

VIRGINIA: IN THE CIRCUIT COURT OF THE CITY OF CHESAPEAKE

ORDER ESTABLISHING LOCAL RULE

STANDARDS FOR COURTROOM DECORUM

Virginia Canon of Judicial Conduct 3(A)(2) mandates that judges require order, decorum, and civility in all court proceedings.

The purpose of the following protocol is to emphasize, not supplant, certain portions of the ethical principles applicable to an attorney's conduct in the courtroom and to preserve the dignity of the courtroom and judicial process. In all professional functions an attorney should be competent, prompt, and diligent. The best standards for courtroom decorum in all situations consist of common sense, courtesy, and good manners; attorneys are officers of the court and they should conduct themselves accordingly. These standards are also intended to further efficient and orderly Court operation and to ensure that all parties who come before the Court receive a fair trial.

It is therefore ADJUDGED, ORDERED and DECREED as follows:

Counsel shall at all times conduct and comport themselves with dignity, propriety, and civility; this includes, but is not limited to:

- (1) Counsel should be on time for each Court session or appointment. Court engagements take precedence over any other business. Settlement or plea negotiations should take place before the day of trial.
- (2) Counsel should come prepared for each Court session. This includes having made sufficient contact with their client and witnesses, and being prepared to argue any points of law that may arise. Failure to interview or otherwise make contact with a client is generally not an acceptable basis for a continuance.
- (3) All persons, unless physically unable, should stand when Court is opened, recessed, or adjourned. When addressing, or being addressed by the Court, counsel shall rise unless excused therefrom by the Court. All statements and communications to the Court shall be clearly and audibly made from a standing position at the counsel table facing the Court or the witness. Counsel shall not approach the bench unless requested to do so by the Court or unless permission is granted upon the request of counsel.

- (4) Attire for counsel should be professional, restrained, and appropriate to the dignity of a Court of the Commonwealth of Virginia. A male attorney appearing in Court should be dressed in a coat, shirt, and tie; a female attorney should wear comparably conservative attire.
- (5) Counsel should address all remarks, other than examination of a witness, to the Court, not to opposing counsel or the opposing party.
- (6) Counsel shall refer to all persons, including witnesses (except children), other counsel, and the parties, by their surnames and not by their first or given names, unless otherwise permitted by the Court.
- (7) Counsel shall refrain from disparaging personal remarks or acrimony toward opposing counsel, and remain wholly detached from any ill feeling between the litigants or witnesses. Bickering between counsel during the course of a hearing or trial is impermissible.
- (8) Counsel shall refrain from making — and shall admonish all persons at the counsel table who make — gestures, facial expressions, audible comments, or the like, as manifestations of approval or disapproval during the testimony of witnesses, during argument of counsel, after a ruling of the Court, and at any other time; this behavior is strictly prohibited and may be deemed contempt pursuant to Virginia Code § 18.2-456, and/or a violation of Virginia Rule of Professional Conduct 3.5(f).
- (9) Examination of witnesses shall be conducted by counsel standing behind the counsel table. Counsel must receive permission from the Court to approach the witness for any purpose, including for presenting, inquiring about, or examining the witness with respect to an exhibit. Only one attorney for each party may participate in the examination or cross-examination of a witness.
- (10) Only material related to the Court's business may be read in the courtroom while Court is in session. Non-court related reading (such as newspapers, books, or magazines) are prohibited while Court is in session. Electronic devices are permitted only for counsel to consult calendars, for scheduling purposes, or other information related to a case or other court business; all other uses shall only occur outside the courtroom. Cellular telephones and other noise-making electronic equipment must be placed in silent mode or turned off while Court is in session.

- (11) Counsel shall refrain from having conversations in the courtroom and from approaching someone at counsel table while Court is in session. All movement in and out of the courtroom shall be in a quiet and non-disruptive manner.
- (12) Counsel should be mindful that Virginia Rule of Professional Conduct 3.3(a)(3), with regard to candor toward a tribunal, mandates that an attorney shall not knowingly fail to disclose to the Court any controlling legal authority in the Commonwealth known to the attorney to be adverse to the position of their client and not disclosed by opposing counsel.

IT IS SO ORDERED.

ENTERED:

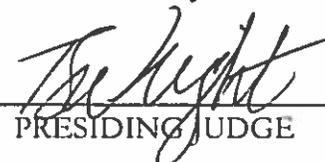
June 7, 2018



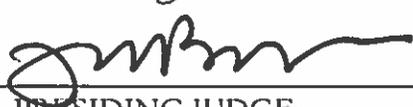
CHIEF JUDGE



PRESIDING JUDGE



PRESIDING JUDGE



PRESIDING JUDGE