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Views from the Bench: Tips for Young Lawyers on How to Make a Good Impression

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One of the most challenging places for a new defense attorney, prosecutor, respondent's counsel or plaintiff's counsel is a first-time court appearance. It seems to be a rite of passage for most young lawyers who litigate to get hazed by some judge they appear before—especially as a young public defender or prosecutor. Many of these lawyers tend to spend more time appearing before judges than being around colleagues or supervisors.

In this piece, two judges, one state and one federal, offer their perspectives on what young lawyers should know to make their lives easier in court. The Honorable Lynne Stewart is a District Court Judge on the Circuit Court for Baltimore City, MD. She is currently the President of the Baltimore City Bar Association. The Honorable Julie Robinson, the first African-American woman to sit on the Federal District Court bench in Kansas, is a former bankruptcy judge and a former prosecutor. They provided the tips below for young lawyers who are handling criminal or civil matters:

1. Demeanor:

“Be Prompt, Polite and Professional.” Judge Lynne Stewart

“Approach court and chambers staff with respect and a healthy dose of humility. They are experienced, knowledgeable and have the judge's respect and trust.” Judge Julie Robinson

2. Resource Use:

“Don't be an island, utilize your resources—ask your colleagues.” “Premark your exhibits. Know what type of technology is available in the courtroom.” Judge Lynne Stewart

3. Questions:

“[If you] [d]on't understand what the Judge is saying, ask!” Judge Lynne Stewart
4. Appearance:

Women – Judge Stewart believes that women should be dressed in appropriate woman’s suits with coordinating pieces. If wearing a skirt suit, stockings are appropriate. Eyebrow and nose piercings, while expressive of individuality, are not appropriate for court and may negatively impact a jury.

Men – Judge Stewart believes that sport coats are not appropriate in court. A matching suit and pressed shirt with polished dress shoes are best.

5. Attempts to Oversell or Appear Brilliant

“You are not a puppet, make your record. [Give] quick answers, quit when ahead, know what you don’t know and no Perry Mason moments.” Judge Lynne Stewart

6. Collegiality with Colleagues

“Make friends, not enemies, everywhere you go.” “Pick your battles. Credibility is all you have.” Judge Robinson

Let your argument speak for you. Do not seek to embarrass opposing counsel or go in for the “kill.” Consider letting opposing counsel know of a case that clearly supports your position prior to presentation in court. Alternatively, ask to approach the judge with opposing counsel and talk off the record. It saves time and strengthens your credibility with the judge.

7. Briefs

Judge Robinson indicates that young lawyers, when editing a brief or pleading, imagine that their work will be one of ten similar works read by the judge on the same day. With that in mind, lawyers should make their briefs tighter, more succinct, better organized and easier to digest. When editing a brief, prepare a shadow draft that omits the case citations (or drops the citations into footnotes). See if the body of the brief flows well without the interruption of citations.

8. Rules of Evidence & Jury Instructions

Judge Robinson states that young lawyers should know a court’s rules of evidence, procedure and local practice. Consider carrying hard copies of the rule books in your brief case while in the
courthouse for frequent and easy reference. Better yet, determine if electronic copies are available and can be placed in an iPad or PDA.

Judge Robison adds that young lawyers should craft jury instructions (or obtain the pattern instructions) for claims (and defenses) at the very outset of the litigation. These will serve as a roadmap, guide and reference point through discovery, dispositive motions practice, settlement conferences and/or trial.

9. Know thy Judge

This is likely the most important rule young lawyers will hear early in practice. Every judge has his or her own idiosyncrasies that must be accommodated. A young lawyer’s ability to be flexible and adapt to judges will go a long way toward improving your reputation in the legal community.