

10-9-2011

Professionalism on Trial

Wes R. Porter

Golden Gate University School of Law, wporter@ggu.edu

Follow this and additional works at: <http://digitalcommons.law.ggu.edu/pubs>

 Part of the [Litigation Commons](#)

Recommended Citation

Porter, Wes R., "Professionalism on Trial" (2011). *Publications*. Paper 522.
<http://digitalcommons.law.ggu.edu/pubs/522>

This Blog Post is brought to you for free and open access by the Faculty Scholarship at GGU Law Digital Commons. It has been accepted for inclusion in Publications by an authorized administrator of GGU Law Digital Commons. For more information, please contact jfischer@ggu.edu.

PROFESSIONALISM ON TRIAL

 October 9th, 2011  Administrator

- Rule:** Project a serious professional at ALL times in and around the courthouse. **Rule of thumb:** *Assume that the jury is watching you at ALL times while you are in trial— lunch room, elevators, and street in front of the courthouse.*
- Rule:** Be courteous to courtroom staff and courthouse employees ALWAYS.
- Rule:** Speak and work quietly at counsel's table while not in session. **Rule of thumb:** *Assume the courtroom is "miked-up" and judge/jury are listening in on you— be careful what you say and your volume when you say it.*
- Rule:** Be formal & courteous to the court, opposing counsel, and witnesses in trial. **For example:** "Your honor, may I have a moment?" "May I resume?" "May Mr. Houston step down from the witness stand?" "May I confer with counsel, Ms. Smith?"
- Rule:** Expect background noise and distractions – and begin with a loud, clear voice that commands the jury's (and everyone in the courtroom's) attention. **Bigger issue:** *Show them not only why you and your case deserve their attention, but why trial attorneys are worth watching – especially you in this case.*
- Rule:** Sit up (and stand up) straight and keep your hands visible. **Rule of thumb:** *Visualize the magazine cover photo of you at trial – don't slouch back in your chair, don't lean on anything when standing, and keep your hands out of your pockets.*
- Rule:** Always answer the court's question first and then offer explanations. **For example:** "Counsel, was this witness on your list?" "No. May I explain why?"
- Rule:** Do not show that you are upset or angry (or overly happy) with the judge, witness, or opposing counsel during trial. **You think:** the jury will know why I'm upset; **jury thinks:** something must have gone wrong.
- Rule:** Don't look at, or talk to, opposing counsel during objections and responses; instead listen intently and argue to the court. **If you ignore this:** *the jury sees children bickering and tunes out (really quickly too!)*
- Rule:** Be reasonable in all dealings with opposing counsel during trial. **Rule of thumb:** *Assume the judge and jury will learn about every exchange you have with opposing counsel and decide who was more reasonable –for example, if they want to use my exhibit, my demonstrative, or my copy of the witness' statement, go ahead.*
- Rule:** Do not react in front of the jury. All that happens in trial is just as you expected. **Most reactions don't say what you think they do; instead it screams unprofessional.**
- Rule:** Correct factual inaccuracies, misstatements, and misunderstandings. **Rule of thumb:** As officers of the court, we have a duty to do justice and get it right. Do not capitalize on that which you know is not correct. Correct it - and move on.