

Checklist for Court Attorneys¹

Respect

Positive Behaviors

- 1. introduced him or herself at the beginning of the proceeding
- 2. personally welcomed the litigants into the room
- 3. made eye contact when speaking and listening to the litigant
- 4. used body language (nodding, tilting forward, eye contact) that conveyed a willingness to listen
- 5. referred to the litigants by surname (for example, Ms. Brown rather than the "mother" or the "father".)
- 6. was routine and business like with no visible emotional display
- 7. used plain language that avoided legal jargon or acronyms

Negative Behaviors

- 8. used a harsh, critical or irritable tone of voice
- 9. used sarcasm or irony
- 10. appeared bored or distracted
- 11. looked at documents, computer screens more than people

Neutrality and trust

Positive Behaviors

- 12. clearly explained the purpose of the proceeding and the court process
- 13. was prepared for the proceeding
- 14. listened carefully and patiently
- 15. treated all of the participants (litigants and attorneys) the same
- 16. demonstrated interest in the needs, problems and concerns of litigants

Voice

Positive Behaviors

- 17. gave litigants the opportunity to speak and voice their perspectives
- 18. spoke directly to the litigants in a manner that encouraged dialogue
- 19. asked open-ended questions that invited more than a simple "yes" or "no" response
- 20. asked litigants if they had any questions

Negative Behaviors

21. rushed or interrupted speakers

¹ Developed by Dr. Vicki Lens, MSW, JD, PhD http://sssw.hunter.cuny.edu/ssw/staff-members/lens-vicki-msw-jd-phd/

- 22. discouraged litigants who wished to speak from doing so
- 23. delivered questions or explanations through the attorney, rather than speaking to the litigants directly

Support

Positive Behaviors

- 24. made supportive comments, such as praising, complimenting or reassuring the litigants
- 25. conveyed a sense of caring, compassion or empathy
- 26. acknowledged litigants emotional responses to the case or court events
- 27. maintained a neutral tone, conveying no negativity or positivity regarding the litigant's behaviors or actions

Negative Behaviors

- 28. lectured, admonished or criticized the litigants behavior or actions
- 29. was confrontational or argumentative when discussing the litigants behavior or actions