

**COURT OF COMMON PLEAS FOR THE STATE OF DELAWARE**  
**STANDARDS FOR ATTORNEYS' PROFESSIONALISM AND CIVILITY**  
**IN A COURTROOM SETTING**

**PREAMBLE**

As officers of the Court with responsibilities to the administration of justice, attorneys have an obligation to be professional with clients, opposing parties and their counsel, the courts, and the public. This obligation includes civility, professional integrity, personal dignity, candor, diligence, respect, courtesy, and cooperation, all of which are essential to the fair administration of justice and conflict resolution.

The Judges of the Court of Common Pleas have promulgated the following standards to foster a level of civility and professionalism. The standards are offered because civility in the practice of law promotes both the effectiveness and the enjoyment of the practice of client representation. The legal profession must strive to uphold the honor and dignity of the profession to elevate and enhance our service to justice. Uncivil or unprofessional conduct not only disservices the individual involved, it demeans the profession as a whole and our system of justice.

**STANDARDS**

These standards are applicable to all attorneys regardless of practice area, and are intended to complement the *Delaware Principles of Professionalism for Delaware Attorneys* adopted jointly by the Delaware State Bar Association and the Delaware Supreme Court on November 1, 2003. All members of the bar are encouraged to comply with both the spirit and letter of the standards.

The Court endorses the concept of *Civility* set forth in the *Delaware Principles of Professionalism for Delaware Attorneys*. That section provides:

**Civility.** Professional civility is conduct that shows respect not only for the courts and colleagues, but also for all people encountered in practice. Respect requires promptness in meeting appointments, consideration of the schedules and commitments of others, adherence to commitments whether made orally or in writing, promptness in returning telephone calls and responding to communications, and avoidance of verbal intemperance and personal attacks.

A lawyer should not communicate with a Court [ ] concerning pending or prospective litigation without reasonable notice whenever possible to all affected parties.

Respect for the Court requires:

- careful preparation of matters to be presented;
- clear, succinct, and candid oral and written communications;
- acceptance of rulings of the Court, subject to appropriate review;
- emotional self-control;
- the absence of scorn and superiority in words or demeanor;

- observance of local practice and custom as to the manner of addressing the Court;
- [ ] appropriate dress in all Court proceedings; and
- a lawyer should represent a client with vigor, dedication and commitment. Such representation, however, does not justify conduct that unnecessarily delays matters, or is abusive, rude or disrespectful. A lawyer should recognize that such conduct may be detrimental to a client's interests and contrary to the administration of justice.

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### **SPECIAL RULES OF COURTROOM DECORUM**

- An attorney should rise before addressing the Court.
- An attorney should wait until the Judge or Commissioner has finished speaking before speaking.
- An attorney shall address all remarks to the Court and not to opposing counsel or the opposing party.
- An attorney should always introduce himself/herself at the time of first interaction with the Court.
- An attorney should not leave the courtroom or turn his/her back to the Court when a recess is declared until the Judge or Commissioner has left the courtroom.
- If an attorney expects to be late because of another court commitment, he/she should so inform the affected Judge, Commissioner or court staff as soon as practical.
- An attorney shall seek the Court's permission before approaching the bench.
- As Court staff are an integral part of the justice system, attorneys should treat staff with courtesy and respect at all times.
- An attorney will be considerate of the time constraints and pressures on the Court and Court staff in their efforts to administer justice.
- An attorney should always face the bench while addressing the Court.
- An attorney should begin with "May it please the Court" when making oral arguments, opening statements and closing arguments.
- An attorney should not eat, chew gum or bring beverages (other than water provided by the Court) in a courtroom and should similarly advise witnesses.
- An attorney should avoid inappropriate humor and gestures.