

Courtroom Etiquette: How to Behave in Court

Etiquette is essential for making a good impression. This is especially true in the courtroom, where there are many stated, and unstated, rules of conduct for litigants, attorneys, jurors, and other attendees.

Legal professionals begin their lessons on the fine points of courtroom etiquette during their education. It is in their legal studies they can learn about the professional requirements of their careers.

Vicki Dearing, J.D., Legal Studies program director at South University, Montgomery, offers her students insights into courtroom etiquette from her years of experience as an attorney. She recalls the basic etiquette rules she learned as a law student.

Etiquette Rule No. 1: The judge not only represents the ultimate authority in the court, but also the law. This is why when a person addresses the court, the judge is the main focal point.

“As a law student in the late 1980s, the first thing I learned about courtroom etiquette was when the judge entered the courtroom you stood up and did not sit down until he/she did,” Dearing says. “The next thing I learned was when you first addressed the court you would say, ‘May it please the court, my name is Vicki Dearing...’ and then you told the judge the name of your client and stated the business you had before the court that day.”

Legal professionals are also guided by legal ethics and rules of professional conduct. They are ethically bound to be truthful to the court. “We even have an obligation to disclose binding case law in our jurisdiction to the court even if our opponent fails to do so,” Dearing says.

It is in the Legal Ethics courses she teaches that lessons on professional responsibility hit home with students.

As a law student in the late 1980s, the first thing I learned about courtroom etiquette was when the judge entered the courtroom you stood up and did not sit down until he/she did.

“Every time I review Rule 3.3 from the Model Rules of Professional Responsibility regarding Candor Toward the Tribunal, my students seemed confused,” she says. “Why should we do the work of our opposing counsel? Isn’t it his fault if he did not discover a case that helps his client?’ they will logically argue. I tell them: ‘We are officers of the court first and foremost before we are zealous advocates. The judge relies on us to explain to him the relevant law governing the facts of the case before him so he can make a decision based on truth and precedent.’”

Lawyers, clients, witnesses, and jurors must observe courteous and orderly behavior. Some of the basic courtroom etiquette rules require people to be on time; be polite to the judge, opposing counsel, and court staff; and dress appropriately.

Other etiquette rules include asking permission to approach a witness and remaining courteous when disagreeing with the judge’s ruling on an objection or motion.

“Litigants should address the court as ‘your honor,’ and respond to any ‘yes,’ or ‘no’ questions with a sir or ma’am following the response,” Dearing says. “Often, if the judge has particular requirements of the litigants, for example no cell phone in the courtroom, the signs will be posted when you come through security.”

Many etiquette mistakes involve talking, dress, presentation, and electronic devices being used in court.

“In terms of litigants before the court, I always tell my clients to tell the truth if asked a question; be early; get a haircut if necessary; wear nice clothes – a collared shirt for men and they must tuck in their shirt and wear a belt,” Dearing says.

Good manners and proper courtroom etiquette may determine whether a party will win or lose a case.

The judge, and other courtroom formalities, can be intimidating. Court proceedings are serious matters that offer the opportunity for justice to be carried out fairly. Because of this, the protocols that are used in the courtroom focus on the importance of what is taking place.

Basic Courtroom Etiquette Rules

- Wear clothing that would be appropriate for business.
- Arrive on time.
- Turn off electronic devices and cell phones before entering the courtroom.
- Be polite to the judge, opposing counsel, and court staff.
- Rise when the judge and jury enter and leave the courtroom.
- Stand when speaking to the judge, making or meeting an objection, or questioning a witness.
- Do not interrupt others while they are talking.
- Refer to the judge as “Your Honor.”
- Direct all concerns and remarks to the bench and not opposing counsel.