
Professionalism Committee

David W. Long, Chair

Promoting Respect for the Court – It's Not Just Right, It's a Rule

Submitted by Daniel S. Johnson

The General Rules of Practice for the Superior and District Courts were adopted pursuant to N.C. Gen. Stat. § 7A-34 in the year 1970 to supplement the North Carolina Rules of Civil Procedure. The General Rules of Practice are found in the Rules Volume of the North Carolina General Statutes (2005 volume) at pages 1 through 35. They may also be found in commercially-published rule books. These rules have also been adopted by the Hearings Division of the Office of Administrative Hearings. See OAH Hearings Division Rule .0101(a).

Of special interest with respect to professionalism is Rule 12 entitled: "Courtroom decorum."

Rule 12 of the General Rules of Practice contains several admonitions to the trial lawyer, and this article will discuss only one of the subdivisions of Rule 12. This portion of the Rule provides:

Counsel should yield gracefully to rulings of the court and avoid detrimental remarks both in court and out. He [or she] should at all times promote respect for the court.

It is obvious that a trial lawyer will suffer adverse rulings by a Judge. After an adverse decision in a nonjury trial, after a motion is denied,

or even after an objection is overruled, there can be a temptation not to "yield gracefully."

Attorneys have even been known to vent feelings of frustration in open court by an audible sigh or by muttering their disagreement with a Judge's ruling. These behaviors are disrespectful and do not comply with this Rule. Instead, giving notice of appeal or noting an exception for the record makes his or her disagreement plain in an appropriate and professional manner.

Your client, blinded by her own opinion of the merits of her case, may even accuse the Judge of favoritism toward the opposing party. When faced with this type of reaction from your client, it is the trial lawyer's duty to defend the court. Whether or not your client accepts your explanation that the Judge was just "calling them as she sees them," it is still the trial lawyer's duty under this Rule not to participate in derogatory comments toward the Court, even in private conversation with a client who feels wronged.

Rule 12 of the General Rules of Practice reminds us that it is the trial lawyer's duty to promote respect for the institution the lawyer serves, even when the court doesn't "call it" the way we see it.