

# A Refresher Course in 'CPR'

by Judge Beth A. Myers



I conducted an informal, unscientific survey of my colleagues to determine their pet peeves. Perhaps not surprisingly, most of them fall into categories of what I will call 'CPR'—civility, professionalism and respect. Let me start by saying, as expressed by one of the judges, that overwhelmingly lawyers who appear before us are well-prepared and effective advocates. However, we all can use a refresher course in CPR every once in a while. I hope that you will find some of these comments useful.

Almost half of the judges identified failure to be on time/failure to appear as one of their pet peeves. If you know you are going to be late, place a courtesy call to the judge as soon as possible. Please do not make tardiness a habit. Also, do not forget to fill out the notification form in civil cases. Failure to do so will result in you not getting notice of court conferences. The judge's staff will then have to track you down while the opposing counsel waits. If you are not available, the case will have to be rescheduled, resulting in additional expense and resources.

A related pet peeve identified by my colleagues applies to counsel in criminal cases—a lawyer asking the court to call the sheriff for a client to be brought down, and then leaving the courtroom. This holds up the docket. Just make sure that you will be present and ready when your client arrives.

Nearly half of the responding judges identified as a pet peeve lack of courtesy and respect in the courtroom. This encompassed a wide variety of things such as lack of respect to opposing counsel, referring to people by first names rather than surnames, gum chewing, pen clicking, and ringing cell phones.

Judges also commented on lawyers who were needlessly adversarial and difficult. Much has been written and discussed on this subject, but it continues to be an area of concern to lawyers and judges. Along this same line, another judge commented on lawyers who argue with the judge, as opposed to making a record and making an argument.

Many of the pet peeves involved issues of professionalism. Some related to communication issues. For example, some judges identified a failure of the lawyer to talk with her or his client before the court appearance. Others identified the failure to communicate with the court, i.e., not letting the court know when a case has settled, and then simply not appearing for a court date. Good communication is key.

Some of the judges identified as a peeve a lawyer being unprepared. Others identified unmerited requests for continuances. In the absence of good cause or an unforeseen circumstance, the judge will expect you to be ready for your hearing or trial. You should always be candid with the

court and request continuances only when necessary.

Other peeves identified by the judges regarding professionalism included the following: lawyers taking on cases that they were not able to handle, either because of experience or time commitments; attempting to revive a case other than pursuant to Rule 60(B); lengthy voir dire; objections made to disrupt or deceive and meritless arguments; and repetitive and/or needlessly lengthy arguments.

Finally, each judge has certain procedures that apply to her or his courtroom. You should find out what these are because they may vary from room to room. A good starting point is the summary provided in the CBA Legal Directory.

As you can see, most of the pet peeves can be avoided by using CPR—civility, professionalism and respect. I see this practiced every day. ■

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