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## Civility and Etiquette in Your Practice

### V. PROFESSIONAL DEVELOPMENT

#### **Themes:**

- Adhering to the unwritten rules and customs of civility and etiquette among lawyers and judges in the community.

#### **Conversation Starters:**

- Applicable to All Practice Areas:
  - Review and discuss the Washington State Bar Association “Creed of Professionalism.”
  - What is the appropriate demeanor with your clients?
    - What is the importance of sensitivity towards your clients?
  - What is the appropriate demeanor to use when addressing other attorneys, including opposing counsel?
  - What if you know opposing counsel well because you often oppose each other in matters?
    - Because you went to law school together?
    - Because you are good friends?
  - What are some tips for keeping calm during conversations with an opposing counsel who is acting unprofessionally, such as yelling, making personal attacks, or making threats?
  - What is the importance of associating with local counsel if you are handling a matter 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?
- Specific to Courtroom Practice:
  - How are judges 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 them resulting in frequent meetings together?
    - Do these general guidelines also apply to magistrates?

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### **Conversation Starters (continued):**

- What is appropriate demeanor with other court personnel—clerks, bailiffs, administrative assistants, court reporters, etc.?
  - Explain the roles of each in running the court.
- 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?
- What are the local court rules and how do they impact your conduct?

### **Activities:**

- Role Playing Exercise: Come up with a list of challenging situations that attorneys may face in a variety of different scenarios. Think about conflicts that can come up while working with clients, third parties, opposing counsel, coworkers, and courtroom staff. Act out how you might approach those conflicts. After the activity, discuss how you think it went and how you think it might go better. Following your conversation, consider either redoing the exercise with a new approach or move on to a different scenario.

### **Resources:**

- Discuss what additional resources the mentor/mentee have found useful in their own practice.
- [WSBA Creed of Professionalism](#)
- [Justice Steven González, True Civility Requires More Than Being Polite](#)
- [Paula Lustbader, Igniting a Culture of Civility, WASH. STATE BAR NEWS \(January 2011\)](#)