

Civility and Professionalism in the Courtroom— A Needed Guide for Politicians?

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The folks in Washington might learn a thing or two about civility and professionalism by watching the manner in which our local court system operates. Day in and day out, lawyers from different cultural, socioeconomic and religious backgrounds gather in courtrooms across South Florida to engage in proceedings that are by their very nature, adversarial. And yet voices are rarely raised; tones are nearly always tempered; and instances of name calling in open court are virtually unfathomable. Signs of disrespect—both to opposing counsel and the court—are simply not tolerated. Whether it is plaintiff versus defendant, petitioner versus respondent, or creditor versus debtor is of



L-R: Ross R. Hartog, Alan R. Rosenberg, and Jerry M. Markowitz of Markowitz Ringel Trusty + Hartog. Courtesy photos

no consequence. Our local lawyers treat one another with respect. In fact, some of the most effective lawyers in town also happen to be the most pleasant. If there is one thing to learn from their success is that one need not be abrasive to win cases. You really do attract more bees with honey.

The high level of civility and professionalism does not end with our lawyers. It extends, quite naturally, to our judiciary. We have some of the best Judges in the nation and

they command respect; respect for the court; respect for litigants and witnesses; and above all, respect for the legal process. A Judge's orders are nearly always met by counsel with "Yes, Judge," or "Yes, Your Honor." Even during heated debates, our judges manage to effectively control the flow of the conversation and the focus of oral argument. When a Judge speaks, we, as attorneys, listen. It is a faux pas to interrupt a judge, and such a blunder is nearly always

followed by an apology. And while our judges encourage spirited legal discussions, attorneys are careful to ensure that their remarks display the requisite level of deference to the court. Even if attorneys ultimately disagree with the court's ruling, they always do so respectfully.

The respectful tone directed toward the court is not one-sided but equally reciprocated by judges to those appearing before them. Judges address attorneys, litigants and witnesses as Mr. and Mrs., regardless of their level of education, wealth or status in the community. I am continually impressed by the patience with which our Judges interact with those—typically prose litigants—who are unfamiliar with the court system. Our Judges strive to ensure that every person gets their day in court, even when they are unable to afford a lawyer.

These displays of civility and professionalism even extend outside the courtroom. These days many (if not most) of our interactions occur electronically. The average lawyer likely exchanges more than 100 emails a day, and that is being very conservative. The general viewpoint is that lawyers should draft emails as if they will later be

shown to a judge in court. For that reason, most lawyers take care to ensure that their emails maintain the same degree of civility and professionalism that they would otherwise display in a courtroom. Those few who refuse to abide by accepted norms of civility and professionalism often achieve infamy and unwanted publicity, which is dramatically exacerbated by the internet.

So why is the practice of law so much more civilized than politics? Why is it seemingly impossible for politicians to display even the slightest modicum of civility and decorum? Perhaps it is because we, as lawyers, understand that it is a privilege to practice law. The judicial system is a keystone feature of our democracy and we are honored to play a part in it every day. While the role of a lawyer is important, so too is that of a politician. It is through politicians that our ideas and viewpoints are advocated to the nation's top decision makers. In a sense, politicians are *our* lawyers; the lawyers of the people. And as our lawyers, they owe us—their clients—a much greater degree of civility and professionalism.

So, what's my advice to the folks in Washington? Take a

(virtual) seat in one of our courtrooms. Take notes. And treat your profession like a privilege. Because if you don't, we are going to get new counsel.

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