, POLISHED.

2. WOMEN: THIS MEANS A SUIT (PANTS, DRESS OR SKIRT, AS LONG AS IT IS A SUIT), NYLONS, TIGHTS OR SOCKS ARE APPROPRIATE. DRESS SHOES, POLISHED. YOU MAY ALSO WEAR A DRESS IF IT IS NOT OVERLY CASUAL.

3. DON'T FORGET THE DETAILS. WHETHER YOU ARE MALE OR FEMALE, MAKE SURE YOUR HAIR IS CUT WELL, AND NEATLY STYLED. (BOY, I REALLY SOUND LIKE A GRANDMA HERE, BUT WE ARE TALKING ABOUT MAKING A GREAT IMPRESSION ON PEOPLE WHO ARE OFTEN OLDER THAN YOU AND WHO HAVE NOTHING TO DO BUT WATCH YOU PRESENT YOUR CASE.)

III. BE PREPARED: KNOW THE RULES OF THE COURT IN WHICH YOU WILL APPEAR.

A. IN OREGON TRIAL COURTS YOU SHOULD KNOW:

1. OREGON RULES OF PROFESSIONAL CONDUCT
2. OREGON RULES OF CIVIL PROCEDURE
3. UNIFORM TRIAL COURT RULES
4. SUPPLEMENTAL LOCAL COURT RULES
5. IF YOUR COUNTY HAS E-FILING, MAKE SURE YOU KNOW HOW TO PROPERLY USE THE SYSTEM.

B. IN FEDERAL COURTS YOU SHOULD KNOW:

1. ALL OF THE ABOVE AND,

2. FEDERAL RULES OF CIVIL PROCEDURE
3. BECOME FAMILIAR WITH THE WEBSITE FOR THE U.S. DISTRICT COURT AND KNOW HOW TO ACCESS COURT'S ELECTRONIC FILING SYSTEM (CM/ECF).

C. IN TRIBAL COURTS:

1. GENERALLY, YOU SHOULD KNOW FEDERAL RULES, BUT MANY TRIBES HAVE THEIR OWN RULES OF PROCEDURE, TRIAL COURT RULES AND RULES OF EVIDENCE. MAKE SURE YOU KNOW THE RULES OF ANY COURT YOU APPEAR IN.

D. IN ALL COURTS:

1. FIND OUT THE LOCAL PROCEDURES AND THE JUDGE'S QUIRKS
2. SOME THINGS ARE DONE A CERTAIN WAY BECAUSE WE ALWAYS DO IT THAT WAY, BUT IT ISN'T WRITTEN DOWN. IF YOU HAVE NEVER APPEARED IN A COURT BEFORE, TALK TO AN ATTORNEY WHO HAS BEEN THERE. ALSO, DON'T BE SHY ABOUT CALLING THE COURT STAFF AND ASKING QUESTIONS. JUDICIAL ASSISTANTS CAN BE VERY HELPFUL IN EXPLAINING A JUDGE'S PREFERENCES OR PET PEEVES.
3. IF YOU WILL BE USING LAPTOPS, PROJECTORS, ELMO OR OTHER TECHNOLOGY IN YOUR PRESENTATION, YOU SHOULD ARRANGE TO COME EARLY AND TEST IT. (PREFERABLY, DO THIS A FEW DAYS IN ADVANCE SO YOU HAVE TIME TO ADJUST IF IT WON'T WORK).

IV. BE PREPARED: KNOW THE LAW AS IT RELATES TO YOUR CASE
(AND NEVER MISREPRESENT IT)

A. OREGON RULES OF PROFESSIONAL CONDUCT RULE 1.3 DILIGENCE:
"A LAWYER SHALL NOT NEGLECT A LEGAL MATTER ENTRUSTED TO THE
LAWYER."

B. YOU HAVE A DUTY TO ADVOCATE FOR MERITORIOUS CLAIMS AND YOU
MAY BE SANCTIONED FOR FRIVOLOUS CLAIMS. RULES OF PROFESSIONAL
CONDUCT 3.1; ORCP 17.

C. YOU MUST TELL THE COURT IF THE CONTROLLING LAW IS ADVERSE TO
THE POSITION OF YOUR CLIENT. SEE RULES OF PROFESSIONAL CONDUCT
3.3 CANDOR TOWARD THE TRIBUNAL.

V. BE PREPARED: KNOW YOUR FACTS WELL

A. MEET WITH YOUR CLIENT AS OFTEN AND AS LONG AS NECESSARY TO
BE PREPARED AND KNOW YOUR FACTS WELL.

1. PROFESSIONAL CONDUCT RULE 1.1 COMPETENCE: A LAWYER SHALL PROVIDE COMPETENT REPRESENTATION TO A CLIENT. COMPETENT REPRESENTATION REQUIRES THE LEGAL KNOWLEDGE, SKILL, THOROUGHNESS AND PREPARATION REASONABLY NECESSARY FOR THE REPRESENTATION.
2. SEE ALSO PROFESSIONAL CONDUCT RULE 1.4 COMMUNICATION.

B. MEET WITH YOUR WITNESSES BEFORE HEARING OR TRIAL AND REVIEW THEIR STATEMENTS. TELL THEM IN ADVANCE WHAT YOU WILL ASK THEM SO THEY ARE NOT SURPRISED ON THE STAND (AND SO YOU ARE NOT SURPRISED BY THE ANSWER). THESE ARE YOUR WITNESSES SO YOU SHOULD HELP THEM TO PRESENT THEMSELVES WELL.

VI. BE PREPARED: FILE A MEMORANDUM OF LAW TO ENSURE THAT THE JUDGE IS ABLE TO PREPARE FOR YOUR CASE.

A. MAKE SURE TO PROPERLY CITE TO CASE LAW AND INCLUDE RELEVANT PAGE NUMBERS. REMEMBER, TIME IS VALUABLE SO MAKE IT EASY FOR THE JUDGE TO TURN TO THE PAGE IN A CASE THAT SUPPORTS YOUR THEORY OF THE LAW.

B. MAKE SURE THE CITED AUTHORITY STANDS FOR THE PROPOSITION FOR WHICH YOU CITED THEM. (REMEMBER CANDOR TO THE COURT).

C. FILE YOUR MEMO DAYS IN ADVANCE TO ENSURE IT REACHES THE JUDGE BEFORE YOUR HEARING OR TRIAL BEGINS.

D. ATTACH OR BRING HIGHLIGHTED COURTESY COPIES OF CASE LAW OR STATUTES IF THEY ARE IMPORTANT TO YOUR CASE. MAKE SURE YOU PROVIDE COPIES FOR OPPOSING COUNSEL AS WELL AS THE JUDGE.

VII. BE PREPARED: WHEN YOU ARRIVE IN THE COURTROOM

A. INTRODUCE YOURSELF AND YOUR CLIENT TO THE COURT ON THE RECORD.

B. ADVISE THE COURT OF YOUR CASE NAME AND NUMBER AND THE PURPOSE OF TODAY'S APPEARANCE.

C. CLEARLY AND CONCISELY PRESENT YOUR POSITION AND TELL THE COURT WHAT YOU WANT IT TO DO FOR YOU.

VIII. BE PREPARED: TO ANSWER THE COURT'S QUESTIONS AND TO RESPOND TO OPPOSING COUNSEL'S ARGUMENTS

A. IF THE COURT ASKS A QUESTION, RESPOND RESPECTFULLY AND CONCISELY.

B. IF YOU DO NOT KNOW THE ANSWER, TELL THE COURT YOU DO NOT KNOW THE ANSWER AND REQUEST TIME TO SUBMIT A SUPPLEMENTAL MEMO.

IX. BE RESPECTFUL: TO EVERYONE IN THE COURTHOUSE

A. BE KIND AND COURTEOUS TO COURT STAFF. THE JUDGE WILL FIND OUT IF YOU ARE NOT, AND THE STAFF CAN BE EXTREMELY HELPFUL IF YOU ARE POLITE.

B. BE RESPECTFUL TO THE COURT.

C. BE RESPECTFUL TO OPPOSING COUNSEL.

D. DO NOT ARGUE WITH OPPOSING COUNSEL. REMEMBER YOU ARE TO ADDRESS ALL ARGUMENTS TO THE COURT, DO NOT ALLOW YOURSELF TO BE SUCKED INTO PETTY ARGUMENTS WITH COUNSEL. IT DOES NOT SERVE YOUR CLIENT WELL.

X. BE PREPARED:

A. REVIEW YOUR CALENDAR FAR IN ADVANCE AND KNOW WHEN YOUR COURT DATES ARE SCHEDULED.

B. PREPARE CHECKLISTS FOR EACH FILE AND MAKE SURE THAT YOU HAVE DONE EVERYTHING YOU NEED TO DO BEFORE YOUR COURT APPEARANCE.

C. USE TECHNOLOGY AND OLD FASHIONED PAPER TO SET REMINDERS AND CALENDAR ALARMS TO BE SURE YOU ARE PREPARED, YOU ARRIVE EARLY AND YOU LOOK GOOD.

D. BE CONFIDENT IN THE LAW, IN YOURSELF AND IN THE FACTS OF YOUR CASE.

E. REMEMBER, WITH PREPARATION A NOVICE CAN BEAT AN OLD HAND.