

# Memorandum

To: All attorneys practicing in Room 124

From: Judge John H. Burlew

Date: 9/19/02

Re: Rules and Expectations of the Court

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The following memorandum is provided to assist attorneys practicing in this courtroom with the expectations of the Court. The Court expects courteous and civil behavior and discourse from litigants. Nothing in this memorandum is meant to suggest that the behavior of any attorney has been anything but courteous and civil. In that vain, the following is offered to assist practicing attorneys in representing their clients in this courtroom.

- I. The Court presumes that lawyer's representations are correct. The Canons of Ethics require, and the Court presumes, that attorneys are candid in their discourse and will not intentionally mislead the Court. Honesty and zealous representation of clients do not conflict with candid discourse.
- II. Clients and witnesses are to be addressed by their surnames unless the witness is a minor.
- III. Lawyers do not address each other by name unless they are a party or witness in the litigation at bar. It is certainly appropriate to refer to opposing counsel as the prosecutor, counsel or the State. Each attorney may argue zealously but personal attacks are not appropriate.
- IV. The Court reads every motion. Form motions on substansive matters are not acceptable. If for example, a motion to suppress is filed, I expect to have the motion – assert the reason why the search was illegal, the items sought to be suppressed and the authority that is being relied upon. Stating cites are not acceptable. If a case is cited, it must be attached to the motion. There are no limitations on time at the hearing, but prior to the hearing, the general scope of the hearing should be apparent from the motion itself.

- V. The only plea that the Court is required to accept is a plea of not guilty. On DUI cases, the Court requires a plea form be executed which lists the mandatory maximum and minimum penalties. The form assures the Court and the Court of Appeals that the defendant knows not only the mandatory minimums, but the collateral civil disabilities that may result from a conviction. The fact that some attorneys may have difficulty completing the form confirms its necessity. If there are difficulties in understanding the consequences of a plea, the Court prefers that the misunderstandings occur in private and not in open court.
  
- VI. Generally, the Court will extend either side one continuance on a matter set for trial. However, counsel must extend the same courtesy to the other side. Counsel is expected to timely inform the opposing side if he or she intends to request a continuance. The Court will not automatically grant a continuance if counsel and witnesses have been inconvenienced by the failure to timely inform the Court. As a general rule, counsel should inform the Court of the inability to proceed no later than 10:30 a.m. Failure to do so is at the peril of the party seeking a continuance.