

IN THE SUPREME COURT, STATE OF WYOMING

April Term, A.D. 2012

In the Matter of Amendments to)
Rules 801 of the)
Uniform Rules for District Courts of)
The State of Wyoming)

**ORDER ADOPTING AMENDMENTS TO RULE 801 OF THE
UNIFORM RULES FOR DISTRICT COURTS OF THE
STATE OF WYOMING**

The Officers and Commissioners of the Wyoming State Bar have recommended that the Wyoming Supreme Court amend Rule 801 of the Uniform Rules for District Courts of the State of Wyoming. The Court, having carefully reviewed the proposed amendments, finds that the proposed amendments should be adopted. It is, therefore,

ORDERED that the amendments to Rule 801 of Uniform Rules for District Courts of the State of Wyoming, attached hereto, be and hereby are adopted by the Court to be effective January 1, 2013; and it is further

ORDERED that this order and the attached amendments shall be published in the advance sheets of the Pacific Reporter; the attached amendments shall be published in the Wyoming Court Rules Volume; and that this order and the attached amendments shall be published online at the Wyoming Judicial Branch's website, <http://www.courts.state.wy.us>. The amendments shall thereafter be spread at length upon the journal of this Court.

DATED this 14th day of August, 2012.

BY THE COURT:

/s/

MARILYN S. KITE
Chief Justice

Uniform Rules for District Courts of the State of Wyoming

~~Rule 801. Courtroom decorum.~~

~~(a) The conduct, demeanor and dress of attorneys when present during any court proceeding shall reflect respect for the dignity and authority of the court, and the proceedings shall be maintained as an objective search for the applicable facts and the correct principles of law.~~

~~(b) The following suggestions are made assuming that these suggestions make rules unnecessary:~~

- ~~(1) Arguments, objections and remarks should be addressed to the court;~~
- ~~(2) Counsel should stand when addressed by the judge or when speaking to the judge;~~
- ~~(3) When examining a witness, counsel should stand at the lectern and not walk around the courtroom;~~
- ~~(4) Counsel should obtain permission before coming to the bench;~~
- ~~(5) No one should eat, drink or smoke in the courtroom and no one should sit on the tables.~~

~~(c) Counsel should instruct clients and witnesses as to appropriate demeanor and dress.~~

Rule 801. Standards of professional behavior.

As one of the learned professions, the practice of law is founded upon principles of fairness, decency, integrity and honor. Professionalism connotes adherence by attorneys in their relations with judges, colleagues, litigants, witnesses and the public to appropriate standards of behavior. The district courts of Wyoming, in furtherance of the inherent power and responsibility of courts to supervise proceedings before them, shall hold attorneys to the following standards of professional behavior:

(a) Standards of Behavior in Adjudicative Proceedings.

- (1) Attorneys shall at all times treat all persons involved in adjudicative proceedings, including litigants, witnesses, other counsel, court staff and judges with candor, courtesy and civility, and demonstrate personal honesty, fairness and integrity in all of their dealings.
- (2) An attorney shall at all times be civil and courteous in communicating with all persons involved in the adjudicative process, whether orally or in writing.
- (3) Attorneys shall at all times extend reasonable cooperation to opposing counsel. Attorneys shall not arbitrarily or unreasonably withhold consent to opposing counsel's requests for reasonable scheduling or logistical accommodations, nor shall they condition their cooperation on disproportionate or unreasonable demands.
- (4) An attorney shall not use any form of discovery, or the scheduling of discovery, as a means of harassing opposing counsel or counsel's client and such conduct, in

addition to representing a potential violation of the Wyoming Rules of Civil Procedure, shall be deemed a violation of professional standards.

- (5) Attorneys shall be reasonably punctual in their communications with all persons involved in the adjudicative process and shall appear on time for all duly scheduled events involved in the adjudicative process, unless excused or detained by circumstances beyond their reasonable control. When an attorney, or an attorney's client, or a witness under the reasonable control of an attorney, becomes unavailable for a duly scheduled event, then the attorney shall promptly notify opposing counsel and, where appropriate, court reporters, court personnel, and others involved in the event.
- (6) Attorneys shall not initiate any ex-parte communication with a judicial officer concerning any matter pending before the judicial officer unless such communication is expressly authorized by (a) an applicable rule of procedure, (b) a written order issued by the judicial officer, or (c) an agreement between all counsel involved in the pending matter. This rule shall not apply to communications between attorneys and appropriate personnel of the court or tribunal concerning scheduling or ministerial matters.
- (7) Attorneys shall confer with opposing counsel and shall endeavor in good faith to resolve disputes before seeking the Court's intervention. This requirement applies to the filing of motions generally, in addition to those matters that arise under the situations addressed by this rule.
- (8) When the Court is required to intervene, the Court may render any or all of the following sanctions against an attorney who is found, after notice and opportunity to be heard, to have violated this rule:
 - (a) A formal reprimand;
 - (b) Monetary sanctions, including but not limited to the reasonable expenses, including attorney's fees, caused by the attorney's conduct; or
 - (c) Such other sanctions as the Court deems appropriate under the circumstances.

(b) Courtroom Decorum. The conduct, demeanor and dress of attorneys when present during any court proceeding shall reflect respect for the dignity and authority of the Court, and the proceedings shall be maintained as an objective search for the applicable facts and the correct principles of law.

- (1) Arguments, objections and remarks shall be addressed to the Court.
- (2) Counsel shall stand when addressed by the Court or when speaking to the Court.
- (3) When examining a witness, counsel shall stand at the lectern and not walk around the courtroom.
- (4) Counsel shall request permission to approach the bench or the witness.
- (5) Counsel shall instruct clients and witnesses as to appropriate demeanor and dress.

Comment. Courts, litigants, and the public rightfully expect attorneys to adhere to a very high standard of professional behavior. Stated positively, such behavior is exemplified by candor, courtesy, civility, honesty, integrity and fairness in all aspects of an attorney's

involvement in the adjudicative process. This conduct is too often overlooked by attorneys who view themselves solely as combatants rather than professionals entrusted with the fair and orderly administration of justice according to established rules of procedure and substantive law. Attorneys who engage in obnoxious, caustic, or rude behavior, or who use their professional position to demean, degrade, or harass others involved in the adjudicative process violate the standard of professional behavior. While it is impossible to define all conduct violating the standard of behavior enunciated by this rule, shouting, cursing, and the use of obnoxious gestures are each strong indicators of a violation. Personal attacks on opposing counsel are never appropriate.

Attorneys must strive to uphold professional standards of behavior in order to avoid the loss of trust by the public in our system of justice. As a self-policing profession, it is incumbent upon attorneys to demand adherence to professional standards of behavior, not only by themselves, but by other attorneys with whom they deal. Attorneys should emphasize adherence to these standards by those whom they employ or become associated with, including out-of-state counsel. As attorneys should always first attempt to resolve any differences between them on their own, not every violation of this rule warrants reporting it to the Court or tribunal. Nevertheless, attorneys should consider it part of their professional obligation to report serious or repeated violations of the standards of behavior to the controlling adjudicative authority. Further, judges or other adjudicative authorities should consider it part of their obligation to enforce violations of this rule, irrespective of how they became aware of the violation.

This rule should not be construed by attorneys as creating another avenue for filing unnecessary or inappropriate motions. Rather, it is expected that adherence to this rule will obviate a wide variety of motions that result in unnecessary demands upon the Court's time and resources. The mere fact that this rule has been adopted should provide incentive enough to eliminate the misconduct at which it is directed. Rarely should it be necessary for the Court to sanction an attorney for conduct in violation of this rule.
