

**Expectations of the Superior Court  
for Attorneys' Professionalism and Civility  
in a Courtroom Setting**

The following sets forth the expectations of the Superior Court of the State of Delaware for attorneys' professionalism and civility in a courtroom setting.

The Superior Court endorses the concept of *Civility* set forth in the "Principles of Professionalism for Delaware Lawyers" adopted by the Delaware State Bar Association and the Delaware Supreme Court, effective November 1, 2003. As that section (restructured for purposes of this document) provides:

... 4. **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;**
  - **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.**
- **A lawyer should represent a client with vigor, dedication and commitment. Such representation, however, does not justify conduct that unnecessarily delay 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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The Superior Court also notes the following courtroom practices (all falling under “observance[s] of local practice and custom”) that should be followed:

- **An attorney should always rise before addressing the Court.**
- **An attorney should always face the bench while addressing the Court.**
- **If an attorney expects to be late because of another court commitment, he/she should so inform the affected judge as soon as practical.**
- **An attorney should not address opposing counsel directly without the Court’s permission.**
- **An attorney should always refer to other counsel by “Mr./Ms. \_\_\_\_\_.”**
- **An attorney should not address the Court unless appropriately attired. (This includes not wearing an overcoat.)**
- **An attorney should organize witness schedules so as to make the most effective use the Court’s and attorneys’ time.**
- **An attorney should avoid inappropriate humor and gestures.**
- **An attorney should wait until the judge has finished speaking before speaking next.**
- **An attorney should always introduce himself/herself at the time of first interaction with 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 drink beverages (other than water supplied by the Court) in a courtroom and should similarly advise witnesses.**
- **An attorney should not leave the courtroom or turn his/her back to the Court when a recess is declared until the judge has left the courtroom.**

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The Judges of the Superior Court will remind counsel of these considerations as appropriate. “Judge” in this document refers equally to Superior Court Commissioners.

Adopted by the Superior Court April 8, 2004