

CHAPTER SCR 62

STANDARDS OF COURTESY AND DECORUM FOR THE COURTS OF WISCONSIN

SCR 62.01 Scope.

SCR 62.02 Standards.

Note: SCR Chapter 62 was adopted June 4, 1996, eff. June 4, 1996; amended November 14, 2001; April 1, 2002.

SCR 62.01 Scope. The uniform standards of courtroom courtesy and decorum in SCR 62.02, adopted to enhance the administration of justice by promoting good manners and civility among all who participate in the administration of justice in this state, are applicable to judges, court commissioners, lawyers, court personnel, and the public in all Wisconsin courts. Notwithstanding SCR 20:8.4 (f), the standards under SCR 62.02 are not enforceable by the office of lawyer regulation. Conduct by a lawyer that violates SCR ch. 20 or SCR 40.15 is subject to the authority of the office of lawyer regulation.

History: Sup. Ct. Order No. 96–03, 201 Wis. 2d xix (1996); Sup. Ct. Order No. 01–12, 2001 WI 120, 247 Wis. 2d xiii; Sup. Ct. Order No. 01–12A, 2002 WI 8, 249 Wis. 2d xiii.

Case Note: The violation of the rules under chs. 20 and 62 can be the basis for a court to impose a sanction for incivility during litigation although the authority to do so is not dependent on chs. 20 and 62, but rather the court's inherent authority. *Aspen Services, Inc. v. IT Corp.*, 220 Wis. 2d 491, 583 N.W.2d 849 (Ct. App. 1998).

SCR 62.02 Standards. (1) Judges, court commissioners, lawyers, clerks and court personnel shall at all times do all of the following:

- (a) Maintain a cordial and respectful demeanor and be guided by a fundamental sense of integrity and fair play in all their professional activities.
- (b) Be civil in their dealings with one another and with the public and conduct all court and court-related proceedings, whether written or oral, including discovery proceedings, with civility and respect for each of the participants.
- (c) Abstain from making disparaging, demeaning or sarcastic remarks or comments about one another.
- (d) Abstain from any conduct that may be characterized as uncivil, abrasive, abusive, hostile or obstructive.
- (e) While in court or while participating in legal proceedings, dress in a manner showing proper respect for the court, the proceedings and the law. Judges shall wear black robes while presiding on the bench except when exceptional circumstances exist.
- (f) Advise clients, witnesses, jurors and others appearing in court that proper conduct and attire is expected within the court-

house and, where possible, prevent clients, witnesses or others from creating disorder or disruption.

(g) In scheduling all hearings, meetings and conferences, be considerate of the time schedules of the participants and grant reasonable extensions of time when they will not adversely affect the court calendar or clients' interests.

(h) Conduct themselves in a manner which demonstrates sensitivity to the necessity of preserving decorum and the integrity of the judicial process.

(2) Judges, court commissioners and lawyers shall be punctual in convening and appearing for all hearings, meetings and conferences and, if delayed, shall notify other participants, if possible.

(3) Lawyers shall do all of the following:

- (a) Make all reasonable efforts to reach informal agreement on preliminary and procedural matters.
 - (b) Attempt expeditiously to reconcile differences through negotiation, without needless expense and waste of time.
 - (c) Abstain from pursuing or opposing discovery arbitrarily or for the purpose of harassment or undue delay.
 - (d) If an adversary is entitled to assistance, information or documents, provide them to the adversary without unnecessary formalities.
 - (e) Abstain from knowingly deceiving or misleading another lawyer or the court.
 - (f) Clearly identify for the court and other counsel changes that he or she has made in documents submitted to him or her by counsel or by the court.
 - (g) Act in good faith and honor promises and commitments to other lawyers and to the court.
- (4) Adherence to standards of professionalism and courtesy, good manners and dignity is the responsibility of each judge, court commissioner, lawyer, clerk, and other personnel of the court who assist the public.

History: Sup. Ct. Order No. 96–03, 201 Wis. 2d xix (1996).

Case Note: Even in zealous advocacy attorneys are required to maintain respect to courts of justice. Excessive sarcasm and hyperbolic rhetoric are unbecoming to a lawyer and undermine the decorum and integrity of the judicial process. *OLR v. Coe*, 2003 WI 117, 255 Wis. 2d 27, 665 N.W.2d 849, 01–2488.