

Advice From Judges and the Court Staff

INTERACTIONS WITH THE COURT STAFF

Introductions

- Be nice to court staff.
- Introduce yourself to staff and judge (every time); tell them what you're appearing on and for whom (if not for yourself).
- Identify yourselves on the phone
- Call Court Staff if you are running late to Court appearances. (Let us know if you are with another Judge.)

Functions

- Be aware that Court staff is generally cross-trained; you can obtain assistance from either the Judicial Assistant or the clerk (frequently, the clerk may be the person primarily responsible for criminal matters; ie advice of rights forms; judgments, acknowledgments). You can always find out which staff member has the responsibility for calendaring vs criminal docketing and other criminal procedures.
- Staff does not care about your case; they have work to do, they are not here to entertain you or be entertained by you (let them take the lead on friendly conversations).

Things You Should Not Ask the Court Staff to Do

- Do not expect the Court to provide you with free copies. If you believe you want the court or counsel to have a copy of something, make enough copies prior to arrival.
- Do not expect Court Staff to relay messages between you and your clients/witnesses/opponents.

Etiquette in Chambers

- Do not read papers and documents on Staff's/Court's desk.
- Do not put your materials/files/coffee on the court's/staff's desk (unless invited to do so and then pay attention to things like coasters)
- Do not put your briefcase on those desks (or on the floor where people are likely to trip over it).
- Do not breeze past staff and head into the Judge's chambers.
- Do not use the Court's telephones without asking permission
- NEVER use the Court's telephones if you have a cold

Always...

- Tell Court Staff *the truth*.

WITH THE JUDGE IN CHAMBERS

Arguing Your Case

- Don't get emotionally involved in the righteousness of your case; don't try to argue the case in chambers; don't be rude and talk over the other attorney.

Addressing the Judge

- The Judge is "Judge" in chambers and other parts of the Courthouse; "Your Honor" when robed, on the record, and on the bench. Never "Sir" or "Ma'am."

Etiquette in Chambers

- Introduce yourself to staff and judge (every time); tell them what you're appearing on and for whom (if not for yourself).
- Be on time (better yet, be early... you might learn something).
- Always be dressed in a manner consistent with an in-Court appearance and consistent with the UTCRs.
- If you're waiting in chambers for another "matched set" of attorneys to complete their status, do not be having conversations with other folks in the room; go out of chambers to converse (it's very distracting to the judge).
- Witnesses do not come into the judge's offices or chambers (except to check in). On dependency and termination of parental rights cases, DHS (fka CSD) is a party and generally will be invited by the Court to participate in status conferences

PREPARING FOR TRIAL: PLEADINGS, EXHIBITS, AND FILINGS

Filings

- Hand deliver pleadings that you want the Judge to see.
- Do not rely on your staff to process paperwork. If the case is assigned to a judge, **hand deliver it** to the judge assigned.
- Deliver courtesy copy of documents to the Judge's Office the day prior to hearing (especially copies of any documents which are filed only a day or two before hearing).
- Judges names or initials should be placed on the filings pursuant to Marion County SLR 2.015. Filings without Judges names or initials could add a week from the date of filing until it reaches Judges chambers.
- USAs and joint asset/debt statements need to be filed with the Court in accordance with UTCR 8.010 and, in any event, no later than the beginning of trial.
- When requesting any motions for extension, please specify the requested new deadline.
- When filing a motion to reopen after the Court has issued an Order of Dismissal, try to deal with the underlying problem: please make sure you have the final documents together. (Example: Assume the Court has dismissed a divorce case because it has not received a form of Judgment and its been 90 days. When you file your motion to reopen: make it easy on the Judge – submit the form of Judgment, hopefully already stipulated as to form.)

Advance Trial Preparation

- If you need an interpreter, equipment (VCR), in custody Defendant Transported, and/or Court Reporter, please contact the Court well in advance of the hearing or trial.

Trial Exhibits

- Make sufficient copies of Exhibits before coming to Court.
- Do not attach your original Exhibits to your Trial Memorandums.
- Uniform Support Affidavits are required to be filed in the Court file prior to the Dissolution Trial. Originals should not be marked as Exhibits.
- Prepare a “scribble copy” of the exhibits for the judge.

Please....

- Do not ex parte.
- Comply with any pretrial orders.
- Call the court as soon as you settle/dismiss a case.
- Verify with client that any order deferring fees has been complied with.
- The new form to refer domestic relations cases to mediation, requires the attorneys to take responsibility for notifying a mediator of existing no contact orders i.e. Restraint Orders.

IN THE COURTROOM

The Rules

- Know the ORCPs/UTCRCs/SLRs.
- Know the individual Judge’s preferences.

Courtroom Demeanor

- Do not interrupt the Judge.
- Speak **LOUDLY**, clearly and make sure that the Court reporter hears everything you say.
- Do not turn your back on the judge, jury or court reporter while talking.
- Get out of the way of the easel or the witness if you want the factfinder to be able to see and hear.
- Learn how to handle exhibits.
- Remember the rules of cross examination: do not ask a question you don’t know the answer to; do not use cross examination to rehash and repeat direct examination; get in and get out; do not cop an attitude.

Using Authorities

- If you have a motion, turn in your responsive brief in accordance with the UTCRCs. If no responsive brief, give the court your authorities **in advance** (why not the day before? Some judges read them in advance).

Argument

- Do not argue the things that are already in your memo/brief if you have been assured by the Judge that it has been read.
- When the Judge has ruled, sit down and stop arguing and move on politely.

OUTSIDE OF THE COURTHOUSE

- The Judge is “Judge” in chambers and other parts of the Courthouse; “Your Honor” when robed, on the record, and on the bench. If you meet a Judge on the street, the grocery store, a gym locker room, or another public forum who is not attired in a black robe, never refer to her as either “Judge” or “Your Honor.” Especially make no such reference in a loud voice. Judges sometimes make decisions that frustrate people. Other times they put people in jail. Please do not direct attention to a judge’s status outside the protection of the courthouse.