

Oath of Admission

I do solemnly swear that I will support the Constitution of the United States and the Constitution of the State of Missouri:

That I will maintain the respect due courts of justice, judicial officers and members of my profession and will at all times conduct myself with dignity becoming an officer of the court in which I appear;

That I will never seek to mislead the judge or jury by any artifice or false statement of fact or law;

That I will at all times conduct myself in accordance with the Rules of Professional Conduct; and

That I will practice law to the best of my knowledge and ability and with consideration for the defenseless and oppressed.

So help me, God

The Surveys On What Impresses Judges About Attorneys and What Turns Them Off

The Circuit Courts Of The State of Missouri 2016 Survey Top Five
Responses from Responding Circuits (Missouri Bar Survey Edition
– 2016)

Impresses

1. Prepared 100%
2. Courteous/Polite 53%
3. Punctual/Prompt . . . 47%
4. Professionalism 39%
5. Knowledge of Laws . . 32%

**29% of the Judges responding to the survey
were impressed with Honesty

Turn Offs

1. Unprofessional Behavior . 83%
2. Unprepared 76%
3. Late 69%
4. Lack of Knowledge Laws. . 17%
5. Miscellaneous 17%

*Turn Offs: Miscellaneous Dislikes include unnecessary objections and repeated requests for continuances.

22nd Judicial Circuit

Impresses

1. Professional Courtesy/Civility
2. Prepared
3. Honesty

Turn Offs

1. Rudeness/Disrespect
2. Late W/O Notifying Court
3. Late/Not Show Up

2016 Update:

Preparedness and honesty; Nothing impresses me more than a prepared attorney who has dressed well (looking the part of a successful professional), who speaks well and clearly, who has prepared his or her client for court (meaning the client is dressed nicely) and is respectful to me and my staff.

2016 update:

Turned off with increased “personalizing,” gamesmanship, redundancy, addressing clients by first name only, misrepresenting facts and law, providing unconfirmed information, arguing in front of judge or jury, “petty bickering”, lack of civility and professionalism, not accepting court rulings, coaching clients to lie, unprepared, not properly dressed, not informing themselves about client, details of case, and division procedures, and ex parte communications.

- Comments: “Almost ALL the lawyers in St. Louis are professional in their demeanor. The few who are bizarre we deal with rather informally or with mirth, which can be an effective put down and harmless.” “An attorney who is reckless with the truth can be a liability to both the court and his/her clients.

The Ethics of Practice Management:

Playing by the Rules

(Missouri Bar Survey Edition – 2016 Update)*



Principles of Civility



It is the duty of each lawyer to engage in conduct that brings dignity to and promotes civility in the profession.

Toward that end, each lawyer shall be:

Respectful

Trustworthy

Courteous

Cooperative

in all dealings with judges, lawyers, clients and other members of the public that they serve.

*** The Ethics of Practice Management: Playing by the Rules (Missouri Bar Survey Edition – 2016 Update) is an update of previous surveys of the Trial Judges and Commissioners of the State of Missouri on “What Impresses Judges About Attorneys and What Turns Them Off” and “Why Zealous Representation Does Not Include Torching Your Adversary.” The 2016 survey includes a new section on advice to young and new attorneys. This update was prepared by the St. Louis County Community Information Committee for the Missouri Bar – Judge David Lee Vincent, III (April 2016).**

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Part I

The Surveys On

What Impresses Judges About

Attorneys and

What Turns Them Off

The Circuit Courts Of The State of Missouri

2016 Survey

Top Five Responses from Responding Circuits

(Missouri Bar Survey Edition – 2016)

Impresses

1. Prepared 100%
2. Courteous/Polite 53%
3. Punctual/Prompt . . . 47%
4. Professionalism 39%
5. Knowledge of Laws . 32%

Turn Offs

1. Unprofessional Behavior . 83%
2. Unprepared 76%
3. Late 69%
4. Lack of Knowledge Laws 17%
5. Miscellaneous 17%

Impresses: 29% of the Judges responding to the survey were impressed with Honesty.

Turn Offs: Miscellaneous Dislikes include unnecessary objections and repeated requests for continuances.

The Prior Survey Results

2008 Survey

Impresses

1. Prepared 79%
2. Professionalism 58%
3. Punctual/Prompt ... 42%
4. Knowledge of Laws . 23%
5. Honesty 19%

Turn Offs

1. Unprofessional Behavior . 70%
2. Unprepared 61%
3. Late 44%
4. Lack of Communications 18%
5. Lack of Knowledge Laws 13%

2006 Survey

Impresses

1. Prepared 92%
2. Professionalism 64%
3. Punctual/Prompt ... 50%
4. Honesty 28%
5. Knowledge of Laws . 19%

Turn Offs

1. Unprepared*..... 64%
2. Rude and Arrogance 61%*
3. Late 47%
4. Lack of Knowledge Laws 25%
5. Frivolous Motions 17%

Top Three Responses From Responding Circuits

Responses for the surveys were received from individual judges and commissioners from the Missouri Circuit Courts in 2006, 2008, and 2016, Responses for 2016 are also indicated by “2016 Update.” Individual views or opinions are not necessarily the views or opinions of the various circuit courts.

1st Judicial Circuit
The Circuit Courts of Schuyler County and Scotland County
Eastern District and Western District of Missouri

Impresses

1. Prepared
2. Courteous
3. Knowledge of Evidentiary Rules

Turn Offs

1. Unprepared
2. Unprofessional Behavior
3. Late to court w/o calling

Other responses: Impressed by attorneys who are congenial/courteous to court, court personnel and other lawyers, honest and who actually like being lawyers. Also, attorneys that remain calm in tense situations. Impressed by “comfortable and confident” attorneys who have “mastered the King’s English” and understand the rules of evidence. **2016 Update** Judges are generally impressed by attorneys who are well-prepared; courteous to everyone in the courtroom; punctual for court appearances (or who have the courtesy to call the clerk’s office to let the court know if they have been unavoidably delayed); who are honest and realistic (with the court as well as with their clients); who understand the rules of evidence and can state proper objections; and who are knowledgeable about the law applicable to their cases and provide the court with citations to the relevant legal authorities. Turned off by lawyers that are unable to efficiently present case and control their emotions, and do not prepare proper jury instructions. **2016 Update** Judges are turned off when attorneys are consistently unprepared; when they are rude or unable to control their emotions; when they are late without a good reason and/or without letting the court know by calling the clerk; when they do not prepare and submit proper jury instructions following the guidelines of MAI; and when they file excessive numbers of time-consuming motions with little likelihood of success.

2nd Judicial Circuit
The Circuit Courts of Adair County,
Knox County, and Lewis County
Eastern District and Western District of Missouri

Impresses

1. Prepared
2. Professional Behavior
3. Candor and Honesty

Turn Offs

1. Unprepared
2. Incivility
3. Lack of Punctuality

Other responses: **Impressed** with attorneys that show civility toward the court, other attorneys, other parties, witnesses and court personnel; prepared on both evidentiary and legal issues, including those unfavorable. Also, have an appropriate sense of humor and a willingness to consider reasonable case resolutions. **Turned off** by failure to complete discovery, be ready for trial, and timely filing pleadings. Also, turned off by lengthy witness examinations that attempt to elicit irrelevant, immaterial or improper testimony.

3rd Judicial Circuit
The Circuit Courts of Grundy County, Harrison County,
Mercer County, and Putnam County
Western District of Missouri

Impresses

1. Prepared
2. Punctual/Timely
3. Honesty

Turn Offs

1. Unprepared/Late
2. Argument without Legal Basis
3. Speaking Objections/verbose

Other responses: **Impressed** by attorneys that also have legal authority that supports arguments, and who are thoughtful of witnesses, properly preparing witnesses for testimony, and providing sufficient notice to parties and witnesses for appearances in court. Also with truthful attorneys, “even if it hurts.” **Turned off** by attorneys that attempt to be too familiar and friendly with the judge, ‘witness badgering’, and when attorneys speak unclearly, ask confusing, too long, and repetitious questions; late and constant excuses. **Comments:** “It is critical that attorneys be civil to one another and never mislead the judge.”

4th Judicial Circuit
The Circuit Courts of Gentry County,
Nodaway County, Atchison County and Worth County
Western District of Missouri

Impresses

1. Prepared
2. Courteous
3. A Desire to Assist

Turn Offs

1. Unprofessional Behavior
2. Unprepared
3. Disrespectful to pro se litigants

Other responses: **Impressed** by attorneys being honest with opposing counsel and the court, and who are collegial and “genuinely enjoy their job.” Also, attorneys that talk with opposing counsel to narrow contested issues. **2016 Update** Prepared; Professional courtroom decorum; Collegial nature towards opposing counsel; Understands the issue before the Court today. **Turned off** by attorneys misrepresenting or misstating legal authority, and who treat pro se with disdain, are impatient and acrimonious, and have “non-verbal disrespect (eye rolling, sighing, tapping foot, etc.” **2016 Update** Habitual need for continuance; Showing personal disdain for opposing counsel/party; Unprepared for hearing; Lack of legal knowledge re issue before the Court. Attorneys who do not treat other attorneys with professional respect.

Comments: 2016 Update Impressed by preparation which includes knowledge of existing law, especially when attorneys disclose adverse legal authority (rule 4-3.3(a)(2), which compliance with is always vital.

Attorneys that are prepared when their cases are called and know the applicable law always make a good impression. Knowing the law and representing the law accurately to the court rather than twisting it to suit their desired result also impresses. Misstating the law or grossly exaggerating a case holding to mandate a favorable result is a major turn off and greatly diminishes the attorney’s credibility and the profession.

While not every issue can be prepared for, when an attorney says “case law exists” and then cannot produce that case law, his or her credibility is reduced and the process suffers. Zealous representation based on accurate grasp of existing law as applied to the evidence presented is impressive. Hyperbole is not. An Attorney’s personal opinion is not legal authority carrying any particular weight.

Graciously accepting a negative ruling or result is impressive. Blaming the court or reacting emotionally (including non-verbally) is not. Professionalism is impressive. Arguing for argument’s sake, especially from a position of weak legal or evidentiary support, is not.

Knowledge of the proper manner in making a proper legal objection and stating it properly rather than simply “objection” is impressive. Not understanding rules of evidence is a turn off.

Prepared with knowledge of the law, facts, rules of evidence when coupled with prompt and courteous presentation and interaction with opposing counsel makes for an impressive attorney. Unprepared as to the facts, law, rules of evidence are huge disappointments and causes of frustration for the court and often cause of bad result for client. Unprofessional behavior including tardiness is unacceptable.

Professionalism extends to an attorney’s relations with the court staff. Rudeness in person or on the phone with a clerk is a turn off.

5th Judicial Circuit
The Circuit Courts of Buchanan County and Andrew County
Western District of Missouri

Impresses

1. Prepared
2. Professional & Courteous
3. Honesty

Turn Offs

1. Sloppy Work Ethic
2. Vague on Knowledge of Law
3. “Habitually” Late

Other responses: **Impressed** with punctual appearances. **Turned off** with attorneys who make arguments that torture clear meaning of law, file frivolous motions, and are whiny and nitpicky in discovery disputes.

6th Judicial Circuit
The Circuit Court of Platte County
Western District of Missouri

Impresses

1. Prepared
2. Professional Courtesy
3. Respect for Opposing Counsel

Turn Offs

1. Frivolous Motions
2. Personal Attacks to Opposing Counsel
3. Tardiness

Other responses: Not every case is ripe for Summary Judgment. Unless there is a reasonable ground, do not waste your clients’ money and the court’s time. Communicate with opposing counsel. Do not file a motion if you can accomplish same with a telephone call. You can disagree without being disagreeable.

7th Judicial Circuit
The Circuit Court of Clay County
Western District of Missouri

Impresses

1. Prepared
2. Prompt
3. Polite

Turn Offs

1. Late
2. Lazy
3. “Lewd & Rude”

Other responses: **Impressed** by attorneys that have knowledge of law and facts, and ability to settle cases. Presentation of cases should focus on legitimate, relevant issues and leaving out extraneous, irrelevant and time-wasting information meant only to hurt feelings or embarrass other party. **Turned off** by attorneys not being prepared and abuse continuances and who take on personality and grievances of clients. **Comments** “I don’t want to know why an attorney wants a continuance. If I did, I would ask. Short and to the Point is preferable.”

8th Judicial Circuit
The Circuit Courts of Ray County and Carroll County
Western District of Missouri

Impresses

1. Prepared
2. Organized
3. Courtroom Demeanor

Turn Offs

1. Unprepared
2. Rudeness and Arrogance
3. Late W/O notice

Other responses: **Impressed 2016 Update** Timeliness; thorough and appropriate preparation, including research of issues; appropriate demeanor. **Turned off 2016 Update** Being late; being unprepared; not having researched the applicable law or cases; inappropriate demeanor toward the court or witnesses.

9th Judicial Circuit
The Circuit Court of Chariton County
Western District of Missouri

Impresses

1. Professionalism
2. Prepared
3. Knowledge of Law

Turn Offs

1. Unprofessional Behavior
2. Unprepared
3. Late

Other responses: **Impressed** *2016 Update* If an attorney doesn't know something, it is always impressive if he/she admits it and then says he/she will find the answer.

11th Judicial Circuit
The Circuit Court of St. Charles County
Eastern District of Missouri

Impresses

1. Prepared
2. Punctuality
3. Professional Courtesy

Turn Offs

1. Unprepared
2. Late
3. Arrogance/Rudeness

Other responses: **Impressed** by attorneys who are prepared and who acknowledge the weaknesses in their cases. *2016 Update* Impressive qualities: Promptness, courtesy, preparation and efficiency; **Turned off** by attorneys interrupting opposing counsel during motion hearings and refuse to accept the weaknesses of their cases. *2016 Update* Unimpressive characteristics: Late to court, lack of one or all of the above qualities, especially disrespect to fellow attorneys. **Comments:** Some cases heard can be handled in two-thirds of the time. Foundation has to be laid, but attorneys should be focused on the issues and "get to the point." Brevity is a virtue.

12th Judicial Circuit
The Circuit Courts of Audrain County,
Montgomery County and Warren County
Eastern District of Missouri

Impresses

1. Prepared
2. Professional Courtesy
3. Knowledge of Law

Turn Offs

1. Rudeness
2. Dishonesty
3. Frivolous “Attack” Pleadings

Other responses: **Impressed** with professional courtesy to Court and opposing counsel. Also, efficient use of court’s (and jury’s) time and organized. **2016 Update:** Being prepared being respectful of judge and other attorneys, being organized, knowing how to try a case; **Turned off** with attorneys that lack complete honesty with Court and opponent, and ignorance about law. Also, chronic tardiness, failing to even discuss settlement prior to the trial date, not preparing proposed jury instructions prior to trial, stonewalling discovery requests, always blaming others for lack of communication, failing to prepare proposed judgments on a timely basis, taking cases far outside the lawyer’s areas of expertise, endlessly covering the same inconsequential points in trial, and blaming the judge for failure to win his or her own case. **2016 Update** Being late, always blaming someone else, not responding to other side before the ct date or trial, playing games with discovery.

13th Judicial Circuit
The Circuit Courts of Boone County and Callaway County
Western District of Missouri

Impresses

1. Prepared
2. Knowledge of Law
3. Punctuality

Turn Offs

1. Unprepared
2. Habitually Late
3. Arrogance

Other responses: **Impressed** with attorneys that are honest with and respectful of their fellow attorneys, the Court and the Court personnel. Also with truthfulness on the law. **2016 Update** Being prepared, knowledgeable of the law, courteous, professional, on time, honest. **Turned off** by attorneys who are argumentative and arrogant, and refuse to give other side an uninterrupted opportunity to argue their case. **2016 Update** Rude, pompous, late, lazy, unprepared, making objections with no argument/support (just making objections to stop opponent’s flow). **Comments:** Turned off by attorneys “not being punctual, not knowing the law & self importance.”

15th Judicial Circuit
The Circuit Courts of Saline County and Lafayette County
Western District of Missouri

Impresses

2016 Update

Turn Offs

1. On time
2. Prepared
3. Courteous

1. Late
2. Unprepared
3. Not Courteous

Other responses: **Impressed** with attorneys who understand case, only make timely and worthy objections to real issues. Also, attorneys who can evaluate case and attempt to settle case. **2016 Update** Impressed by well thought out pleadings that frame issues for trial, well prepared probate paperwork, knowledge of the facts and the law in the case, being courteous, being honest, acknowledging what they do not know and being willing to find it out as legal issues are developed and being punctual; **Turned off** by attorneys who take judge's rulings personally and become defensive. **2016 Update** (1) Interrupting the Court or opposing counsel. This tells me the attorney cannot listen to the issues in the case. How can he address an issue that he will not hear? And how can he analyze a case when he has not heard his opponent, or the Court? He may think he knows what will be said, but he may be wrong. (2) Asking for continuances. This turns people off of the system and clogs the system unnecessarily with backlog. Justice delayed is justice denied. (3) Waiting until trial to discuss settlement. This wastes the resources of the parties and the Courts. (4) Being late to court. This tells his client and the Court that the client and the Court is not important, and that he has something more important to do. (5) Grandstanding for the client. This is a dispute resolution procedure, not a dog and pony show. Just the facts and the law, please. (6) Making untenable arguments. This offends a person's common sense, and demeans the attorney profession. Court attendees remember these foolish arguments long after they have forgotten the intelligent ones. (7) Not preparing proper paperwork in probate court and dumping the work on a secretary, the clerks, and the Court to correct. This adds to the Court backlog and delays distribution to creditors and beneficiaries.

16th Judicial Circuit
The Circuit Court of Jackson County
Western District of Missouri

Impresses

1. Prepared
2. Punctuality & Honesty
3. Professional Courtesy

Turn Offs

1. Lack of Civility
2. Arrogance/Rudeness
3. Late

Other responses: **Impressed** with assertiveness and strong advocacy in a non-personalized, professional manner, along with professional courtesy. **2016 Update:** Prepared, courteous, knows the law, professional, and respectful to opposing counsel, litigants, jurors and court staff, and strong advocacy without personal attacks. Preparedness: know the case, know the court rules, and follow the rules Politeness: to opposing counsel, parties, witnesses, the Court, and Court staff. Zealous advocacy: make life easy for the Court, know the court rules, clearly state relief requested, cite law in support of positions, file proposed orders when required to do so. **Turned off** by lawyers who are not prepared, late, and not courteous and professional in their treatment of parties, opposing counsel, etc. **2016 Update:** Unprepared, disrespectful, rude, and unprofessional to opposing counsel, clients, litigants jurors and court staff, and late, arrogant, repetitive, wastes time, always making excuses, puts others down, makes personal attacks, nasty demeanor. Also, not arriving on time, attempting to have ex parte contact with the Court, asking the Court or Court staff for legal advice (which includes having your paralegal or secretary call for you and ask for legal advice). **Comments:** “Seriousness about one’s position should be communicated by the gravity of one’s demeanor, not the level of ‘whine’ in one’s voice.”

17th Judicial Circuit
The Circuit Courts of Johnson County and Cass County
Western District of Missouri

Impresses

2016 Update

Turn Offs

1. Prepared
2. Professionalism
3. Punctuality

1. Unprepared
2. “Winging It”
3. Inconsistent Document Formatting

Other responses: **Impressed:** Preparation is most impressive. A full and complete understanding of the facts coupled with knowledge of applicable law. **2016 Update** Impressed by attorneys who are prepared which includes a knowledge of the law, professionalism, punctuality, practicality (Advocating on behalf of a client is required but recognizing that such a position is not always the most practical solution to the problem goes a long way in benefiting the client especially when having conversations with the Court), honesty, recognizing short comings in an argument or case, and knowing the issues in a case and presenting only that evidence necessary to resolve the case. **Turned off:** Attorneys who “wing it” or throw it against the wall to see what sticks DO NOT impress me. **2016 Update** Inconsistent document formatting, failing to communicate with the Court when matters are resolved, showing up late to Court, not knowing Supreme Court Rules or the Law, lack of preparation, complaining about electronic filing – it’s here and it’s not going away, not identifying the real issue in a case, calling witnesses that have no bearing on the real issues at hand, and the use of “correct”, “right”, “yeah” and other such words at the beginning or conclusion of every question asked of a witness.

18th Judicial Circuit
The Circuit Courts of Cooper County and Pettis County
Western District of Missouri

Impresses

1. Prepared
2. Courtesy and Civility
3. Appropriate Attire

Turn Offs

1. Inappropriate Attire
2. Dilatory Motion Practice
3. Unprofessional Behavior

Other responses: **Impressed** with attorneys that know the elements of their case and succinctly present evidence on those issues only; politely object to irrelevant questioning; properly introduce themselves; and “when attorneys are all about logic and little about emotion.” Also “erudite” presentation of issues, punctuality, and honesty. **Turned off** by lengthy cross examinations on insignificant discovery discrepancies, especially in divorce court (waste of time); failing to object when opposing counsel asks lay witnesses improper opinion questions about “feelings”; and attorneys emotionally involved in cases destroy their objectivity and ability to present evidence clearly. **Comments:** “I appreciate when an attorney makes every legal objection. This shortens the trial considerably, and keeps both sides focused on the essential elements of the case.”

19th Judicial Circuit
The Circuit Court of Cole County
Western District of Missouri

Impresses

1. On Time
2. Prepared for Trial
3. Prepared Witnesses

Turn Offs

1. Lack of Knowledge on Law
2. Unprepared Witness
3. Improper Use of Exhibits

Other responses: **Impressed** by exhibits “admitted” prior to discussing same. **Turned off** by attorneys completely unfamiliar with substantive law and unprepared witnesses that “blurt out answers.”

20th Judicial Circuit
The Circuit Court of Franklin County
Eastern District of Missouri

Impresses

1. Prepared
2. Professional Courtesy
3. Knowledge of Law

Turn Offs

1. Unprepared
2. Rudeness to Opposing Counsel
3. Blaming Others for Own Mistakes

Other responses: **Impressed** with by attorneys that are prepared in court and are courteous to the court, opposing counsel and witnesses; and attorneys that have a copy of the relevant law to hand to the judge where the issue is not commonly seen (legal research is always a plus). **Turned off** with attorneys, including associates, that do not know more than the judge about their cases, requesting continuances because they are “too busy to be ready for trial” and saying that “every other judge” gives continuances under similar circumstances. Last minute continuances should never be requested unless there are very unusual circumstances. Also, turned off by attorneys who mislead judges about their schedules or conflicts. **Comment:** “The Bar in general is hard-working, intelligent, courteous and honest toward the courts.”

21st Judicial Circuit
The Circuit Court of St. Louis County
Eastern District of Missouri

Impresses

1. Prepared
2. Punctuality
3. Professional Courtesy

Turn Offs

1. Unprepared
2. Arrogance/Rudeness
3. Late

Other responses: **Impressed** with attorneys who are prepared and polite to opponent, objectively evaluate case with “meaningful” negotiation, and provide caselaw. Also, contact the court when late or canceling hearing. **2016 Update:** Impressed by attorneys who appear in court on time, who are fully prepared, who are polite, respectful, who let the other side finish talking and don’t interrupt them until it is their turn; who concede the obvious, or at least don’t argue needlessly over undisputed or petty facts; who give ground, if it doesn’t matter to their side of the case; who can successfully manage client expectations. Also impressed when an attorney has a strong sense of their case and does not use the court to increase clients costs unnecessarily. When lawyers are prepared for their hearings and they make sure to prepare their witnesses so things can move more efficiently. **Turned off** by late arrivals, and refusal to recognize both sides to argument. **2016 Update:** Not impressed by attorneys who are unprepared, who assume that their side of the case is the only “right” side, who can’t concede that their client’s position might be incorrect or (at least) not fully informed, who interrupt opposing counsel, who are late (or just don’t show up at all) without calling the other side and the court; who are rude and arrogant.

22nd Judicial Circuit
The Circuit Court of the City of St. Louis
Eastern District of Missouri

Impresses

1. Professional Courtesy/Civility
2. Prepared
3. Honesty

Turn Offs

1. Rudeness/Disrespect
2. Late W/O Notifying Court
3. Late/Not Show Up

Other responses: **Impressed** by attorneys who naturally disagree but not disparage opponent, candid on status of law, are punctual, dress appropriately (clients also), have respect for court and others, pre-mark exhibits, prepare instructions early, admit weaknesses of case, have knowledge of facts and applicable law, present case succinctly, provide case law, and properly filing out paper work. Also, brevity, promptness, and communicating with opponent and resolving issues. **2016 Update:** Preparedness and honesty; Nothing impresses me more than a prepared attorney who has dressed well (looking the part of a successful professional), who speaks well and clearly, who has prepared his or her client for court (meaning the client is dressed nicely) and is respectful to me and my staff. **Turned off** with increased “personalizing,” gamesmanship, redundancy, addressing clients by first name only, misrepresenting facts and law, providing unconfirmed information, arguing in front of judge or jury, “petty bickering”, lack of civility and professionalism, not accepting court rulings, coaching clients to lie, unprepared, not properly dressed, not informing themselves about client, details of case, and division procedures, and ex parte communications. **2016 Update:** Attorneys who conduct themselves in a fast and loose manner. **Comments:** “Almost ALL the lawyers in St. Louis are professional in their demeanor. The few who are bizarre we deal with rather informally or with mirth, which can be an effective put down and harmless.” “An attorney who is reckless with the truth can be a liability to both the court and his/her clients.”

23rd Judicial Circuit
The Circuit Court of Jefferson County
Eastern District of Missouri

Impresses

1. Prepared
2. Prompt
3. Respect for Court/Courtesy

Turn Offs

1. Rudeness/Arrogant/Obnoxious
2. Unprepared
3. Reinforce Negative Public View

Other responses: **Impressed** with knowledge of law, warnings of delays in advance, “anxious behavior” okay if not rude, attorneys who are mindful that they are not the center of attention, and not distract the court from the issues. **2016 Update:** Politeness, appropriate dress, punctuality, courtesy, preparedness, respecting other party by not referring to them in degrading ways or with degrading names; Calling ahead to inform if they will be late or checking in when in multiple divisions; and respecting other attorneys. **Turned off** with attorneys from St. Louis City and County who act as if Jefferson County is a “drive thru” for larger jurisdictions, especially in the domestic court, attorneys who patronize court and staff, treats staff badly, bad mouth judges, and personalize everything. **Comment:** “Too many attorneys have forgotten that the judge is a public servant for the people and not the law firms.”

24th Judicial Circuit
The Circuit Court of Madison County
Eastern District of Missouri

Impresses

1. Prepared
2. Civility
3. Punctual

Turn Offs

1. Rude to Opposing Atty & Clerks
2. Unprepared
3. Playing Hide the Ball/Ambush Techniques

Other responses: **Impressed** with prepared exhibit lists and being on time. **Turned off** with speaking objections, “whining and bickering”, not answering discovery, and not knowing when to “quit.”

25th Judicial Circuit
The Circuit Court of Maries County
Southern District of Missouri

Impresses

1. Prepared
2. Honest
3. Courteous

Turn Offs

1. Unprepared
2. “Sneak” Things by Court
3. Rude

Other responses: None

26th Judicial Circuit
The Circuit Courts of Laclede County, Camden County,
Morgan County, Miller County, and Moniteau County
Southern District and Western District of Missouri

Impresses

1. Punctual (timely)
2. Prepared
3. Courteous

Turn Offs

1. See below.
- 2.
- 3.

Other responses: **Impressed** when attorneys are timely, prepared and courteous to Court and other parties and counsel. **Turned off:** Failure to do these common sense things is a turn off.

27th Judicial Circuit
The Circuit Courts of Henry County and St. Clair County
Southern District and Western District of Missouri

Impresses

1. Prepared
2. Courteous Advocate
3. Gives Opponent a Break

Turn Offs

1. Unprepared
2. Request Too Many Continuances
3. Rude/Loud/Obnoxious

Other responses: **Impressed** by attorneys who are prepared and interested, don't constantly seek continuances because they failed to plan ahead in preparing for trial, and who have their exhibits and testimony organized for presentation; and attorneys who can be an advocate but remain courteous and polite to both opposing counsel and witnesses (even difficult witnesses). **Turned off** by attorneys who want continuances because the trial date snuck up on them and they aren't ready, and who don't have their cases organized for presentation; and attorneys who have no clue about the rules of evidence or the law applicable to their case.

28th Judicial Circuit
The Circuit Courts of Barton County,
Cedar County, Dade County, and Vernon County
Southern District and Western District of Missouri

Impresses

1. Prepared
2. Honesty and Courtesy
3. Punctuality

Turn Offs

1. Unprepared.
2. Unprofessional Attitude
3. Witness Harassment

Other responses: **Impressed** with knowledgeable attorneys, brevity (if appropriate), succinct objections, and organized presentation of case. **2016 Update:** Impressed by attorneys being prepared and knowing their case, being honest and courteous at all times and by being on time and if a mistake is made, acknowledge it and apologize; Readiness; taking care of business. Prompt, efficient decision making. Even if it is just getting a continuance. **Turned off** with lack of pre-court consultation with opponent, “hide the ball” tactics, misrepresentation of opponent’s position, asking needless questions when bringing “mistake” to judge’s attention would be better, and rambling objections. **2016 Update:** Being unprepared, discourteous and late on a reoccurring basis is a turnoff. Harassing witnesses does not impress me either. Discrepancies or outright untruthfulness can be pointed out professionally without harassment; Not introducing yourself and your client. Making mountains out of molehills. Please don’t waste my time or your client’s. Arrogance. **Comments:** “Attorneys should learn how to direct the witness to answer the question, and then on truly obstinate witnesses, ask the judge to direct the witness to answer.”

29th Judicial Circuit
The Circuit Court of Jasper County
Southern District of Missouri

Impresses

1. Prepared
2. Professionalism
3. Honesty

Turn Offs

1. Arrogance
2. Frivolous Motions
3. Lack of Preparation

Other responses: **Impressed** by attorneys that have full and honest settlement discussions ‘before’ day of trial. Also, follow the law, e.g., the 8 factors in § 475.375 (as well as statutory factors for maintenance and division of property issues), for presenting appropriate family court issues, which would be helpful in preparation of required findings. **2016 Update:** Impressed with attorneys who are prepared and on time; aggressive about moving and disposing of cases, whether through settlement or trial; and honest and trustworthy. **Turned off** by attorneys misrepresenting facts (whether is stretching or bending the law), wasting ‘paper’ on needless motions when disputed matters may be resolved with brief discussions, discovery sandbagging, and attorneys that do not thoroughly communicate with their clients or review their files prior to coming to court. Also, attorneys that comment on what ‘Metropolitan County’ judges do are not too persuasive.” **2016 Update:** Turned off by lack of respect for the Court’s time (Late or not professionally dressed); continuance requests the day before or the day of court; and specious or immaterial objections. **Comment:** “Law schools may be doing an adequate job of teaching the law, but they are apparently doing little to teach students how to be lawyers.” Many attorneys are not subject to the criticism in this survey. But the ones “who are the subject of this criticism tend to stand out vividly in your mind.” “At trial, pounding the same nail over and over is tiresome. Make the point and move on. I get it. Now let’s hear something I haven’t already heard.”

30th Judicial Circuit
The Circuit Courts of Polk County,
Hickory County and Webster County
Southern District and Western District of Missouri

Impresses

1. Promptness
2. Prepared
3. Candid on Facts and Law

Turn Offs

1. Late W/O Excuse
2. Unprepared
3. Abusive/"Bombastic" Behavior

Other responses: **Impressed** by attorneys that show courtesy and respect for opposing counsel, parties and pro se litigants, respect for judicial system and process, present cases with conciseness, and stipulate on uncontested issues. **2016 Update:** Timeliness (on time), prepared, honest, being courteous to opponents (attorneys and pro se alike), being agreeable and working cases out. **Turned off** with attorneys who are fast and loose with facts and law and attorneys who short circuit system or by-pass process; lawyers who do not attempt settlement until day of trial, and who are unprepared for cases on docket but want to talk about next week's docket. **2016 Update:** Trying to railroad pro se litigants; excessive objecting; stalling tactics; being late on a regular basis.

31st Judicial Circuit
The Circuit Court of Greene County
Southern District of Missouri

Impresses

1. Prepared
2. Honesty/Polite
3. Punctual

Turn Offs

1. Chronically Late
2. Unprepared
3. Disrespect/Arrogance

Other responses: **Impressed** with professionalism, presenting case without evidentiary battle on every exhibit, submitting evidence for proper division of property and debt, preparation of proposed court orders, communications with Court if documents are late or when trial should be cancelled. **Comments:** "Once you catch a lawyer in a lie, you never forget."

32nd Judicial Circuit
The Circuit Courts of Cape Girardeau County,
Bollinger County, and Perry County
Eastern District and Southern District of Missouri

Impresses

1. Prepared (facts and law)
2. Courtesy/Civility
3. Punctual

Turn Offs

1. Late
2. Rude
3. Unprepared

Other responses: **Impressed** by attorneys that prepare clients, know facts and law of case (including knowing when ‘NOT’ to take a case or motion to trial), and have a prepared list of witnesses, a pre-trial list of marked exhibits (with copies for court, court reporter and opposing counsel), and an extra set of exhibits for the court. In court tried cases, hand the exhibit to the judge when admitting it into evidence. Also, impressed with attorneys that have their calendars with them, familiar with local court rules, and ask proper (non-discovery) questions during trials, while objecting only when necessary. **Turned off** by bickering with opponent, wasting time on irrelevant, trivial matters, power point presentations, motions in limine filed on the morning of trial, treating a trial like a deposition, failure to be punctual, and “insincere admiration.” **Comment:** Treat everyone – the Court – opposing counsel, witnesses, parties and court personnel with dignity and respect, “doing all the things your mother taught you to do.” But keep in mind, “attitude is everything. No one cares what a jerk knows.”

33rd Judicial Circuit
The Circuit Courts of Mississippi County and Scott County
Southern District of Missouri

Impresses

2016 Update

Turn Offs

1. Prepared
2. Honest
3. Prompt

1. Unprepared
2. Rude
3. Late

Other responses: **Impressed** by attorneys that are also professional and have knowledge of law/facts. **Turned off** by attorneys that demonstrate a “lack of knowledge.”

34th Judicial Circuit
The Circuits Courts of Pemiscot County and New Madrid County
Southern District of Missouri

Impresses

2016 Update

Turn Offs

1. Prepared
2. Professional
3. On Time

1. Unprepared
2. Late for Court
3. Repeated Continuances

Other responses: Impressed with attorneys who are able to simplify complex matters, exert “client control”, and resolve cases that should be resolved without going to trial. Turned off by attorneys who are not honest, not prepared, not punctual, and do not act professionally.

35th Judicial Circuit
The Circuit Court of Dunklin County
Southern District of Missouri

Impresses

Turn Offs

1. Ability to Simplify Issues
2. Courtesy
3. Honesty

1. Lack of Forthrightness
2. Repetition
3. Argumentative

Other responses: Impressed with attorneys that have preparedness and “brevity” (lack of repetition).

36th Judicial Circuit
The Circuit Courts of Butler County and Ripley County
Southern District of Missouri

Impresses

1. Prepared
2. Prompt
3. Professional

Turn Offs

1. Lack of Knowledge of Law
2. Disrespect
3. Late

Other responses: **Impressed 2016 Update** Preparedness is the key (for attorneys and judges). Dress (good appearance) and act like an attorney. Knowledge and practice of courtroom etiquette is sometimes a lost art. Respectful. **Comments:** If you are going to be unavoidably late, let the clerk know. File pleadings on time. To be taken seriously, dress like a lawyer. Show respect for the court, witnesses, jurors, opposing counsel, opposing parties and court personnel. To receive respect, you need to give it. Bring your calendar when setting a case. Know your case and the applicable law. If a case needs to be continued, first talk to the opposing lawyer. If the case isn't to be heard, let the court, your client and your witnesses know. Be nice to the clerks of the court. Remember, you can get a change of judge, but you can't get a change of clerk. If ignorance of the law is no excuse for a criminal defendant, why is it an excuse for a lawyer? Read the Supreme Court Rules at least once a year for a "working knowledge". Review the local rules of court to remind you of differences in procedures in courts. **2016 Update** If we do not respect ourselves, the general public certainly will not. We are fortunate in our circuit to have a very congenial bar and at the same time very effective advocates.

37th Judicial Circuit
The Circuit Court of Oregon County
Southern District of Missouri

Impresses

1. Civility
2. Prepared
3. Timely Filed Documents

Turn Offs

1. Lateness
2. Rudeness
3. Inaccurate Representation of Law

Other responses: **2016 Update Impressed** by Civility towards other counsel, parties and the Court; good preparation; timely submission of proposed judgments/orders; willingness to seek possible resolution of issues/case; and reasonable resolution of discovery issues; **2016 Update Turned off** by abusive or condescending statements to other counsel or the Court; "grandstanding" to impress clients (doesn't impress the judge); habitual tardiness to court without contact; lack of preparation to assist the Court (i.e. "help me help you"); unnecessary and retaliatory objections; needless argument on discovery issues.

39th Judicial Circuit
The Circuit Courts of Barry County, Lawrence County
and Stone County
Southern District of Missouri

Impresses

1. Prepared
2. Professional & Courteous
3. Punctual

Turn Offs

1. Rudeness
2. Unprepared
3. Misquote/Misrepresenting Law

Other responses: None.

40th Judicial Circuit
The Circuit Courts of McDonald County and Newton County
Southern District of Missouri

Impresses

1. Courteousness
2. Conciseness
3. Prepared

Turn Offs

1. Disrespectful to Opponent
2. Disrespectful to Court
3. Unwilling to Concede Obvious

Other responses: **Impressed** **2016 Update:** Prompt, transparent arguments, and preparedness. **Turned off** **2016 Update:** Always needing continuance. Argumentative with opposing counsel.

41st Judicial Circuit
The Circuit Courts of Macon County and Shelby County
Eastern District and Western District of Missouri

Impresses

1. Prepared
2. Courtesy/Civility
3. Knowledge on Law and Facts

Turn Offs

1. Unprepared
2. Tardiness
3. Overly Aggressive Demeanor

Other responses: **Impressed** by promptness and solid advocacy. **Turned off** by lack of respect for or knowledge of the rules of procedure and evidence, and requests for continuances because of lack of preparation.

42nd Judicial Circuit
The Circuit Courts of Crawford County, Dent County,
Iron County, Reynolds County, and Wayne County
Southern District of Missouri

Impresses 2016 Update Turn Offs

1. On Time For Court
2. Prepared
3. Courtesy

1. Late
2. Unprepared
3. Rude

Other responses: Impressed by attorneys who show up for court on time or at least communicate with the court, prepared, and prompt. Also, impressed with attorneys that know how to prove case. 2016 Update: Impressed with attorneys who are on time for court, prepared, and courteous to others. Attorneys who have the forethought to make things easier for me impress me as well. Turned off 2016 Update: with attorneys who are late for court, unprepared, or rude to others.

43rd Judicial Circuit
The Circuit Courts of Caldwell County,
Livingston County and Daviess County
Western District of Missouri

Impresses Turn Offs

1. Prepared
2. Courtesy and Civility
3. Professional

1. Unprepared
2. Arrogance/Rude/Argumentative
3. Late

Other responses: Impressed by attorneys who respect court, staff, parties and witnesses, recognize role, present case candidly, clearly and concisely, and being prompt and on time. 2016 Update: Honesty, being prepared, being on time, and treating everyone with respect. Turned off by attorneys who antagonize witnesses, "grand standing", argue after rulings, are aggressive for no reason, unprepared, make unnecessary objections and motions, and present superfluous evidence.

44th Judicial Circuit
The Circuit Court of Douglas County
Southern District of Missouri

Impresses 2016 Update Turn Offs

1. Candor and Honesty
2. Preparation
3. Courtesy

1. Lack of Knowledge
2. Lazy
3. Rude

Other responses: **Impressed** Proper etiquette in court and good job representing client.
2016 Update Candor and honesty on the law even if it is unfavorable to one's position,
and Preparation-exhibits and caselaw and jury instructions, and professional courtesy to
Court, staff, pro se litigants, opposing counsel and witnesses. **Turned off 2016 Update**
No knowledge or too lazy to research key issues in case; rude and unprofessional
behavior; using discovery tactics to personalize the case and scorch the earth.

45th Judicial Circuit
The Circuit Courts of Lincoln County and Pike County
Eastern District of Missouri

Impresses Turn Offs

1. Prepared
2. Punctuality
3. Courteous

1. Late W/O Notifying Court
2. Unprepared
3. Lack of Courtesy

Other responses: **Impressed** by attorneys who are prepared for hearing/trial with
knowledge of law, arrive early and discuss at pretrial meeting issues on local customs,
trial needs, etc., and efficiently use time. Also impressed with calling in advance if late
and civil behavior during crowded dockets. **2016 Update:** Professionalism, courtesy to all
in the courtroom, advocating without being disrespectful, being prepared, being on time
even when the Judge will not make a big scene if you are late. **Turned off** by bad
manners, unprepared arguments, unexplained tardiness, and showboating. Also with
attorneys who fumble around in their files or not know what they are going to do next.
This makes all the dockets drag on and definitely upsets most clients. Being rude to other
attorneys or pro se persons in the Courtroom is definitely a bad move. **2016 Update:**
Attitude that having to come to court in person is wasting the attorney's time, or that
court is all about what works for the attorney. Disrespect to anyone in the courtroom.
Talking during court when not at the bench.

Part II

Why Zealous Representation Does

Not Include:

TORCHING YOUR ADVERSARY!

(Missouri Bar Survey Edition – 2016)

Appropriate Professionalism

“I’m not sure what ‘torching’ means in this context, but frankly, I don’t think you can make a blanket statement that aggressively moving your case forward is not zealous advocacy. If you have the facts and law on your side, I appreciate attorneys who are aggressive and want to push their cases to resolution, even in the face of another attorney wanting to try to slow walk the case.”

– Jasper County Circuit Court (2016)

What Goes Around Comes Around

“Your opponent today will be your opponent in the future, especially in rural counties. You can usually work out a much better outcome for your client if you agree on a disposition than if you force a judge to decide (especially in domestic cases). You won’t always be the smartest person in the case, and what goes around comes around. Judges remember the jerks that cross their paths.” – Webster County Circuit Court (2016)

“What goes around comes around. It rarely, if ever, strengthens your case.” – Hickory County Circuit Court (2016)

“The world is round, next time it might be you with the crummy case or you who makes the mistake. You will not get the breaks from your opposition when you need them if you steamroll over them each chance you get.” – Nodaway County Circuit Court (2016)

“Always have the understanding and respectful of your opponent’s position. Realize that you may have the ‘better facts’ and ‘stronger position’ this case. However, you can be on the other end of the spectrum with the next one.” – Pemiscot County and New Madrid County Circuit Courts (2016)

What Goes Around Comes Around (continued)

“Remember that Judges were practicing attorneys at one time and most likely experienced over the top zealous representation from an adversary. It did not impress us then and does not now. The day will arrive (believe it or not) when you will need a favor.”
– [Butler County and Ripley County Circuit Courts \(2016\)](#)

“Attempting to ‘torch’ your adversary in any particular case is short-sighted and counter-productive for several reasons. First, this is a small legal community and you will have to work with your colleagues for many years to come. No single case or client is worth the risk of ruined professional relationships, Second, you will not endear yourself to the court and you will run the risk of ruining your own professional integrity with that judge, before whom you are appearing. All of us can recognize when an attorney is hard to get along with, just for the sake of being combative, and this does not help you over the long-term. Third, this kind of ‘no holds barred’ professional behavior is wearing and painful for you; life is too short to live your professional life in this way. You will swiftly grow to dislike your job and you won’t have any friends left to commiserate with. Be professional, be polite, demonstrate courtesy and treat others as you would like to be treated. Our profession will be the better for it and so will you.” –
[St. Louis County Circuit Court \(2016\)](#)

“If you play with fire, it can burn you.” – [Mississippi County and Scott County Circuit Courts \(2016\)](#)

What Goes Around Comes Around (continued)

“Attorneys work in small areas, whether by practice area or geographic location. How you treat an attorney on the opposing side is exactly how you will be treated in the future and an inability to work with opposing counsel will never be good for your client. Word travels fast with clients and through the bar and your reputation is difficult to repair.” – [Chariton County Circuit Court \(2016\)](#)

“I do not believe either a jury or judge is impressed by torching the other attorney. Aggressive conduct directed at opposing counsel reduces the possibility of resolution of any issue no matter how small or insignificant, resulting in a disservice to everyone involved. Some opposing counsel will look for opportunity to repay the torching, creating a lack of civility and common courtesy among counsel, and resulting in negative consequences for the parties. Taking that opportunity to torch another attorney may create a grudge for which you pay for many years. Minor accommodations, which are often routine and beneficial to your clients, may be difficult to ask for or receive from that attorney you torched.” – [Oregon County Circuit Court \(2016\)](#)

“Personal attacks and low-road tactics always splash back on the attacker.” – [St. Charles County Circuit Court \(2008\)](#)

“You live a long legal life. What goes around comes around. Your reputation precedes you.” – [St. Louis County Circuit Court and Polk County Circuit Court \(2008\)](#)

What Goes Around Comes Around (continued)

“All attorneys will have undesirable clients or cases at some point. The attorneys still be respected. What goes around, comes around.” – [Saline County Circuit Court \(2008\)](#)

“Cause you may get burned yourself or make being in the courtroom room unbearable.” – [Jefferson County Circuit Court \(2008\)](#)

“It is your reputation. You can decide whether you want to treat others like you want to be treated. What goes around, comes around.” – [Greene County Circuit Court \(2008\)](#)

“What goes around comes around. Rodney King said it best, ‘we all just need to get along.’” – [Cape Girardeau County, Perry County and Bollinger County Circuit Courts \(2008\)](#)

“Some days you’re the statue and some days you’re the pigeon. If things don’t go your way, live with it. You’ll be the pigeon someday.” – [Macon County Circuit Court \(2006\)](#)

“You are your reputation. If your rep is bad because of the way others have been treated then it is likely that you will be treated poorly in the future by others.” – [Jackson County Circuit Court \(2006\)](#)

“Treat others as you would want to be treated. What you sow, you likely will reap.” – [Boone County Circuit Court \(2006\)](#)

What Goes Around Comes Around (continued)

“Torching your adversary is a long road without a turn. Someday you will be in a bind and need a continuance or a special favor. If you have a reputation of being reasonable, you are likely to get it. If you have a reputation for ‘torching your adversary’, you are likely to get a fight. The only thing you have in this profession is your word and your reputation. Don’t break either of them for any reason. One case is not worth your career.” – [Platte County Circuit Court \(2006\)](#)

“Winning at all cost breaks the golden rule of doing unto others as you would have them do unto you. Victory without conscience is life style without calm.” – [Cooper County Circuit Court \(2006\)](#)

“I rarely see attorneys act in a rude or obnoxious manner. Fortunately, we still have a collegial bar with good manners. Because the attorneys see each other over and over, maybe they realize that they could need a favor from someone in the future and are not eager to make enemies. For whatever reason, we continue to be blessed with polite adversaries.” – [Franklin County Circuit Court \(2006\)](#)

“There is simply no reason to torch your adversary. Who are they trying to impress? Their client? And at the expense of irritating the Court? Professionalism and courtesy to an adversary will always be returned, either in the present case or in the future, at least in rural practice. What goes around comes around.” – [Henry County Circuit Court \(2006\)](#)

“It’s similar to a sports team running up the score on a weak opponent. Eventually, there’s a ‘pay-back’.” – [Webster County Circuit Court \(2006\)](#)

Professional Courtesy

“If you have prepared, you can make your point with the law or the facts. Trying to make someone else look bad doesn’t make you look good. You can agree to disagree if you are a Professional.” – [Lincoln County and Pike County Circuit Courts \(2016\)](#)

“This is a profession, it is not personal, be courteous, polite, respectful, there is no need for personal attacks.” – [Warren County, Montgomery County, and Audrain County Circuit Courts \(2016\)](#)

“Attorneys who are civil to one another and to court personnel can be just as zealous as those who are not. Often, juries respond much better to a zealous but civil attorney versus a zealous but rude attorney. Zealous advocacy has nothing to do with torching your adversary.” – [Crawford County, Dent County, Iron County, Reynolds County, and Wayne County Circuit Courts \(2016\)](#)

“‘Torching’ your adversary is disrespectful and unprofessional. Lawyers should zealously represent their clients and their clients’ interests, but doing so in a disrespectful manner is unprofessional. Most if not all judges disfavor such conduct; and in my experience, jurors often are put off by such actions. Therefore, lawyers who desire to zealously represent their clients should avoid at all costs ‘torching’ or disrespecting their adversaries.” – [Jackson County Circuit Court \(2016\)](#)

Professional Courtesy (Continued)

“Attorneys erroneously conclude that zealous representation and torching the adversary (be it party or attorney) are one and the same, when in fact they are opposites. The most effective attorneys are so polite that it is hard for their opponent to argue against them. The polite attorney warms up to the opposing party, and tempts him to offer unsolicited facts to “help out”. The least effective attorneys show off, create a smoke and mirror atmosphere to hide the truth or distort it, offend opposing counsel or party in an attempt to refocus them away from the original objective, or wear down their opponent in a never ending battle in hopes they go away. The parties, especially in family law cases, must continue some sort of relationship for the children, and a humiliated parent will find a million ways to irritate the other parent, to the child’s detriment, and often in ways the Courts are not geared to correct.”
– Lafayette County Circuit Court (2016)

“Courtesy and respect for the court requires courtesy and respect for contrary positions and for all parties and their counsel.”
– Ray County Circuit Court (2016)

“The other attorney is only a hired gun like you, your job does not include personal attacks on opposing counsel regardless of your personal feelings about the other attorney. You are adults and the Court is not a political debate. Be civil and use some common sense. Your inability to conduct a case with the other counsel may adversely impact the outcome for your client.” – Pike County and Lincoln County Circuit Courts (2008)

“Torching your adversary is wrong – The practice of law is an honorable profession.” – Platte County Circuit Court (2008)

Professional Courtesy (Continued)

“Attorneys are supposed to be professionals and objective advocates. Steamrolling an adversary is simply a lack of confidence in your own professional expertise or a weakness in your case.” – [Clay County Circuit Court \(2008\)](#)

“Zealous representation is unethical in some instances, unprofessional, costly to both sides, and seldom achieves good results.” – [Sullivan County Circuit Court \(2008\)](#)

“You can be professional and polite . . . meaning listening to your opponent’s position and still represent your client. Stay objective in the evaluation of the case!” – [St. Louis County Circuit Court \(2008\)](#)

“Integrity and honor go a long way. An attorney that is well respected by his/her peers will be much more effective than an attorney who is distrusted by the court and his/her peers. An attorney who can be taken at his/her word can facilitate a great deal on behalf of a client.” – [St. Louis City Circuit Court \(2008\)](#)

“It is not necessary to beat up your opponent to win. Winning or losing with style is what makes for a good reputation with the bar and the courts.” – [Laclede County, Camden County, Morgan County, Miller County and Moniteau County Circuit Courts \(2008\)](#)

“You create your own persona that will follow you throughout your courtroom career. Do you really want to get a reputation as being difficult on every issue? Does this truly advance the goals of your client or merely you’re your own pockets with more legal fees? Especially in family law, a sense of reasonableness should guide all practitioners.” – [Greene County Circuit Court \(2008\)](#)

Professional Courtesy (Continued)

“Such conduct invites retaliation. Professional relationships should be based on the understanding that attorneys are advocates but that advocacy will be conducted with respect and trust. Good advocacy should give away nothing that is in the interest of a client but that can be done in a way that is not demeaning or overreaching.” – [Shelby County and Macon County Circuit Courts \(2008\)](#)

“As a woman practitioner, I had my share of male adversaries who tried to make me cry, believing it made them a better lawyer. Of course, this was ‘back in the day’ but I believe this still goes on. It’s been years since I practiced but I know lawyers aren’t very respectful of each other. I’m ‘old school’ learning from the example set by my late father and his contemporaries. They never ‘torched’ an adversary or even planned a case using that mind-set. Of course, today, that is the way lawyers think they have to do things. Being zealous does not mean you must be mean or mean-spirited.” – [St. Louis City Circuit Court \(2008\)](#)

“Most judges admire zealous representation. It becomes a problem when the attorneys become personal with one another. The most effective attorneys are those who are in a sense “above the fray” and are able to show the judge the obvious wisdom of finding for the position of the advocate.” – [Mercer County Circuit Court \(2006\)](#)

“Professional, competent and courteous representation will eliminate any necessity to resort to ‘torching’ tactics.” – [Iron County Circuit Court \(2006\)](#)

Professional Courtesy (Continued)

“Torching one’s opponent is largely pointless, as the weaker the opponent’s case, the less to be gained from excessive advocacy; it is part and parcel of professional courtesy not to ‘torch’ anybody.” – [St. Louis City Circuit Court \(2006\)](#)

“I don’t really think that we have this problem in [our circuit]. Where such exists, it would probably indicate incompetence on the part of the offending attorney.” – [Dunklin County Circuit Court \(2006\)](#)

“Zealous is defined as ‘strong, eager, enthusiastic.’ Nothing in that definition or in observing effective representation, both as an attorney and a judge, suggests that zealous representation includes a lack of civility toward other attorneys or parties. My recollections of the best and most effective trial lawyers are those who approached the case, the court, and their opponent as gentlemen or ladies, with dignity and respect. Although good trial lawyers necessarily have a command of the law, the facts and the courtroom as theatre, their true effectiveness is often derived from their professionalism. Conversely, the trial skills of lawyers who lack professional and who are bullies, and think that success is best achieved by demeaning and needlessly aggressive tactics are often lost, and they become ineffective advocates for their clients and their client’s cause.” – [Adair County Circuit Court \(2006\)](#)

Merits of Case

“Maintaining the respect and dignity of the profession while making an argument are very impressive. Disrespect for an adversary is only distracting to the judge and jury and detracts from your argument.” – [St. Charles County Circuit Court \(2016\)](#)

“We all have to earn a living at this, and pointing out the flaws of another attorney, or demeaning them in some way, scores no points with me; it only makes you look like a jerk. I will decide the case on its merits, not on who was the most asinine.” – [Jefferson County Circuit Court \(2016\)](#)

“Torching your adversary is counterproductive because it will give the jury and/or judge a negative opinion of you and your client and by extension, may encourage them to search for holes in your case. Also, if you need help, like a last minute extension of time, it is less likely to be granted.” – [Jackson County Circuit Court \(2016\)](#)

“Emphasizing your best case by tying together the facts with your theme(s) and with the law will get you where you want to be with the Court. Snarky comments, non-verbal communication (deep sigh, dropping pen from hand, tapping foot) and/or a lack of courtroom decorum only distracts the Court from the testimony you are trying to elicit.” – [Nodaway County Circuit Court \(2016\)](#)

“Sometimes they will be in their shoes, and either way if the record contains personal attacks or degrading words then the record could be grounds for appeal issues.” – [Jefferson County Circuit Court \(2016\)](#)

“It doesn’t show that you are prepared to focus on the legal aspects of the case or can win by presenting the merits of the case.” – [Jackson County Circuit Court \(2016\)](#)

Merits of Case (Continued)

“‘Torching’ your adversary is absolutely unnecessary to winning your case, which is the goal of zealous representation. ‘Torching’ reduces the esteem in which the attorney is held by judge and jury, leads to the suspicion that the lawyer’s case may be a weak one, and reduces the likelihood of settlement by inflaming the underlying dispute with irrelevant considerations.” – [Scotland County Circuit Court \(2008\)](#)

“The case isn’t, and should not be, determined by a lawyer’s ability to ‘torch’ opposing counsel. The case must be determined on the facts . . . all of my hearings are bench-tried --- who are you trying to impress with your aggressive approach?” – [St. Louis County Circuit Court \(2008\)](#)

“You must remember that you are trying your case to a jury of 12. They are watching your behavior and professionalism. Unprofessionalism, lack of civility is a put off to jurors and could affect the outcome of your case.” – [St. Louis City Circuit Court \(2008\)](#)

“It is so unnecessary. It takes away from the quality of the case. In fact, it makes the trier of fact (judge or jury) subconsciously want to level the playing field.” – [Madison County Circuit Court \(2008\)](#)

“Facts and evidence win cases. Arguing about trivial issues do not.” – [St. Clair County Circuit Court \(2008\)](#)

“Lawsuits are not personal between attorneys. They are disputes between parties, i.e. people. Torching your adversary has nothing to do with the facts or the merits of your client’s case. It only serves to create hostility and ill will toward the system.” – [Livingston County Circuit Court \(2008\)](#)

Merits of Case (Continued)

“Never take arguments to a personal level. Your case must rise and fall based on the facts, the law and your well-prepared presentation. If none of those are in your favor, torching your opponent or the other party will probably cause all close questions to ruled in their favor.” – [Lincoln County Circuit Court \(2006\)](#)

“It is not about your adversary. It is about the merits of your case. Your case will either stand or fail based upon the law and the perceived facts.” – [Newton County Circuit Court \(2006\)](#)

“The law and the facts rule, not how obnoxious an attorney can be.” – [Daviess County Circuit Court \(2006\)](#)

“Torching your adversary angers the court and does not enhance your case. It detracts from the evidence.” – [Oregon County Circuit Court \(2006\)](#)

Client's Goals

“Zealous representation of clients is what all attorneys are required to do. To perform that duty correctly requires attorneys to represent their clients with the highest degree of professionalism. When you handle yourself and your case professionally, you can successfully represent your client without torching your adversary. To do otherwise, is a negative mark on the legal profession as a whole and on the attorney behaving in this manner. It's not necessary to torch your adversary to effectively practice law.” – [Boone County and Callaway County Circuit Courts \(2016\)](#)

Client's Goals (Continued)

“Clients can be harmed by a lawyer if their actions are not well thought out. Zealous does not mean fighting everything that is said merely because it was said.” – [St. Louis County Circuit Court \(2016\)](#)

“I am not impressed by a scorched earth policy. If the only way your client can win is to attempt to tarnish everyone else, then maybe they should not win. Trying to lower everyone else does not raise you. I much prefer deciding for someone or something rather than holding my nose and finding in favor of the least reprehensible party. Generally sewage gets on everyone, especially the one that is closest to it. In addition, the attorney representing the opposing party should only be advocating for his client and is not the one that is “at war” with your client. For years attorneys have understood professionalism and being congenial with one’s worthy opponent. I believe that the legal profession of today has just as much if not more ability than those in the past and that we must be professional about how we treat opposing counsel. We do not condone unethical play in sports and we should not in the legal profession.” – [Dade County Circuit Court \(2016\)](#)

“Blows credibility of counsel with Court. Ineffective-hurts the client’s position. Juries do not like this kind of behavior and it will show in the verdict. Effective attorneys use strong advocacy, preparation and common sense. Torching an adversary is personal, arrogant and unprofessional. What was called the ‘Fighting 44th’ is a pretty genial circuit where the local attorneys communicate and treat everyone with respect. 99 % of time.” – [Douglas County Circuit Court \(2016\)](#)

“Judges are human. We do our best to keep emotions out but if you are an . . . hole your client may pay the price.” – [McDonald County Circuit Court \(2016\)](#)

Client's Goals (Continued)

“Arguments to the judge – not at each other. Zealous representation means doing what’s best for your client, and that includes talking to opposing counsel and not becoming emotionally involved with clients’ interests.” – [Worth County Circuit Court \(2016\)](#)

“Zealous representation should be effective representation. Effective representation is not about winning at all costs. It is based on strong and effective advocacy of the client’s position by presenting the facts in the light most favorable to the client with the application of the appropriate law to those facts. That does not involve and should not include abusing or failing to treat the opposing counsel or party with dignity, respect and civility. The old adage that you catch more flies with honey than with vinegar applies as much to the courtroom as to many other situations. Being a jerk toward an opponent often creates sympathy for the opponent and antipathy toward the lawyer and his client, which is just the opposite of effective advocacy. It often leads to an undesirable and perhaps unjust result for the client.” – [Adair County, Knox County, and Lewis County Circuit Courts \(2008\)](#)

“Ever heard the old adage that you can attract more flies with honey than with vinegar? Well, it works that way with me too. Too often, I witness an attorney clearly prevailing on an issue, only to see him/her take it too far, keep talking, and beating me and the opponent over the head with superfluous questions. To me, the most effective is a short, courteous line of questioning that gets the point across. Why belabor it? That only serves to anger your opponent and make me feel like I am too stupid to get your point. Before it gets to that point, sit down and shut up. Torching the other side only makes your client feel good at that moment. However, it does him/her no service in the long run with me.” – [Worth County Circuit Court \(2008\)](#)

Client's Goals (Continued)

“A trial is ‘a search for the truth’ – whatever the truth may be to your client. Being a good advocate means representing your client skillfully without personal attack, shady practices and misleading the court. An attorney’s reputation with court and bar is his or her greatest asset – once lost, it is hard to repair.” – [St. Charles County Circuit Court \(2008\)](#)

“Torching your adversary is an ineffective way of representing your client. Your behavior reflects your client and as you’re your client is less likely to receive competent representation. In attempting to “torch” your adversary you lose focus on your job which is presenting your case and prevailing on the merits.” – [Boone County Circuit Court \(2008\)](#)

“The law is completely logical. No room for emotion especially from the attorneys who have no personal stake in the outcome. I immediately feel antagonistic to the position of an attorney who acts rudely. I have to work to be impartial. Why put one's client at such an immediate disadvantage?” – [Pettis County Circuit Court \(2008\)](#)

“The Court can sort out whether opposing parties are untruthful, or evasive, or obstructionist. ‘Torching’ the opponent can look like grandstanding for your client and can end up being counterproductive.” – [Vernon County Circuit Court \(2008\)](#)

“I want facts, not personalities, to be the emphasis. I can tell when the attorneys have not communicated and it irritates me and also detracts from the case presentation for the clients.” – [Dunklin County Circuit Court \(2008\)](#)

Client's Goals (Continued)

“It is so often not germane to the case, and when it’s not, the attorney looks like an ass, actually hurting his/her client.” – [Douglas County Circuit Court \(2008\)](#)

“Zealous representation may impress one’s client. However, when it rises to the level of non-civility to opposing counsel, the opposing party, and/or witnesses, same is wholly unacceptable. More often than not, such conduct will anger a jury. The same kind of conduct is not received well by the Court in a non-jury case.” – [Barry County, Lawrence County, and Stone County Circuit Courts \(2006\)](#)

“An attorney who is badgering is often doing so to detract from the lack of substance to his argument. It does nothing to enhance the position of his or her client.” – [Putnam County Circuit Court \(2006\)](#)

“By behaving in this manner, attorneys imply that their clients are completely right and their opponents are completely wrong. If that were the case, which it rarely, if ever, is, the matter would not have arisen or would have resolved long before trial. They lose credibility with judges and with juries. ‘Torching’ one’s adversary does not help to attain the goal of fairly resolving the dispute, because it does not recognize that the truth may, and almost always does, lie somewhere between the positions of the parties.” – [Caldwell County Circuit Court \(2006\)](#)

Client's Goals (Continued)

“Zealous representation is representation that achieves the goals of the client. The attorney can best achieve those goals by being professional and courteous. Since the client’s interests can usually best be served by reaching a settlement and avoiding the high costs of protracted litigation, it is never wise for an attorney to personally attack the other party – or counsel for the other party. There are a few attorneys in every circuit who feel that they cannot zealously represent their clients without contesting every issue, refusing to negotiate any compromise, and acting like a jerk to opposing counsel and the other party. Those attorneys are usually the ones that do not have enough common sense and legal acumen to know when it is in the best interest of their client to fight or when to agree. They are also the ones that waste their client’s money fighting every small battle and losing the war.”

– Buchanan County Circuit Court (2006)

“Overly zealous representation can hurt everyone, particularly the client. It is hard for a judge to ride herd on lawyers like that. I had a case that took 17 days to try, because I had two of the most aggressive lawyers in Missouri facing each other. The case should have been settled long before it got to the trial stage. One of the parties was presented with a huge bill for attorneys fees after losing the case.” – Schuyler County Circuit Court (2006)

“Zealous representation means representing your client within the bounds of the Rules of Professional Conduct and not trashing your opponent. Lack of civility, rudeness, personalization, sarcasm to each other in front of the court (i.e. Jerry Springer) are not acceptable conduct and zealous representation.” – St. Louis City Circuit Court (2006)

Client's Goals (Continued)

“It seems [that torching your adversary] is much more prevalent now than in years past. Before computers, FAX machines, ipods, e-mail, etc. we found the law in brown books and we used the telephone to discuss our differences with our adversary before we even thought about bringing a matter before the Court. Now the law is found on a computer program with computer forms and the torching often begins with vitriolic e-mails (which some lawyers are more than anxious to share with the Court) followed by motions to compel, motions for sanctions, motions to strike, motions for contempt, etc. Of course, the client ultimately is the one tagged with the expense of all this largely unnecessary activity which could possibly be avoided by both attorneys conducting themselves as professionals and doing the professional job they are retained to do. The end result will probably be the same and the clients will be the ultimate beneficiaries. Technology is wonderful, but in many instances it has become the fuel for the torch – it is must easier to crank out a form motion for sanctions than pick up a telephone. Perhaps, the law schools should devote equal time to professionalism and technology. Perhaps, the Bar through their CLE's should also devote some time to this issue. The best litigators we see are prepared and zealous advocates who make their points clearly and concisely without fanfare and histrionics. Interestingly, they prevail more often than not.” – [Jasper County Circuit Court \(2006\)](#)

“Zealous representation means representing your client within the bounds of the Rules of Professional Conduct and not trashing your opponent. Lack of civility, rudeness, personalization, sarcasm to each other in front of the court (i.e. Jerry Springer) are not acceptable conduct and zealous representation.” – [St. Louis City Circuit Court \(2006\)](#)

Client's Goals (continued)

“While torching you adversary may favorably impress your client, it is far more likely to aggravate the finder of fact.” – [Clay County Circuit Court \(2006\)](#)

“The point of litigation is to prove that your client is entitled to win on the facts and the law. Proving that your adversary is a jerk doesn't get you there. Keep your eye on the ball.” – [Cape Girardeau Circuit Court \(2006\)](#)

“Zealous representation means accomplishing your client's legal and ethical objectives. That does not include causing gratuitous harm or embarrassment which does not further the legitimate interests of the client. Some times it furthers a client's interest to depart the field of battle leaving the adverse party and their attorney with as much dignity as possible, even if it means not taking everything you can get.” – [Maries County Circuit Court \(2006\)](#)

“Torching your adversary breeds retaliation and disrespect. It has nothing to do with advancing clients' interests. This conduct violates the oath to respect members of the profession and the oath to conduct self with dignity.” – [Shelby County Circuit Court \(2006\)](#)

“Zealous representation is accomplished by the lawyer who is well-prepared, and then makes all the points necessary to persuade the decision-maker of the rightness of the lawyer's side of the case. ‘Torching’ one's adversary is a digression and a diversion from the focus required to accomplish the goal of zealous representation. Therefore, it is self-defeating, and comes across as an admission that perhaps the ‘torcher's’ case is not a good one.” – [St. Louis City Circuit Court \(2006\)](#)

Client's Goals (continued)

“Zealous representation is skillful advocacy on behalf of the client by knowledge of the law supporting the client’s position as well as an acknowledgement of the possible weaknesses in the client’s position. Torching your adversary is not and should not be a part of the lawyer’s repertoire. Lawyers, by definition, are supposed to be professionals.” – [Lincoln County Circuit Court \(2006\)](#)

“Torching your adversary only puts the client at a disadvantage, especially in front of a jury, and at the least lessens the attorney’s credibility before the court in non-jury matters. – [Nodaway County Circuit Court \(2006\)](#)

Anger Never Helps

“It is never acceptable to attempt to make another attorney look bad, or be misleading in dealings with opposing counsel. It is unprofessional and unnecessary. Each attorney’s knowledge and ability will be evident by their handling of the matter. Zealous representation does not include acting with malice or harboring animosity toward opposing counsel. Zealous representation includes handling each matter to the best of your ability, by becoming familiar with the area of law concerning the matter at hand and asking questions and following the guidance of counsel who have experience in the area of law concerning the matter.” – [St. Louis City Circuit Court \(2016\)](#)

“Arguments between counsel are not evidence, don’t add anything to the record and waste time. Reasonable minds can differ. Present your case with confidence and professionalism. Leave personal pettiness behind.” – [Cedar County Circuit Court \(2016\)](#)

Anger Never Helps (Continued)

“The most successful arguments are those that involve the subtle pointing out of the other side’s factual inconsistencies or unsupported legal arguments. There is a time and place for an extreme high level of intensity but that is only effective when there are also low levels of intensity. Using boisterous words to describe opposing counsel’s position is nothing more than grand standing, which has no place in the courtroom. If what you have to say will make having a cup of coffee with opposing counsel impossible the next day, then think twice before you say it. Contrary to what many believe, Judges do have a keen sense of sniffing out that which does not smell right. Going overboard to point out such situations can often make the judge’s job more difficult than it really needs to be. At some point we all will be in the shoes of opposing counsel – don’t make it worse for yourself when you have to wear them. Although the Supreme Court was directly addressing the discovery process in *State ex rel. Madlock v O’Malley* it truly applies in all facets of litigation – ‘The discovery process was not designed to be a scorched earth battlefield upon which the rights of the litigants and the efficiency of the justice system should be sacrificed to mindless overzealous representation of plaintiffs and defendants.’” – [Johnson County Circuit Court \(2016\)](#)

“Zealous representation is never appreciated. Torching the adversary or the judge or the witnesses just makes you look bad.” – [St. Louis City Circuit Court \(2016\)](#)

“The argument should be on the law and the facts. I often turn off attorneys who are trashing or being rude to their opponent.” – [St. Louis County Circuit Court \(2016\)](#)

Anger Never Helps (Continued)

“[‘Torching your adversary’ is] unnecessary and unprofessional.” – [Ripley County Circuit Court \(2016\)](#)

“I had a 4-week bench trial (plus several additional weeks of mostly pretrial and some post trial motions) involving a family partnership where the two opposing attorneys were the two most aggressive lawyers I have ever known. (One side hired an aggressive lawyer, so the other side hired one to match.) The result was that the attorneys attacked each other when any opportunity presented itself, there was no trust given by either side, every issue was fought out to the fullest extent possible, before during and after the trial. This overly zealous representation resulted in: both lawyers being warned for contempt, a terrific and excessive amount of courtroom time being devoted to them, no possibility of settlement in the case and huge attorneys' fees bills for their clients. Both attorneys were fired by their clients after the case was affirmed on appeal. I understand the fees charged on both sides are being contested.” – [Schuyler County Circuit Court \(2008\)](#)

“I cringe when I hear attorneys liken a trial to war. It is not a battle ground, boxing ring or physical combat. It is not personal. You are an advocate for your client. You have a goal. That goal can be accomplished by being prepared, following the rules and proceeding in a civil courteous fashion.” – [Gentry County Circuit Court \(2008\)](#)

Anger Never Helps (Continued)

“It is distasteful for judges to have to deal with personal attacks, direct arguments with counsel and is distracting from the issues at hand. A well reasoned argument articulated in a level, but animated voice is simply more effective than personal attacks and nagging complaints. Judges look for legal reasons, not who can be the most emotional or the loudest. I dread dealing with attorneys whom I have to discipline all the time; I did not sign up to be a first grade teacher, but a decision maker in a calm environment governed by reason. Sorry if that sounds too Aristotelian, but that’s the way I see it.” – [Jackson County Circuit Court \(2008\)](#)

“I have never seen a situation in which ‘torching your adversary’ was productive. It may be attractive to a certain group of clients, but that is it. When I see a hostile attorney I always look to determine whether the attorney’s conduct suggests something negative about his/her client.” – [Jackson County Circuit Court \(2008\)](#)

“This becomes unethical and personalizes the matter which results in the loss of professionalism which is detrimental to all.” – [St. Louis City Circuit Court \(2008\)](#)

“The most obvious in family law cases is that it leaves the litigants worse off. Attorneys insist on not only opening wounds but picking at them throughout the trial. Litigants that could at least tolerate one another, leave the courtroom in much worse shape after the ‘zealous’ counsel gets done.” – [Jasper County Circuit Court \(2008\)](#)

Anger Never Helps (Continued)

“Courtesy is never out of style. I do expect athletes in a sporting event to play their hardest. I never condone cheap shots or improper behavior and that behavior should never be rewarded. Should I condone such activity in the courtroom? Have we decided to abandon justice for the sake of a “win”? We play by the rules and can play hard with grace and courtesy. I find myself turned off by the lack of courtesy. Questions asked just to try to embarrass the other party that have no or little bearing on a case are of no value, and demean the important role the court has to resolve disputes in our society. The “scorched earth” philosophy has caused a deep dislike and distrust of our judicial system. A witness or party will always remember how they were treated in court and will recite their grievances to others. While it is important to point out discrepancies and contradictions in testimony, gratuitous “cheap shots” are not necessary. All of us should remember civility even in the midst of zealous representation. Every witness has a mother who loves them even if they have made horrendous decisions. Treating others as human beings helps to elevate us all, especially in the courtroom.” – [Dade County Circuit Court \(2008\)](#)

“It turns jurors against you.” – [St. Louis City Circuit Court \(2008\)](#)

Anger Never Helps (Continued)

“There are times when the behavior of a party to a lawsuit has been reprehensible and an otherwise proper presentation of the evidence results in a torching of one's adversary. However, an attorney who is a decent human being with a proper amount of skill and training can torch another person respectfully, without anger or whining, and without personal attacks on collateral people. The anger often comes from a person's being outmaneuvered procedurally or when a person feels that the other party is "cheating" by unreasonably delaying or avoiding discovery. Anger never helps solve these troubles. Greater sanctions aren't given to angry movants, or less sanctions to calm movants. Anger clouds judgment, making a person an even less effective player. The better approach is a logical defense and counter-maneuver, supported by reasoned ideas and extensive preparation. When I see an angry lawyer, I assume I am seeing an unprepared lawyer.”– [Pettis County Circuit Court \(2006\)](#)

Demeaning to the Judicial Process

“An attorney is supposed to be a learned professional, whose purpose in the courtroom is to represent the client effectively and to advance the client’s goals – not to destroy the other party or the other attorney at all costs. When an attorney ‘torches’ the adversary, that attorney appears unethical and unprofessional and demeans the profession. Moreover, such behavior suggests to the court that his/her case may be weak or that the lawyer is simply unprepared – because if the case is a strong one, the attorney can simply rely on the facts and the law, without resorting to personal or frivolous attacks. ‘Torching’ one’s opponent also reduces the likelihood of settlement, by inflaming the underlying dispute with irrelevant considerations. Moreover, in order to engage in effective zealous advocacy over the course of an entire career, an attorney needs to develop a reputation for trustworthiness and professionalism. This cannot be accomplished if an attorney becomes known for cheap personal attacks, unfounded arguments, and unethical tactics.” – [Scotland County Circuit Court \(2016\)](#)

“It spawns disrespect for the Parties, the Judicial System and the Court. It inhibits settlement of cases and especially in family law matters creates an atmosphere which most times increases animosity which makes co-parenting more difficult.” – [Livingston County Circuit Court \(2016\)](#)

“Attacking the opponent does not address issues, infuses emotion and blocks an orderly administration of justice. Good representation stays to the facts and law and does not attack opposing counsel, doesn’t help anything.” – [Saline County Circuit Court \(2016\)](#)

Demeaning to the Judicial Process (Continued)

“Courts hate it. Juries hate it more. It is not effective or persuasive, and is only a distraction from the legal issues that must be decided.” – [Jackson County Circuit Court \(2016\)](#)

“Torching your adversary turns off a jury and The Court. This is due to the fact that it demonstrates the lawyer’s inability to reason and see the big picture. Giving in to your “inner Mongo” is not healthy or productive.” – [Buchanan County and Andrew County Circuit Courts \(2008\)](#)

“The best trial lawyers I see are those who are working with the judge or jury to determine what the truth is. Neither judge nor juries believe in the adversary system enough to believe in a lawyer they deem to be hiding the truth.” – [Boone County and Callaway County Circuit Courts \(2008\)](#)

“Overzealous representation does not aid the Court in making a decision on the issues before it and therefore wastes the court’s time and resources. It wastes the client’s money without any measurable difference in result. Torching your adversary detracts from civility which is the reason for having courts for decision making.” – [Pettis County and Cooper County Circuit Courts \(2008\)](#)

“‘Torching’ only aggravates the judge. Lack of respect for opponent equal lack of respect for the system.” – [Barton County, Cedar County, Dade County and Vernon County Circuit Courts \(2008\)](#)

Demeaning to the Judicial Process (Continued)

“There is no more effective way to aggravate judges than to waste time torching your adversary. There is no quicker way to lose a jury although it is sometimes amusing to see an entire jury rolling its eyes at such tactics. Those lawyers who think loud and obnoxious behavior will win over either a judge or a jury need to be retrained.” – [Audrain County, Montgomery County, and Warren County Circuit Courts \(2006\)](#)

“To use a sports analogy, a hard ‘clean’ hit is much more effective and impressive than a cheap, dirty or blind hit.” – [Greene County Circuit Court \(2006\)](#)

“Such behavior is unethical, offensive to all involved, unconvincing and diverts the fact finder’s attention from the issues at hand. Every time an attorney over kills an issue the attorney loses credibility and the respect of the court.” – [Jefferson County Circuit Court \(2006\)](#)

“Attorneys may zealously represent their clients without resorting to personal attacks on other attorneys, or lack of basic courtesy and civility. I do not want to have to referee attorneys or be subjected to rude and boorish behavior. A command of the issues and a good legal argument are far more persuasive.” – [St. Louis City Circuit Court \(2006\)](#)

“The facts of the case and the reasonable inferences therefrom are what I care about. I see ‘torching’ one’s adversary as a waste of my time, and a waste of time for everybody involved in the trial. If one attorney spends a substantial amount of time ‘torching’ his/her adversary, it is probably a good indication that he/she has few facts to present on behalf of his/her client. ‘Torching’ one’s adversary ‘turns me off’.” – [Pemiscot County Circuit Court \(2006\)](#)

Demeaning to the Judicial Process (Continued)

“ ‘Torching’ your adversary shows disrespect for the justice system and the job we all have to do, which is to come to some conclusion regarding the facts and law of the case. Opposing counsel’s competence or character has no relevance to the ultimate issues. Furthermore, many jury studies show that whether or not the jury likes or respects a lawyer is not a controlling factor in the verdict’s outcome. Juries are generally able to separate out the personalities of the lawyer from the outcome of the case. Turning the trial into a popularity contest between the attorneys is a big mistake. Judges also respect attorneys who can disagree civilly and keep their cool, without disparaging anyone, and we judges are more likely to find such attorneys more credible when it comes to determining whose argument is the most persuasive.” – [St. Louis City Circuit Court \(2006\)](#)

“‘Torching your adversary’ does not impress the court or jury. It is uncivil and does not represent what the practice of law is all about.” – [Madison County Circuit Court \(2006\)](#)

“Torching your adversary demeans the process and the reputation of all lawyers. It cheapens the system and it does nothing to advance the merits of the case. Torching is a waste of everyone’s time and the client’s resources.” – [Clay County Circuit Court \(2006\)](#)

“Judges decide each case on its merits and are not swayed by unnecessary emotion or outbursts. Torching your adversary is an insult to the Court because judges see through the dramatics and incivility.” – [St. Charles County Circuit Court \(2006\)](#)

Demeaning to the Judicial Process (Continued)

“The most enjoyable case I try is a jury trial with two good attorneys. They perform ably in court, rarely object because they know the evidence rules, they diligently represent their clients’ interests and they never trash their opponent. On the other hand, the least favorite case to try is a divorce case involving two attorneys that dislike each other and take jabs at each other. I had a case a few years ago involving such a situation in which the 2 attorneys spent the better part of the day jabbing each other. Finally, I stated that the next time I heard either make an inappropriate comment directed toward the other, I would hold that attorney in contempt and impose a \$25.00 fine. The balance of the trial went smoothly. I felt I was working with two adolescents instead of the excellent trial attorneys they normally are. In such situations the fact-finder (judge or jury) tends to get side-tracked in watching the ‘match of wits’ and loses sight of the facts.”

– Franklin County Circuit Court (2006)

“Judges and jurors tend to discount ‘attack dog lawyers’ and tactics. Of course you need to put on a show for your client at times, but it that goes so far as to appear as though you have nothing but bombast in your arsenal, you’ll not prevail. Jurors and judges are not so dumb as you may suppose. Think about witnesses’ impact on the trier of fact. If the witness simply tells what he or she knows, without rancor, bias, or exaggeration, they are the most effective. What is true for witnesses is true for lawyers, as well.” – Ripley County Circuit Court (2006)

“‘Torching’ is not necessary. Use your facts or the law. Jurors are not impressed. ‘Torching’ reflects back on you negatively and it affects your credibility. You can be zealous without resorting to deceit, name calling and sleaziness.” – St. Louis City Circuit Court (2006)

Demeaning to the Judicial Process (Continued)

“The biggest tool a lawyer has is his or her personal integrity and credibility. Once it is lost, it can rarely be recovered. Act like a jerk in one case, and you will be forever known as a jerk by that judge.” – [St. Charles County Circuit Court \(2006\)](#)

Public Perception

“Court actions are concerned with resolving issues based on evidence as governed by law, not who can bully an opponent into submission without doing so on the merits. Zealous representation is being fully prepared to show why existing law when applied to evidence and facts of a case support a ruling in a client’s favor. In such case, there is no need to torch an adversary with improper means simply because you can. Motions and discovery serve legitimate purposes and further the judicial process. When used only to harass and pressure a desired result especially where the law may favor the opposing side it diminishes the profession and the public perception that the system is based on facts and is fair to both sides. Legal bullies do nothing to further the cause of justice. Disagreeing in an agreeable manner is acceptable. Zealous representation does not mean not being willing to negotiate or compromise to reach a settlement. Know when to stick to your guns and when to acknowledge the wisdom of compromise. Direct arguments to the Court and not to opposing counsel. Keep the argument on motion or objection or issues the Court is addressing, professional and on point.” – [Atchison County Circuit Court \(2016\)](#)

Public Perception (Continued)

“Attacking your opponent tells me that you have a weak case, so I will likely look at your evidence accordingly. If we want the respect of the public, we must show respect to one another first.” – Mercer County, Grundy County, Harrison County and Putnam County Circuit Courts (2008)

“This is not Perry Mason. It is the real world. We all have a job to do and such behavior only makes it harder on all of us!” – Jefferson County Circuit Court (2008)

“It is unbecoming and not required. It only aggravates an already unprofessional impression of lawyers to the general public. It most often happens when there is unequal economic strength and creates whining which is not productive.” – Cole County Circuit Court (2008)

“‘Torching’ invites retaliation, gives court system a black eye, damages public perception of attorneys and the court system, and precludes fair settlement of cases.” – Macon County and Shelby County Circuit Courts (2008)

“It gets in the way of resolving disputes. The side show rarely returns positive results, but the real shame is the harm done to the honor and dignity of all.” – Crawford County Circuit Court (2008)

Public Perception (Continued)

“‘Torching’ would be minimized if attorneys periodically reviewed the oath which is taken when they are admitted to the bar. Attacking the opponent or opposing counsel is not necessary to protect the rights of a client. Unfortunately, movies and television give the public a very poor perception of what an ethical lawyer should do and how he or she should behave.” – [Cass County Circuit Court \(2006\)](#)

“I don’t have many cases involving zealous representation since most of my hearings are pro se. Because of television courts, however, I believe that many of the pro se litigants come in real court expecting to “win points” by being over zealous and it almost always backfires on them since they don’t know what they’re doing in the first place.” – [St. Louis City Circuit Court \(2006\)](#)

“[There is a] need for greater civility among the members of the bar. Too many of us have never learned the importance of good manners. The public and clients watch how we behave and take their cues from us.” – [Jasper County Circuit Court \(2006\)](#)

“The courthouse may be the only place left in society where the public can be taught how to have a civil discourse on disputed issues. We can teach them how to civilly discuss and resolve disputes using logic and reason, or we can teach them that the person who yells the loudest and exhibits the most rude behavior always wins. I much prefer the former. The torch may be in the other hand in the future and it may hurt your then client at that time.” – [Polk County Circuit Court \(2006\)](#)

Part III

Wisdom & Advice for New and Young Attorneys

(Missouri Bar Survey Edition – 2016)

Oath of Admission

STATE OF MISSOURI

*I do solemnly swear that I will support the Constitution of the United States
and the Constitution of the State of Missouri;*

*That I will maintain the respect due courts of justice, judicial officers
and members of my profession and will at all times conduct myself
with dignity becoming an officer of the Court in which I appear;*

*That I will never seek to mislead the judge or jury
by any artifice or false statement of fact or law;*

*That I will at all times conduct myself in accordance
with the Rules of Professional Conduct; and,*

*That I will practice law to the best of my knowledge and ability
and with consideration for the defenseless and oppressed.*

So help me God.

Specific Advice

The Oath Of Admission

15th Judicial Circuit
The Circuit Court of Lafayette County
Western District of Missouri

“Read your Missouri law license regularly, paying attention to the Oath of Admission, and to your title of Attorney AND COUNSELOR AT LAW. Too many attorneys forget their crucial job of counseling people, or what is expected of them as outlined in their oath.”

Timely Attendance

42nd Judicial Circuit
The Circuit Courts of Crawford County, Dent County,
Iron County, Reynolds County, and Wayne County
Southern District of Missouri

“Be on time, and be prepared. Repeatedly showing up late for court, or showing up and not knowing what is on the docket for your client that day is noticed and remembered by the judge. I practiced for 30 years, so I know you cannot avoid being late sometimes. If you must be late, find out which clerk is going to be in the courtroom that day, and leave a message for the judge that you will be late, and explain briefly why.”

“Remember to bring your calendar to court. When the court is trying to set a case, and you have to announce that you will have to contact your office to see if you’re available on a certain date, it is frustrating to the court, opposing counsel, and all the attorneys waiting behind you to take up their case.”

Client Counseling

15th Judicial Circuit
The Circuit Court of Lafayette County
Western District of Missouri

“Good client counseling early on, can avoid nasty, and sometimes disappointing trials, by setting realistic, practical, and cost effective goals. And if all else fails, remember it’s better that the client hate the message bearer for telling him the truth, than hate the trial attorney for misleading him into a more unfavorable result than necessary.”

Know The Law

4th Judicial Circuit

The Circuit Courts of Gentry County,
Nodaway County, Atchison County and Worth County
Western District of Missouri

“Extend professional courtesies as you may find yourself in need of the same. Always faithfully and honestly represent the law and facts and never mislead an opponent or the court. One misrepresentation can long affect one’s credibility. Always read cases cited to the Court. An annotation can be wrong. If the Court reads the cited case (and it will) and it does not state what is represented you have lost tremendous credibility as well as having appeared to actively misleading the Court. Always check the validity of the citation and the status of the proposition for which you cite it to be certain it is current and correct. Even if the case is correctly quoted, be sure it is in proper context and applicable to the facts in the present case in the manner in which it is being used as authority.”

28th Judicial Circuit

The Circuit Courts of Barton County,
Cedar County, Dade County, and Vernon County
Southern District and Western District of Missouri

“Know the law! Please look it up before you come to Court. Know that I will look it up before ruling in a contested case. Study the proper procedure. Don’t just file a pleading but provide some facts and analysis. Not providing any information in an Answer to a Petition is not helpful when I’m looking at the case. Have a working familiarity with the rules and follow them. Cite to the Statute or case law and have a copy of a pertinent case. In other words, follow the law in your practice.”

45th Judicial Circuit

The Circuit Courts of Lincoln County and Pike County
Eastern District of Missouri

“Actually read the law. Always. Know what you are doing. Be able to back what you say and write with a Statute, Case Law, or a Rule.”

Honesty

15th Judicial Circuit
The Circuit Court of Lafayette County
Western District of Missouri

“Be honest with your clients, opposition, and courts. Know the value of your case and the true goals of your client. Attempt to settle quickly to maximize your client’s goals after the facts are developed. Attempt to settle in such a way that after the trial, your opponent will wish they had taken your last offer, because they received less through trial. You’ll try fewer cases in time, and find both your income and clientele will be higher. Never make billable hours a goal, as it turns you away from efficient service to the clients. Take time from work for family and friends. And lastly, do not watch courtroom drama on T.V. with your family – they will thank you not to hear your objections, groans, and explanations why it’s all wrong.”

Enjoyment

15th Judicial Circuit
The Circuit Court of Lafayette County
Western District of Missouri

“Like what you do, and if you don’t, then get out of the law and do something you do enjoy. We have too many attorneys who hate their job but are unwilling to free themselves to do what they really love. They are not effective counselors and advocates. There is no shame in a change of careers if you find this is not for you. A law license is very useful in other lines of work.”

21st Judicial Circuit
The Circuit Court of St. Louis County
Eastern District of Missouri

“Try to maintain some balance between your work life and your personal life. Be enthusiastic, prepared and diligent in your professional pursuits, but remember that life is a marathon, not a sprint. Find and keep interests which enrich you, foster compassion, encourage creativity, refresh you, expand your horizons and help you live your most meaningful life. Do your best, remember to be kind at every possible opportunity, cherish personal relationships and do your best to make time for them. Finally, especially as a young attorney, don't waste too much time in a job that you truly dislike. Find a way to make your professional life as meaningful as you can, within the financial confines within which you may find yourself.”

Obtaining Legal Experience

15th Judicial Circuit The Circuit Court of Lafayette County Western District of Missouri

“Work with a respected, experienced attorney or firm for at least 2 years before attempting sole practice. Your real education begins there. Whatever you do not like about being an associate attorney is merely your tuition fee. No knowledge comes free. For the sake of your clients, and to create good habits, let that “tuition” be at your expense, and not at the expense of your clients.”

41st Judicial Circuit The Circuit Court of Macon County Eastern District and Western District of Missouri

“Get a mentor or two in the areas you want to practice. Determine what cases or work you are interested in doing and then find people who are doing it or need it done. Offer to help, even if it is for free or a reduced fee, to get the experience and meet the people. Go to court or meetings with friendly attorneys as often as possible. Ask lots of questions about how things work and proper procedure in each venue. Take notes and don’t forget it. Introduce yourself and be nice to the support staff – secretaries, paralegals, clerks and bailiffs . . . they can make your life hard or easy. Read and re-read the constitution, statutes and rules . . . they don’t always say what you think they say. Know what you have to prove in a litigation case and how you are going to prove it. Then stop talking. Be the master of the technology you need, and lose the technology you don’t need. Simple is still best.”

42nd Judicial Circuit The Circuit Courts of Crawford County, Dent County, Iron County, Reynolds County, and Wayne County Southern District of Missouri

“I give the same advice to all law students who ask for my advice. I advise them to spend at least one year as an assistant prosecuting attorney or as a public defender. There they will get a great volume of experience and have the opportunity to litigate several jury trials to conclusion. Early courtroom exposure and jury trial experience are valuable asset for their future careers.”

Judicial Accommodations

23rd Judicial Circuit The Circuit Court of Jefferson County Eastern District of Missouri

“Be polite, courteous and timely. Always respect the clerks and think. Think. E-filing makes life easy. Call clerks or have staff do it and inform that something has been e-filed and if it is urgent such as a TRO then email the PDFs to the clerk and ask if the judge can review and if the judge will consider a walk thru of the TRO by phone or if the judge requires an appearance.”

42nd Judicial Circuit The Circuit Courts of Crawford County, Dent County, Iron County, Reynolds County, and Wayne County Southern District of Missouri

“For attorneys, I always advise them to be prepared, on time, and courteous. I also advise them to not assume the judge knows the particular area of the law they are arguing and, therefore, they should “dummy” it down so it is easily understood. It appears all too often that attorneys fear offending a judge such that they fail to cover what they may feel are the ‘basics.’”

“I advise attorneys to always think about how they can make it easy for the judge. For example, if they are requesting an order, they should have a proposed order ready. If they are arguing motions, they should have an extra hard copy of their motion and a copy of any statute or case law cited therein printed and available for the judge to review and take home. They should always be looking for ways to make it easier for the judge to give them what they are requesting.”

“Be courteous to parties, opposing counsel and the judge. Being rude to opposing counsel or party may be impressive to your client at the time, but it will come back to haunt you at some time in the future. Being rude to the court will haunt you immediately.”

General Court Practice

17th Judicial Circuit The Circuit Courts of Johnson County and Cass County Western District of Missouri

“Do not be afraid to talk to judges, especially about ways to improve in the courtroom after a hearing or trial. This applies to all attorneys, when you are filing something out of the ordinary and you know which judge is going to have the case give them a heads up. A considerable amount of time can be saved on the court’s end and the attorney’s end when communication about out of the ordinary or complex cases are given prior to or at the time of filing.

“It is still necessary to open a book from time to time to get a better understanding of the law, this especially applies to the reading of Supreme Court Rules.

“Have clean, easy to read, pleadings – almost always the first impression of new attorneys occurs not in the courtroom but on the computer screen when reading pleadings and filings prior to going into the courtroom.

“Don’t use a form unless you know and understand from a rule and statutory prospective the purpose behind each line in that form.

“Know the elements of your cause of action and call witnesses and introduce evidence that deal specifically with those elements and don’t focus on calling witnesses which have no impact on the ultimate issues before the Court.

“Do not allow opposing counsel’s positions, goals and theories distract from your own position, goals and theories – Be able to respond to opposing counsel but don’t let them dictate how you approach and handle *your* case.

“Do not hide behind the impersonal nature of electronic communications especially when communicating with opposing counsel – Pick up the phone or have a cup of coffee when the circumstances dictate.

“Do not play tag your it at the end of the business day or the work week unless it is extremely vital and an emergency exists with your case.

“Do not make your lack of planning or your dropping the ball on a matter someone else’s emergency – especially the Court’s.”

Trial Practice

4th Judicial Circuit
The Circuit Courts of Gentry County,
Nodaway County, Atchison County and Worth County
Western District of Missouri

“Prepare for trials and hearings and focus like a laser on the facts and issues truly important to the determination of the legal issues to be decided by the finder of fact. A shotgun approach indicates lack of confidence and knowledge and will in addition to annoying the finder of fact and taking up wasted time, lessen the persuasiveness of one’s case with the finder of fact. Don’t argue with witnesses or engage in combat with them.

“Know the rules of evidence and how to properly raise and preserve an objection. Know that hearsay is more than simply an out of court statement for instance.”

21st Judicial Circuit
The Circuit Court of St. Louis County
Eastern District of Missouri

“A good way to learn the rules of evidence and trial techniques is to participate in coaching or judging high school mock trial teams. You will learn a lot by coaching high school students on legal and factual issues, and listening to evaluations by other attorneys during the mock trial competitions.

25th Judicial Circuit
The Circuit Courts of Phelps County, Pulaski County,
Maries County and Texas County
Southern District of Missouri

“When appearing in court speak loud enough that all can hear you. Slow enough to be understood and know what is required as far as foundation to get your evidence in. A lawyer that covers the evidentiary foundation in a succinct and professional manner looks prepared and like he or she knows what they’re doing. It impresses both the court and the jury.”

42nd Judicial Circuit
The Circuit Courts of Crawford County, Dent County,
Iron County, Reynolds County, and Wayne County
Southern District of Missouri

“Usually, I advise attorneys to keep their legal arguments basic, brief, and to the point. I much prefer a one page memo or being a highlighted case that gets to the heart of the issue rather than being handed a thirty page masterpiece I have to sift through to find the substance.”

The Cell Phone

21st Judicial Circuit
The Circuit Court of St. Louis County
Eastern District of Missouri

“In the age of advanced telecommunications technology, it is easy to lose that ‘human contact’ with your colleagues when tweeting, texting, and emailing. The true meaning of your message may be lost or misunderstood in the electronic translation. Trust issues with your colleagues may also arise. Although electronic telecommunications may have some benefits, judges usually do not like to see the ‘back-and-forth tennis like’ heated electronic messages between attorneys. It is my preference that the attorneys talk with each other by picking up the phone or meeting face to face, rather than resorting solely to electronic means. Just don’t use your cell phone in court.

42nd Judicial Circuit
The Circuit Courts of Crawford County, Dent County,
Iron County, Reynolds County, and Wayne County
Southern District of Missouri

“TURN OFF YOUR CELL PHONE IN COURT. I understand that most attorneys also use their phone as a calendar, and need it in court. But you can turn off your ringer, or turn off the phone function completely. And just in case you forget to turn off your phone sometime (and you will), don’t have something embarrassing as your ringtone. I have heard “Bad Boys” one too many times. It is no longer amusing.”

Be Yourself

15th Judicial Circuit
The Circuit Court of Lafayette County
Western District of Missouri

“Be yourself. Don’t copy Attorney X. Your best strengths are your unique personality. I have seen effective studders, soft spoken attorneys, and uniquely yet professionally dressed attorneys, because it’s their style.”

Healthy Thoughts

21st Judicial Circuit
The Circuit Court of St. Louis County
Eastern District of Missouri

“One of Sir Isaac Newton’s laws of physics of ‘what goes up must come down’ does not necessarily apply to the practice of law, especially for age and weight. As time goes by during your practice of law you may notice physical changes to your body, such as your waist line getting a little bigger. As a new or young attorney, you may want to start or develop early on a healthy habit like walking, jogging, tennis, or golfing so that you may hopefully enjoy a long and healthy legal life. By the way, golfing is also good for networking. Playing a guitar may also be a good relaxing hobby for the mind. Watching what you eat and annual checkups aren’t bad either.”

General Advice

1st Judicial Circuit
The Circuit Courts of Schuyler County and Scotland County
Eastern District and Western District of Missouri

“Always be genuinely courteous and professional, not only to judges, but also to clerks of court, bailiffs, other attorneys, and others with business in the court. Earn a reputation for honesty and trustworthiness. It is often better simply to admit what you do not know than to try and ‘fake it’ – others are often more willing to help you learn and to share ideas than you might expect, especially if you ask. To the best of your ability, be well-prepared for each case and be on time for court. Respond promptly to communications from clients, the court, other attorneys, witnesses, etc. Take some time to watch and learn from the best lawyers practicing in your part of the state, and follow good examples when you see them. Embrace an attitude of learning all the time – about new developments in the law, about the history of the law, about technological changes which affect your practice, about current events in your community and in the larger world. Work hard in your practice, but be careful not to allow your work to prevent you from spending adequate time with your spouse, children, and others who are truly important in your life. Maintain at least one or two outside interests, so that you do not become ‘one-dimensional’ and/or ‘burned out.’”

4th Judicial Circuit
The Circuit Courts of Gentry County,
Nodaway County, Atchison County and Worth County
Western District of Missouri

“I’m surprised by the mentality that a valid objection is taken as a personal affront. Don’t think opposing counsel is simply being difficult by making objections or not “letting” you get your intended result. *Think* about how you can get the testimony you want in another way, not about the “jerk” making your case harder than what you prepared for and prep better the next time.

“Prepare well. Get to Court early enough before hearing to have your documents completed, exhibits marked and/or your file organized.

“The Court’s docket can be long and heavy. Many judges extend counsel the courtesy of calling clients who are represented at the top of the docket so busy attorneys can move on to their next task. If you aren’t prepared for a docket call with all documents fully completed and a previously-informed client, you are making every other person in the courtroom wait on you while you get it together at the counsel table, making for added pressure on the Court and keeping working people in court longer than need be. Nothing is as frustrating as the attorney who entertains other attorneys with his/her clever anecdotes, reads the paper or just zones out, only to walk up when his/her case is called and start completing documents or explaining to the client what is about to occur. Get all that done before Court or while other cases are being addressed.

“THERE IS ONE THING IN LIFE THAT NO ONE CAN EVER TAKE FROM YOU, YET YOU CAN LOSE IN AN INSTANT; THAT’S YOUR REPUTATION. PROTECT IT ACCORDINGLY.”

“Talk to opposing counsel about your case. Be prepared when you come to court. Treat court clerks with respect – they probably know more than you do. Humility goes a long way.”

“New and young attorneys should remember to be prepared with knowledge of the law and rules of procedure and evidence. Do not forget to learn the local rules governing the court in which you appear.”

6th Judicial Circuit
The Circuit Court of Platte County
Western District of Missouri

“You must have a basic understanding of courtroom procedure. Be prepared! Be open and straightforward with opposing counsel and the court on all issues. Be on time – and if you can’t, advise opposing counsel and the court of your status. Be courteous to all court personnel – because if you are not, the judge will wind up hearing about it. ALWAYS talk to opposing counsel before appearing in court.”

8th Judicial Circuit
The Circuit Courts of Ray County and Carroll County
Western District of Missouri

“Be on time; be prepared; communicate with opposing counsel in advance of court-date; research the law and issues; be courteous and respectful to the court and to all parties and counsel.”

9th Judicial Circuit
The Circuit Court of Chariton County
Western District of Missouri

“ALWAYS return phone calls, whether it is to the court or to a client. Litigants always let the judge know in open court that they have not heard from their attorney. Be courteous and respectful of everyone – clients, clerks, attorneys, etc. Clerks always hold the key to what you need, so be especially nice to them.”

11th Judicial Circuit
The Circuit Court of St. Charles County
Eastern District of Missouri

“Strive to be over-prepared. Don’t be afraid to admit that you are new and don’t know procedures. Be humble and ask for help. That will win over the judge and the court staff. Strive to be pleasant to everyone. The Court staff just love the new attorneys that are humble. They are also quick to point out the ones who appear to be arrogant.”

12th Judicial Circuit
The Circuit Courts of Audrain County,
Montgomery County and Warren County
Eastern District of Missouri

“Be prepared, watch other lawyers to learn what to do and sometimes what not to do, ask questions, treat everyone with respect, especially the clerks.”

13th Judicial Circuit
The Circuit Courts of Boone County and Callaway County
Western District of Missouri

“Always be professional to the Court, other attorneys and clients. Approach your case with confidence in yourself and in your case. Be prepared with your position, but also be ready to respond to issues from your opponent. Always be honest and straightforward, your word should never be questioned. It may be beneficial to have copies of appropriate case law that are supportive to your position. Try to pick your battles with your case, don’t argue every point. To do so can muddy the waters and make your argument difficult to follow.”

15th Judicial Circuit
The Circuit Court of Saline County
Western District of Missouri

“Be on time, prepared, focused and courteous.”

16th Judicial Circuit
The Circuit Court of Jackson County
Western District of Missouri

“Be courteous and civil to everyone you encounter, including your own client, as well as opposing counsel, the judge, and the judge’s staff. Know your case, know the law, and always be prepared. Be on time and professional, and don’t be afraid to admit that you made a mistake or you are wrong.”

“Know the rules of evidence and how to apply them. Treat everyone with respect and courtesy – even those that are a little irritating.”

“Always act like a grandparent is watching your every move. If you think a grandparent would disapprove, stop and reevaluate your actions.”

“Read and follow the rules, get a respected mentor and ask questions, watch proceedings at the courthouse, ask the Judge for feedback after your case is done.”

“Ask questions and be prepared. You don’t need to know everything about all processes but you should know everything about your case.”

21st Judicial Circuit
The Circuit Court of St. Louis County
Eastern District of Missouri

“Get to know the judges you appear in front of and find out if they have specific ways of handling certain things. Make sure you know what you are speaking about before telling the court information, it is easier to tell a judge I am not sure let me find out than to correct bad information.”

“Be on time or early. Be prepared. Introduce yourself. Be kind to clerks and staff.”

“Be prepared. Be early for hearings and introduce yourself to staff. Be courteous to the court, the court staff and other attorneys.”

22nd Judicial Circuit
The Circuit Court of the City of St. Louis
Eastern District of Missouri

“Treat courtroom personnel courteously. Show up on time or at least call if you're late. Avoid personal attacks on opponents or opposing parties. Always be candid with the court.”

“Always be true to yourself. Remember that reputation is everything in this field. Be open to constructive criticism and learn from your mistakes, and vicariously from the mistakes of others. Do not hesitate to say the following words: ‘I do not know.’ Or ‘I don’t understand’. Do not hesitate to ask questions.”

“Understand what happens in court before you go. We all have to start somewhere but the beginning is where you start. Observe the type of case you’re handling before you try to do your first one. Just because you’ve done a criminal case doesn’t mean you can do juvenile cases. This is advice for all attorneys.”

“Introduce yourself to each judge before whom you appear. Do not say anything disparaging about other lawyers. Your colleagues and the judges will learn for themselves. Know your facts, the law, and the rules. Always research and verify what your client tells you, before you represent it as factual. Avoid the rumors and avoid commenting on them.”

23rd Judicial Circuit
The Circuit Court of Jefferson County
Eastern District of Missouri

“Dress neatly. Tie your tie and snug it up. Be on time and be prepared. Be courteous to staff and other attorneys. Do your best, but don’t be a jerk in the process.”

28th Judicial Circuit
The Circuit Court of Dade County
Southern District and Western District of Missouri

“Each of us is a practitioner of the law. Not any one of us knows everything in every area of the law. Even if you were number one in your law school class, you are not an expert in every area of law and will find that other practitioners can and will teach you lessons along the way. Each of us will be on the winning and losing side. Each one of us is learning, so remember to treat others as co-learners in this excellent journey known as the practice of law.”

29th Judicial Circuit
The Circuit Court of Jasper County
Southern District of Missouri

“Showing up on time and moving your cases forward with some zealous advocacy. The Court will appreciate it and your clients will most likely benefit from it.”

30th Judicial Circuit
The Circuit Courts of Webster County and Hickory County
Southern District and Western District of Missouri

“Pay your taxes. Learn the law that governs your cases. Network with colleagues. Be easy to get along with.”

“Be on time. Be prepared. Be honest. Be courteous. Never be afraid to ask for advice. In a profession where your livelihood often depends upon your reputation it is important to remember: ‘It takes years to build a reputation and seconds to destroy it.’ - unknown”

33rd Judicial Circuit
The Circuit Courts of Mississippi County and Scott County
Southern District of Missouri

“You have valuable skills, viable ideas and can bring much to the table, however, be very willing to listen and learn from those who have practiced before you and benefit from their successes and failures.”

“New attorneys should error on the side of being too formal when first appearing before a new judge. In addition, it goes without saying, but promptness and preparedness are a must; that is something which seems to have been lost by not just new attorneys, but some established ones as well.”

34th Judicial Circuit
The Circuits Court of Pemiscot County and New Madrid County
Southern District of Missouri

“Be prepared, be prompt, and have respect for all involved in the courtroom.”

36th Judicial Circuit
The Circuit Courts of Butler County and Ripley County
Southern District of Missouri

“Become a spectator. Watch jury trials and contested motions in which you are not a participant so that you don’t have to reinvent the wheel. Be prepared and cite relevant caselaw in motion hearings. Treat everyone with respect, the Court, attorneys and certainly the clerks. Instruct your client to be the most reasonable person in the courtroom. You can always go outside and scream and kick a tree during a recess.”

“Be prepared, be prompt, and look your best.”

37th Judicial Circuit
The Circuit Court of Oregon County
Southern District of Missouri

“Be courteous. Be civil. Be prepared. Be respectful to the judge and staff. Be polite to court personnel and your opponent’s staff. Help the judge help you. If you cite a case to the judge, give him/her a copy of the case with your references highlighted. Submit a proposed order or judgment for anything on which you want the judge to decide. Be as accommodating as possible to opposing counsel within the parameters of representing your client. Don’t make the case personal with opposing counsel. Give back to your community. Enjoy a wholesome life. Keep proper priorities.”

39th Judicial Circuit
The Circuit Court of Lawrence County
Southern District of Missouri

“Be prepared. Be on time. Be Courteous to Counsel, Court Staff and the Court. Know the facts and law that applies to your case thoroughly. Never knowingly mislead the Court about the facts in your case. If you learn after making an argument or presentation of a case that there was an error in the presentation, own up to the error.”

40th Judicial Circuit
The Circuit Courts of McDonald County and Newton County
Southern District of Missouri

“Don’t be afraid to ask judges questions, but make sure they aren’t questions about things pending before him.”

41st Judicial Circuit
The Circuit Courts of Macon County and Shelby County
Eastern District and Western District of Missouri

“Be prepared. Be honest with the Court and the attorneys. Be courteous to the clerks and court personnel.”

42nd Judicial Circuit
The Circuit Courts of Crawford County, Dent County,
Iron County, Reynolds County, and Wayne County
Southern District of Missouri

“Be on time, and be prepared.

43rd Judicial Circuit
The Circuit Courts of Caldwell County,
Livingston County and Daviess County
Western District of Missouri

“You appear in Court with the benefit of being honest and credible. No client or case is worth jeopardizing those benefits.”

44th Judicial Circuit
The Circuit Court of Douglas County
Southern District of Missouri

“Be on time, be prepared and act with professional courtesy at all times. Find an example mentor. Never lie. The Court will never forget, your opponent will never forget and you have destroyed your word and reputation, perhaps beyond repair. PS. If you are rude to the staff in the clerk’s office, the Judge knows about it.”

“Some young attorneys are intelligent, but ignorant on trial tactics and rudeness to the jury, staff and judge in front of the jury is just the death knell to their case. I am convinced that young attorneys coming out of law school need mentors to assist them and teach them that there is more than ‘the confidence of youth’ to practicing law.”

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