

“Appearing at the Bar” addresses concerns that have been raised with the Executive. Appearing at the Bar was drafted in consultation with the Supreme and Territorial Court Judges to represent a suggested standard of practice.

## **Appearing at the Bar**

### ***Decorum***

- The administration of justice is a formal process and, at all times, informality should be avoided.
- Counsel should always show respect to and for the Bench, the parties, each other and the public.
- Maintain an appropriate degree of formality in the courtroom, including:
  - avoid consulting other counsel and/or speaking to your client when the judge is speaking;
  - avoid interrupting the judge;
  - stand up when addressing the judge;
  - sit down when opposing counsel stands up to interject;
  - avoid interrupting opposing counsel already on their feet; and,
  - dress professionally.

### ***Business Attire and Robes***

- Counsel should always appear at the Bar in proper business attire and avoid, at all times, informal attire.
- Counsel should ensure that shirts, vests, tabs and robes are clean, well-maintained and pressed at all times.
- Counsel should not wear tabs and robes outside of the Courthouse Building.

### ***Procedures & Protocol***

- Counsel should always be aware of their roles and responsibilities as advocates before the Court.
- Counsel should always be prepared to present their cases to the Court when called upon to do so. File your case law with the Court, and provide copies to opposing counsel, in a timely manner.
- Counsel should speak with their clients prior to entering into Court so as to have the necessary instructions to conduct their cases. Avoid causing delays in the Court for such reasons as not having spoken to your client or opposing counsel, or not having obtained release orders, etc.
- Counsel should endeavor to conduct appropriate and necessary research, ensuring that authority for and against their positions is brought to the attention of the Bench.

## ***Authorities and Pre-sentence Reports***

Counsel should be aware that it is always good practice to:

- Ensure that all authorities are highlighted and filed in a timely manner.
- Assemble cases by preparing opening and closing statements, direct and cross-examinations and marshaling and prepare to properly tender documentary evidence, well in advance of trial.
- Ensure that sufficient attention is paid to such matters as sentencing, damages and costs and be prepared to speak to such at the close of cases.
- Ensure that those portions of pre-sentence reports and custody and access reports upon which they rely are highlighted and brought to the attention of the Bench and opposing counsel.
- In sentencing on criminal matters, avoid simply deferring to the pre-sentence report. Review all relevant facts and highlight key passages in the pre-sentence report. Be prepared to make full and reasoned submissions. Consider character witnesses or letters of reference. Consider the need to file case law. Remember that, as your client has been found guilty, this is now the most important part of the trial process. Give it the attention it deserves.

***Ensure that you reference, on a regular basis, the Practice Directions issued by the Supreme and Territorial Courts. The Practice Directions can be found at <http://www.yukoncourts.ca/courts/supreme> and <http://www.yukoncourts.ca/courts/territorial>***

## ***Mentoring***

The practice of law is governed by a host of rules of practice and principles of ethical behaviour. Counsel cannot always be sure that she or he is acting in accordance with such rules and principles, particularly junior counsel. It is prudent counsel who asks for assistance with issues of proper practice and ethics.

Senior members of the Yukon Bar are always pleased, ready, willing and able to assist if you have any questions about the practice of law or concerning the ethics governing our profession or about proper Court etiquette. The members of your Executive are always available to you. If you need assistance, **never** hesitate to contact your Law Society office at 867-668-4231.