

From: [Walker, Jameson](#)
To: [Everts, Todd](#)
Subject: Dress Code et. seq.
Date: Monday, March 15, 2021 3:29:28 PM

Greetings,

You asked me to review some of the salient dress codes relating to the legal profession in Montana.

Here are some I could find:

Law Review Articles

[Appropriate Attire and Conduct for an Attorney in the Court Room.](#)

United States District Court for the District of Montana: Local Rules of Procedure

Rule 83.2 Standards of Conduct

[...]

(c) Lawyers must wear appropriate professional attire for all proceedings before the court.

Military Court Rules of the United States

Section 1.2 Rules

[...]

RULE 12: Courtroom Attire.

Army courts-martial are federal courts, under Article I of the United States Constitution, and are due the same deference as any other federal court. Army courts-martial are formal, dignified proceedings charged with determining significant and weighty issues. Accordingly, the appearance and demeanor of all participants in Army courts-martial (civilian or military, counsel or witness) should reflect the gravity and solemnity of the proceedings.

RULE 12.1: Civilian Participants.

Civilian counsel and civilian court reporters must wear conservative business clothing (e.g., a suit or coat/tie for men, and a suit or dress for women).

Civilian witnesses must wear conservative business clothing, if possible. Civilian witnesses must not wear blue jeans, shorts, t-shirts, or tennis shoes. Counsel must inform witnesses about appropriate attire, as prescribed by this rule.

Civilian law enforcement officer witnesses may wear their duty uniform but may not carry a firearm or other service-weapon in the courtroom unless authorized to do so by the judge.

Montana Uniform Rules for the Justice and City Courts

Part 1. Rules

Decorum

Rule 13. Decorum.

(a) When the court convenes all persons in attendance in the courtroom shall rise until the judge has taken the bench.

(b) The judge of the court shall, when presiding in open court, wear judicial robes.

(c) All persons shall, when in the courtroom, wear appropriate clothing.

Uniform Montana District Court Rules

This is silent on courtroom decorum and leaves it to the discretion of the judicial district as to what constitutes decorum, if one is provided.

District Court Rules

Here is a link to the various district court rules: <https://courts.mt.gov/courts/rules/district>

Second Judicial District:

Rule 16 – Courtroom Decorum:

The pursuit of justice is a serious undertaking and conduct during the litigation process, both within and outside the courtroom, must at all times satisfy the appearance as well as the reality of fairness and equal treatment. Dignity, order, and decorum are indispensable to the proper administration of justice.

Counsel and the parties are expected to dress in a manner that reflects the seriousness of judicial proceedings and demonstrates an awareness of the Court as a respected institution of the American system of democracy. Coat and tie are suggested for male attorneys. Corresponding attire is appropriate for female attorneys.

Individuals appearing in court or in a Judge's office or chambers shall conduct themselves in a manner befitting the dignity of the court. Portable telephones, pagers and beepers shall be turned off. Attorneys, their employees, law clerks, runners, law students and court employees appearing in court or in a Judge's office or chambers shall dress in a manner befitting the dignity of the court.

General Courtroom Conduct

1. Always be prompt.
2. Stand when the Judge enters or leaves the courtroom.
3. Do not interrupt the Court or opposing counsel. Wait your turn.
4. Advise clients and witnesses of the formalities of the Court, the appropriate guidelines, and any rulings on motions in limine. Encourage their cooperation.
5. If there is a live microphone at counsel table, remember not to confer with others or rustle papers near the microphone.
6. Stand when addressing the Court and when making objections.

Fourth Judicial District:

Rule 25 – Rules of Decorum:

The District Court adopts the Fourth Judicial District Courtroom Decorum and Practice Guidelines attached hereby as Exhibit "M".

[Exhibit M] Preface

The pursuit of justice is a serious undertaking and conduct during the litigation process, both within and outside the courtroom, must at all times satisfy the appearance as well as the reality of fairness and equal treatment. Dignity, order, and decorum are indispensable to the proper administration of justice.

A trial is an adversary proceeding, and lawyers must advocate for their clients' positions. However, conduct that may be characterized as discriminatory, abusive, or obstructive impedes the fundamental goal of resolving disputes rationally, peacefully and efficiently. Such conduct tends to delay and often to deny justice.

Attorneys are privileged to participate in the administration of justice in a unique way, and are responsible to their own consciences, to their clients, to one another, and to the public to conduct themselves in a manner which will facilitate, and never detract from, the administration of justice.

A trial is a truth-seeking process designed to resolve human and societal problems in a rational and efficient manner. A lawyer's conduct should be characterized at all times by personal courtesy and professional integrity in the fullest sense of those terms. A Judge's conduct should be characterized at all times by courtesy, patience, and fairness toward all participants, The courts belong to the people of this state. The guidelines are intended to facilitate access to the courts for the fair resolution of disputes, and should never be applied to deny access.

Application

The purpose of these guidelines is to provide lawyers, Judges, and parties with a reasonable standard of conduct in judicial proceedings, However, these guidelines are not intended to homogenize conduct or remove individuality from the courtroom. To facilitate professional growth and foster voluntary compliance with these guidelines, the Judges of the Fourth Judicial District periodically review the guidelines. Comments are considered by the Judges and changes are incorporated as needed.

All participants in judicial proceedings should voluntarily adhere to these guidelines. The Judges of the Fourth Judicial District reserve the right to impose contempt of court or Rule 11 sanctions for violations of these guidelines. Nothing in these guidelines supersedes or detracts from existing codes or rules of conduct or discipline or alters existing standards by which lawyer misconduct may be determined.

I. General Courtroom Conduct

[...]

J. Counsel and the parties are expected to dress in a manner that reflects the seriousness of judicial proceedings and demonstrates an awareness of the Court as a respected institution of the American system of democracy. Coat and tie are suggested for male attorneys. Corresponding attire is appropriate for female attorneys.

Seventh Judicial District Court Rules:

Rule 3 – Courtroom Decorum

The pursuit of justice is a serious undertaking. Therefore, conduct during the litigation process, both within and outside the courtroom, must at all times satisfy the appearance as well as the reality of fairness and equal treatment. Dignity, order, and decorum are indispensable to the proper administration of justice.

Counsel and the parties are expected to dress in a manner that reflects the seriousness of judicial proceedings and demonstrates an awareness of the Court as a respected institution of the American system of democracy. Coat and tie are proper attire for male attorneys. Corresponding attire is appropriate for female attorneys.

Individuals appearing in the courtroom, in the judge's office, or in chambers shall conduct themselves in a manner befitting the dignity of the Court. Portable telephones, pagers, and beepers shall be turned off. Attorneys, their employees, law clerks, runners, law students, Court employees, and litigants appearing in the Courtroom or in the Judge's Office or in Chambers shall dress in a manner befitting the dignity of the Court.

General Courtroom Conduct:

1. Always be prompt.
2. Remove coats, boots, hats, gloves, sunglasses.
3. Stand when the Judge enters or leaves the Courtroom.
4. Do not interrupt the Judge or opposing counsel. Wait your turn.
5. Advise clients and witnesses of the formalities of the Court, the appropriate guidelines, and any rulings on motions in limine. Encourage their cooperation.
6. If there is a live microphone at counsel table, remember not to confer with others or rustle papers near the microphone.
7. ALWAYS stand when addressing the Court and when making objections, unless directed otherwise.

Jim

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