

COURT DECORUM

Hon. Kevin R. Madison

Presiding Judge

City of Lakeway
City of Horseshoe Bay
City of Briarcliff
City of Johnson City

1

Course Objectives

- ❑ Decorum and Rules can improve the court procedure and image of Judiciary
- ❑ Decorum and Professionalism do not depend on marble floors or mahogany covered walls
- ❑ Situations and Appearances can create bias, a lack of confidence, and unprofessionalism

2

"Justice does not depend upon legal dialectics so much as upon the atmosphere of the courtroom, and that in the end depends primarily upon the judge."

-Judge Learned Hand

Billings Learned Hand was a United States judge and judicial philosopher. He served on the United States District Court for the Southern District of New York and later the United States Court of Appeals for the Second Circuit. 1872-1961

3

JUDGES SHOULD BE MINDFUL OF:

- > Texas Code of Judicial Conduct
- > Judge’s Conduct on and off the Bench
- > News Media Coverage of Court Proceedings
- > Participation in Social Networking Media
 - Facebook
 - YouTube
 - Twitter
 - Blogs

CANON 1

Texas Code of Judicial Conduct and Canons are to uphold the Integrity and Independence of the Judiciary.



CANON 2A

CANON 2A
A judge shall comply with the law and should act at all times in a manner that promotes public confidence in the integrity and impartiality of the judiciary.



CANON 2B

CANON 2B

A judge shall not allow any relationship to influence judicial conduct or judgment. A judge shall not lend the prestige of judicial office to advance the private interests of the judge or others; nor shall a judge convey or permit others to convey the impression that they are in a special position to influence the judge. A judge shall not testify voluntarily as a character witness



7

CANON 3B(2)

CANON 3B(2)

A judge should be faithful to the law and shall maintain professional competence in it. A judge shall not be swayed by partisan interests, public clamor, or fear of criticism



8

CANON 3B(4)

CANON 3B(4)

A judge shall be patient, dignified and courteous to litigants, jurors, witnesses, lawyers and others with whom the judge deals in an official capacity, and should require similar conduct of lawyers, and of staff, court officials and others subject to the judge's direction and control.



9

CANON 3B(5)

CANON 3B(5)
A judge shall perform judicial duties without bias or prejudice.



10

CANON 3B(6)

CANON 3B(6)
A judge shall not, in the performance of judicial duties, by words or conduct manifest bias or prejudice, including but not limited to bias or prejudice based upon race, sex, religion, national origin, disability, age, sexual orientation or socioeconomic status, and shall not knowingly permit staff, court officials and others subject to the judge's direction and control to do so..



11

CANON 3B(8)

CANON 3B(8)
A judge shall accord to every person who has a legal interest in a proceeding, or that person's lawyer, the right to be heard according to law. A judge shall not initiate, permit or consider *ex parte* communications or other communications made to the judge outside the presence of the parties between the judge and a party, an attorney...concerning the merits of a pending or impending judicial proceeding.



12

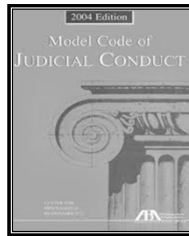
Disciplinary Action Against Judges

Texas Constitution, Article V, Section 1-a(6)A. Any Justice or Judge of the courts established by this Constitution or created by the Legislature as provided in Section 1, Article V, of this Constitution, may, subject to the other provisions hereof, be removed from office for willful or persistent violation of rules promulgated by the Supreme Court of Texas, incompetence in performing the duties of the office, willful violation of the Code of Judicial Conduct, or willful or persistent conduct that is clearly inconsistent with the proper performance of his duties or casts public discredit upon the judiciary or administration of justice. Any person holding such office may be disciplined or censured, in lieu of removal from office, as provided by this section.

13

CANONS OF JUDICIAL CONDUCT

There are many rules that apply to judge's conduct. All judges should become familiar with and comply with the The Texas Code of Judicial Conduct.



14

CANONS OF JUDICIAL CONDUCT

CANON 1 UPHOLDING THE INTEGRITY AND INDEPENDENCE OF THE JUDICIARY.

CANON 2 AVOIDING IMPROPRIETY AND THE APPEARANCE OF IMPROPRIETY IN ALL OF THE JUDGE'S ACTIVITIES.

CANON 3 PERFORMING THE DUTIES OF JUDICIAL OFFICE IMPARTIALLY AND DILIGENTLY.

CANON 4 CONDUCTING THE JUDGE'S EXTRA-JUDICIAL ACTIVITIES TO MINIMIZE THE RISK OF CONFLICT WITH JUDICIAL OBLIGATIONS.

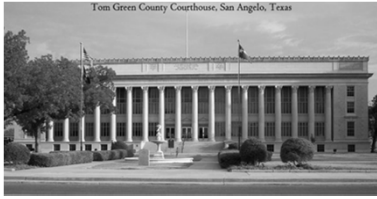
CANON 5 REFRAINING FROM INAPPROPRIATE POLITICAL ACTIVITY.

CANON 6 COMPLIANCE WITH THE CODE OF JUDICIAL CONDUCT.

CANON 7 EFFECTIVE DATE OF COMPLIANCE

CANON 8 CONSTRUCTION AND TERMINOLOGY OF THE CODE.

15



"Courts embody the important appearance of authority, vital to preserving the public's perception of an orderly society,"
Ryan Turner

Fancy Diggs



Not So Fancy Diggs



COURT DECORUM

- Appearances of Courtroom
- Appearance of Judge and Court Staff
- Demeanor of Judge and Court Staff
- Appearance and Demeanor of Bailiffs
 - distinctive uniform of bailiff
 - jacket with patch
- Appearance of Impropriety
 - separation of police officers and court staff
 - officers should not be behind counter with court staff

19



20

Ethically, all Texas judges are required to "maintain order and decorum in proceedings before the court."

Texas Code of Judicial Court, Canon 3(B)(3)



21

THINK ABOUT DRAFTING AND USING LOCAL RULES OF DECORUM AND CONDUCT FOR YOUR COURT.

Under the inherent power and duty of all Texas courts as codified in Section 21.002, Texas Government Code, Courts can implement Rules of Decorum and Conduct that shall apply and govern the proceedings before the Court.



LOCAL RULES OF COURT

Rules Must be Prominently Posted

- In Lobby of Courthouse
- On Court's Website
- Mailed or Given to Defendants

- Municipal Courts do not have to get prior approval of Local Rules of Court, which District and County Courts have to do.

2012 RULES OF DECORUM AND CONDUCT IN LAKEWAY MUNICIPAL COURT OF RECORD NUMBER ONE

I. AUTHORITY

II. FORMAL OPENING

III. ATTIRE

IV. CONSENT TO SEARCH

V. CONDUCT REQUIRED OF COUNSEL AND PRO-SE DEFENDANTS

VI. ADDRESS AND TELEPHONE NUMBERS OF DEFENDANTS & ATTORNEYS

VII. BAILIFFS

VIII. ENDORSEMENT

PROPER COURT ATTIRE

The following should not be worn:

- Shorts or cut-offs
- Low-cut blouses or tops
- Short skirts or dresses
- Sleeveless shirts
- Clothing with offensive vulgar, racist, sexist, obscene lewd or suggestive words, slogans, depictions or pictures; and
- Excessively baggy clothing and pants worn below the waistline
- Hats, caps, bandanas or headgear shall not be worn in the courtroom

25

PROPER COURT ATTIRE- A Judge Should Look Like a Judge



26

PROPER COURT ATTIRE FOR COURT ATTENDEES

APPROPRIATE
CLOTHING

INAPPROPRIATE
CLOTHING

PLEASE DRESS MODESTLY
FAVOR DE VESTIRSE CON MODESTIA



27

COURT DECORUM

APPROPRIATE
CLOTHING

INAPPROPRIATE
CLOTHING



28

COURT DECORUM



CELL PHONES!

29

HEAVY METAL IN THE COURTROOM

How do we handle?

- Tattoos
- Facial Piercings



30

BABIES & SMALL CHILDREN

How do you handle a disruptive baby or child in the courtroom?

Public Admonition of a Central Texas JP for “abandoning proper judicial demeanor” when she ordered a disruptive four-year-old child of a prospective juror to be removed from the courtroom, while ordering the mother to stay. Commission held that the Judge failed to be patient, dignified and courteous, as required by Canon 3B(4).

Attempt to handle the matter and reset if it’s not possible due to the child’s behavior.

Request parent to attempt to return without the child or children.

Some courts have a Local Rule forbidding children under a certain age (16) in the courtroom. Williamson County Local Rules of Court.

31

CONCLUSION

- Court decorum is vital to maintaining not only the integrity of your court but the integrity of our judicial system.
- Court Decorum is NOT dependent upon a fancy courtroom
- The impressions of defendants, witnesses, and jurors of your court will probably be the sole basis on how they view the Judicial System.
- Many attendees have not been in court before and may be scared, embarrassed, or unaware of how to act in court.
- Dress like a Judge-wear a robe when you are on the Bench.
- By promulgating and enforcing decorum each Judge honors the history and importance of a truly American institution.
- Be Patient, Be Courteous, Be Respectful, and Be Fair.

32

2012 RULES OF DECORUM AND CONDUCT IN LAKEWAY MUNICIPAL COURT OF RECORD NUMBER ONE

I. AUTHORITY

Under the inherent power and duty of all Texas courts as codified in Section 21.002, Texas Government Code, the following Rules of Decorum and Conduct shall apply and govern all proceedings before the Lakeway Municipal Court of Record Number One in the County of Travis, State of Texas.

II. FORMAL OPENING

Each session of Court shall be brought by announcement of the Bailiff, Clerk, or other officer of the court, requiring all to rise as the Judge takes the bench.

III. ATTIRE

All attire shall be appropriate to show respect to the Court. All court participants shall remove hats, caps, or any materials that cover their head when entering the courtroom, except religious hats or materials, such as yamakas, turbans, or chunis. All shirts will be tucked in. Clothing that would be considered unacceptable includes, but is not limited to:

- A. Shorts, cut-offs, bathing suits.
- B. Low-cut blouses or tops.
- C. Skirts or dresses that are short (less than halfway from knee to top of thigh).
- D. Muscle shirts, shirts with no sleeves, undershirts, clothing with lewd, sexual, offensive, vulgar, racist, sexist, obscene, or sexually suggestive words, slogans, depictions, or pictures, including grotesque creatures.
- E. Clothing that is dirty, torn, or ragged.
- F. Clothing that is too tight, too short, excessively baggy, pant waists worn below the waist.
- G. Hats, caps, or bandanas.
- H. Dirty Work Boots, sandals, flip flops.

IV. CONSENT TO SEARCH

All persons entering the building that houses the court facilities and the courtroom consent to search of their persons and all property in their possession by their entry into same.

V. CONDUCT REQUIRED OF COUNSEL AND PRO-SE DEFENDANTS

1. Individuals who are representing themselves (“pro-se” parties) should be prepared to present their cases in a proper manner. It is not the Court’s duty or responsibility to instruct, protect or represent pro-se litigants on proper court procedures, evidence, rules or how to present and prove your case. If you are unprepared, unaware, and not knowledgeable as to presenting your case, this could adversely affect your ability to defend yourself and/or present your case. A pro-se defendant accepts all of the risks inherent in representing themselves without benefit of legal counsel.
2. Attorneys shall observe the letter and spirit of all canons of ethics, including those concerning improper *ex-parte* communications with the Judge and with those dealing with discussion of cases with representatives of the media.
3. Attorneys shall advise their clients and witnesses of the Rules of Decorum and Conduct that may be applicable to them.
4. Pro-se defendants who are representing themselves without retaining an attorney shall conform their behavior to all provisions applicable to Attorneys.
5. Counsel shall be dressed appropriately while in attendance of the Court, which means a coat and tie with dress slacks, socks, and dress shoes or dress cowboy boots for men and dress, blouse and skirt, or business dress slacks and dress shoes for women. No blue jeans will be worn by counsel.
6. All parties shall be prompt in arriving for Court and in attending to Court business. Any party who arrives late may risk the issuance of a warrant if they are not present when the docket is called after Court goes into session.
7. Attorneys are not excused for arriving late even if in another Court, unless previous arrangements and approval of the Judge has been given.
8. Attorneys and pro-se litigants agree to appear for all hearings and court dates set by the Court, whether such notice was given to them by the Judge in open court or given to them by the Court Clerk at the Judge’s direction via fax, first class mail, via telephone, or via telephone voicemail message.
9. Attorneys and pro-se litigants understand that they are not excused from attending court hearings or trials simply based upon the filing of a motion for continuance or a request for continuance. All motions and requests for continuance must be sworn to, in writing, and must be submitted to and received by the Court no less than 24 hours before the date of the hearing sought to be continued. When submitting a motion for continuance, as in all motions, the defendant and his/her attorney are required to attach an order for the Judge to sign indicating whether the motion has been granted or denied. There will be no re-sets of any trials except upon an emergency situation. If, and only if, the motion is granted by the court are attorneys and parties excused from appearing. It is the duty of the

movant to ascertain whether the Judge has granted or denied their motion for continuance. If the motion has not been granted, the attorneys and parties are required to attend the court session to which they were assigned. If the motion for continuance was granted by the Judge, the attorneys, pro-se litigants, and all parties agree to appear at the new court date. It is the duty of all attorneys and pro-se litigants to contact the court and ascertain the time and date to which the case is reset. Failure to appear at the time and date on which your case is re-set shall constitute a Failure To Appear/Bail Jumping criminal charge to be issued against the defendant and may also be grounds for a contempt of court (order) charge being filed against the attorney as well as a possible complaint being issued to the State Bar of Texas for disciplinary proceedings.

10. All parties and all persons in the courtroom shall rise when the Judge enters the courtroom and shall remain standing until the Judge or Bailiff announces, "be seated" or until the Judge is seated. The same procedure shall be followed when the judge announces a recess or conclusion of court proceedings and the judge exits the courtroom.
11. Once a party has entered the courtroom and is appearing before the Court, he/she shall not leave without obtaining permission from the Judge or Bailiff.
12. The State shall be seated at the counsel table nearest the jury box. Counsel for the defendant and pro-se defendants shall be seated at the counsel table closest to the front doors of the courtroom.
13. Counsel for the defendant and pro-se defendants shall wear the wireless microphones as instructed by the Court in proceedings where a record is being made electronically.
14. All requests for a trial to be electronically recorded, in order to provide a record for appeal, must be made to the Judge in writing at or before the pre-trial hearing. Failure to do so waives a defendant's right to have the proceedings (trial) recorded.
15. All remarks of counsel to the Court shall be addressed to the Court formally.
16. The Court and opposing parties shall address each other and members of the jury without familiarity. The use of first names shall be avoided. Address the Court as "Judge" or "Your Honor". Address opposing parties, counsel, witnesses, and Court Officers as "Mr.", "Mrs.", "Miss", "Officer", etc. Do not use first names, except with children.
17. All objections, arguments, and other comments shall be directed to the Judge and not to opposing counsel. Once a party has made an objection, the other party shall stop and wait for the Judge to make a ruling on the objection before proceeding further.
18. Objections shall be in proper legal form and shall comply with the Texas Rules of Evidence or other laws of this State. Argument will not be entertained upon an objection except with the Court's permission. Do not thank the judge for his/her ruling on an objection.

19. In addressing the Court or jury, counsel and pro-se litigants shall rise and remain standing at their positions at counsel table.
20. When questioning a witness, counsel and pro-se litigants shall remain at counsel table and shall not attempt to approach the bench or witness unless permission is granted by the Judge.
21. Counsel shall remain seated at the counsel table at all times except: when the Judge enters or leaves the courtroom; when addressing the Judge or jury; when it is necessary to handle documents or exhibits or when granted permission from the Court to approach the bench, approach a witness, or approach an exhibit; and when objecting to opposing counsel.
22. Counsel shall not approach the Judge's bench except with permission from the Court.
23. Counsel shall not lean on the bench, sit on rails or tables, or appear to engage the Court in a confidential manner, unless requested by the Court.
24. Do not argue with the Court, opposing counsel, or the witness.
25. Do not read newspapers, magazines, books, etc. in the courtroom during proceedings.
26. Do not talk at the same time as the Court, counsels, witnesses, or other court personnel.
27. Racist, sexist, obscene, or profane language or gestures are prohibited unless it is pertinent to a case and is elicited and quoted from facts in the case.
28. Do not enter and depart the courtroom excessively.
29. Do nothing to disturb or distract the court, counsels, witnesses, and other court personnel. Children must not create a disturbance or they will be asked to be removed from the courtroom.
30. Young children such as infants and toddlers should not be brought into the courtroom.
31. Do not approach the Judge's bench or Clerk's desk without permission. Do not rest arms or hands on the bench.
32. Do not lean over or touch any part of the Judge's bench or go past any railings, markers, or dividers placed in front of the bench to restrict access to the bench.
33. Leave all purses, bags, brief cases, etc. at the defense table when you are called to the Judge's bench.
34. Have all paperwork, driver's license, proof of auto liability insurance, evidence, etc. ready when called to approach the Judge's bench.

35. No food or drinks are allowed to be brought into the courtroom.
36. Turn off all computers, ipads, cell telephones, pagers, and all other electronic devices before entering the courtroom and place all electronic devices either in your pocket, purse, or in your car. Texting or talking on a cell phone in the courtroom is disruptive and disrectful and may result in the offender's arrest for contempt and seizure of the device.
37. No party may leave the courthouse if their case has been re-set for another hearing or trial without first obtaining and signing a court date re-set form.
38. The Court may enforce these rules of conduct and decorum by appropriate action or sanctions.
39. Nothing herein shall prevent or prohibit the further adoption of new rules or revision of these rules.

VI. ADDRESS AND TELEPHONE NUMBERS OF DEFENDANTS & ATTORNEYS

Attorneys appearing before this court, parents of juvenile defendants (under 17 years old), and adult defendants (pro-se or represented by counsel) are ordered to deliver, in writing, notice of a correct current mailing address and working telephone number at the time of their first court appearance. All attorneys, parents of juvenile defendants, and all adult defendants are also ordered to advise the Court of any changes to their mailing address and telephone number within three (3) days of said change. Defendants, parents, and attorneys acknowledge and understand that failure to update the court with a new address and/or telephone number may result in a failure to receive notice of a court setting that may result in a judgment being rendered or a warrant being issued for defendant's arrest. A defendant's failure (or a parent or attorney's failure) to update an address and/or telephone number will not raise the defense of lack of notice of a hearing, trial, or show cause setting. Failure to advise the court of a change of address may also result in the filing and prosecution of contempt charges against the defendant or parents of a juvenile defendant.

VII. BAILIFFS

The Bailiff or Bailiffs shall be present at all times when the Court is in session or in recess, unless excused by the Judge. No duty shall be assigned to the Bailiff without prior approval of the Judge. The Bailiffs are given full authority to enforce and are ordered to enforce all rules of conduct and decorum and other duties assigned by the Judge.

VIII. ENDORSEMENT

All attorneys practicing before this Court and all pro se defendants acting as their own counsel are required to read these rules completely and to conform their conduct to the above stated

Rules of Decorum and Conduct. All attorneys practicing before this Court and all pro-se defendants acting as their own counsel are required to sign and attest to their receipt of these Rules and to acknowledge that they will follow said Rules at the time of their first court appearance.

SIGNED AND ORDERED on July 30th, 2012.

A handwritten signature in black ink, appearing to read "Kevin R. Madison". The signature is written in a cursive, flowing style.

**Honorable Kevin R. Madison, Presiding Judge
Lakeway Municipal Court of Record Number One**

**Attestation of Receipt & Compliance with
Court Decorum and Conduct Rules**

It is hereby ordered that all attorneys practicing before this Court and all pro se defendants acting as their own counsel are required to read the 2010 Rules of Decorum and Conduct and to follow the rules.

All attorneys practicing before this Court and all pro se defendants acting as their own counsel are required to sign and attest to their receipt of these Rules and to acknowledge that they will follow said Rules **at the time of their first court appearance or any time** requested by the Presiding Judge of this Court or the Court Clerk of this Court.

Failure to sign and submit all information requested in the ACKNOWLEDGEMENT OF UNDERSTANDING AND RECEIPT OF RULES OF DECORUM AND CONDUCT as requested will be considered a violation of these local rules and may result in the filing of a contempt of court charge and report to State Bar of Texas disciplinary authorities.

The Court Clerk shall mail a copy of this order and the Rules of Decorum and Conduct to all attorneys practicing before the Court and shall request the attorney to sign and return the ACKNOWLEDGEMENT OF UNDERSTANDING AND RECEIPT OF RULES OF DECORUM AND CONDUCT WITHIN TEN DAYS OF RECEIPT OF THE RULES.

So ordered on this 30th day of July, 2012.

A handwritten signature in black ink, appearing to read "Kevin R. Madison". The signature is written in a cursive, flowing style.

Kevin R. Madison, Presiding Judge
City of Lakeway Municipal Court of Record Number One

ACKNOWLEDGEMENT OF UNDERSTANDING AND RECEIPT OF RULES OF DECORUM AND CONDUCT OF LAKEWAY MUNICIPAL COURT

I ACKNOWLEDGE THAT I HAVE READ A COPY OF THE RULES OF DECORUM AND CONDUCT IN LAKEWAY MUNICIPAL COURT OF RECORD NUMBER ONE RENDERED BY JUDGE MADISON ON JULY 30, 2012 AND I AGREE TO COMPLY WITH ALL OF SAID RULES. SAID RULES ARE POSTED IN THE COURT LOBBY AND ALSO AT THE COURT'S WEBSITE AT WWW.LAKEWAYMUNICIPALCOURT.COM.

Printed Name

Signature

Date

Are you an attorney licensed in Texas:

_____ No

_____ Yes. If "yes" list Bar card number:

Attorney's State Bar Card Number