There Is No Summer in the Courtroom

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acific Northwesterners frequently lament summer’s delayed arrival to our verdant corner of the country, and this year is no exception. June was unseasonably cool and wet, and the first official weekend of summer brought grey skies, chilly breezes, and sheets of rain. It is no surprise, then, that each year, as August approaches and summer seems to have truly arrived, locals eagerly search their closets for rarely-used warm-weather attire. Lawyers are not immune from the lure to celebrate summer’s overdue arrival by breaking out tank tops, flip-flops, sunglasses, and shorts. Nonetheless, a trial lawyer needs to remember that although summer does eventually arrive to our region, however late that may be, it never arrives inside a courtroom.

Over the last two decades, particularly on the west coast, especially late that may be, it never arrives inside a courtroom.

The large majority of trials take place in courtrooms inside buildings, which are climate controlled to break the heat of summer outside. And while a particular office culture may tolerate or even embrace the idea of colleagues sporting sleeveless dresses, polo shirts, khaki shorts, or short-sleeved Hawaiian-print shirts, a lawyer needs to be mindful that it is never summertime in the courtroom.

When it comes to jury trials, the chances that a “summerized” work wardrobe will bleed from office to courtroom is relatively low, because most trial lawyers develop a keen sensitivity to jurors’ expectations and perceptions through their training and experience. In Beyond a Reasonable Doubt: One Size Does Not Fit All When It Comes to Courtroom Attire for Women, 45 Gonz. L. Rev. 209 (2009/10), I wrote:

Physical appearance is a serious concern for trial lawyers trying to maximize juror receptivity to their advocacy. To some extent, when it comes to trial work, a lawyer’s perception of a lawyer’s reality. When preparing for trial, a lawyer needs to anticipate and consider jurors’ expectations, preconceptions and biases about wardrobe and physical appearance. This analysis can be particularly complicated for the female trial lawyer. It may not be your mother’s courtroom, but your (or someone else’s) mother may be on the jury, harboring outdated or discriminatory expectations about “appropriate” courtroom attire for women. As unjustified as the expectations might be, “a quality trial attorney must consider gender issues, be they stereotype, false or real, when planning his or her case.”

Lessons such as these are generally internalized by trial lawyers, prompting most to perform a cautious review of their clothing choices on the day of trial. At less formal hearings, however, such as administrative hearings, or the ex parte or arraignment calendar, there is a much greater risk that inappropriate clothing will inadvertently make its way into the courtroom.

The fact that a hearing is conducted outside the presence of a jury should not lull a lawyer into a false belief that his or her appearance at court is of little consequence. A lawyer’s credibility is an invaluable asset with the judge, as well as with the jury, and it should be vigilantly protected. A judge’s perception of a lawyer as professional can augment the judge’s perception of the lawyer as prepared and competent; part of being perceived as professional is dressing professionally. Professional attire also communicates an appropriate level of respect for litigants, witnesses, court staff, and the judicial system itself.

The risk of a lawyer running off to court for an unantici-