

Rule 2. Court Decorum; Roles of Judges and Lawyers**Rule 2.01 Behavior and Ceremony in General**

(a) Acceptable Behavior. Dignity and solemnity shall be maintained in the courtroom whether in person or using remote technology. Appropriate courtroom clothing is required. Hats and head coverings that are not worn for religious or medical reasons shall be removed unless permitted by the presiding judicial officer. There shall be no consumption of food or beverages, with the exception of water by permission of the judge. There shall be no gum chewing, smoking or use of vaping products, unnecessary conversation, background noise, loud whispering, newspaper, electronic device or magazine reading, or other distracting activity in the courtroom while court is in session. While using remote technology, attorneys, parties, participants, and observers shall remain in a stationary location in front of the device camera, mute their microphone when not speaking, and not engage in distracting activities. The court or presiding judicial officer has discretion to limit or prohibit the use of electronic devices in the courtroom. The court or presiding officer's discretion is limited by Rule 4 of these Rules as it pertains to electronic devices used to photograph or record the proceedings. Permitted electronic devices must in all instances be set to silent mode, and must be used in an unobtrusive manner.

(b) Flag. The flags of the United States and the State of Minnesota shall be displayed on or in close proximity to the bench when court is in session but need not be displayed at all times when using remote technology.

(c) Formalities in Opening Court. At the opening of each court day, the formalities to be observed shall consist of the following: court personnel shall direct all physically present to stand, and shall say clearly and distinctly:

Everyone please rise! The District Court of the _____ Judicial District, County of _____, State of Minnesota is now open. Judge _____ presiding. Please be seated.

(Rap gavel or give other signal immediately prior to directing audience to be seated.)

At any time thereafter during the day that court is reconvened court personnel shall give warning by gavel or otherwise, and as the judge enters, cause all physically present to stand until the judge is seated.

(The above rule (to) or (to not) apply to midmorning and midafternoon recesses of the court at the option of the judge.)

(d) The Jury. Court personnel shall assemble the jurors when court is reconvened.

When a jury has been selected and is to be sworn, the presiding judge or clerk shall request everyone physically present in the courtroom to stand.

(e) Court Personnel. Court personnel shall maintain order as litigants, witnesses and the public assemble in the courtroom, during trial and during recesses. Court personnel shall direct them to seats and refuse admittance to the courtroom in such trials where the courtroom is occupied to its full seating capacity. In proceedings where remote technology is used, court personnel shall assist with decorum as directed by the judge.

(f) Swearing of Witnesses. When the witness is sworn, court personnel shall request the witness's full name, and after being sworn, courteously invite the witness if physically present to be seated on the witness stand.

(g) Manner of Administration of Oath. Oaths and affirmations shall be administered to jurors and witnesses in a slow, clear, and dignified manner. Witnesses physically present in the courtroom

should stand near the bench, or witness stand as sworn. The swearing of witnesses should be an impressive ceremony and not a mere formality.

(Amended effective January 1, 1998; amended effective July 1, 2015; amended effective September 1, 2018; amended effective November 22, 2023.)

Advisory Committee Comment - 2015 Amendments

The amendments to Rule 2.01 bring the rule up to date with respect to modern distractions. The use of hand-held devices (such as mobile phones, smart phones, and laptop computers), or myriad other devices that are now ubiquitous can be just as distracting or disruptive as newspaper reading or loud conversation. The rule permits the presiding judge to place appropriate restrictions on the use of these devices. The rule incorporates the limitations of Rule 4 of these rules on the use of devices for audio- or video-recording of court proceedings.

Rule 2.02 Role of Judges

(a) Dignity. The judge shall be dignified, courteous, respectful and considerate of the lawyers, the jury and witnesses. The judge shall wear a robe at all trials and courtroom appearances. The judge shall at all times treat all lawyers, jury members, and witnesses fairly and shall not discriminate on the basis of race, color, creed, religion, national origin, sex, marital status, sexual orientation, status with regard to public assistance, disability, or age.

(b) Punctuality. The judge shall be punctual in convening court, and prompt in the performance of judicial duties, recognizing that the time of litigants, jurors and attorneys is of value and that habitual lack of punctuality on part of a judge justifies dissatisfaction with the administration of the business of the court.

(c) Impartiality. During the presentation of the case, the judge shall maintain absolute impartiality, and shall neither by word or sign indicate favor to any party to the litigation. The judge shall be impersonal in addressing the lawyers, litigants and other officers of the court.

(d) Intervention. The judge should generally refrain from intervening in the examination of witnesses or argument of counsel; however, the court shall intervene upon its own initiative to prevent a miscarriage of justice or obvious error of law.

(e) Decorum in Court. The judge shall be responsible for order and decorum in the court whether in person or using remote technology and shall see to it at all times that parties and witnesses in the case are treated with proper courtesy and respect.

(f) Accurate Record. The judge shall be in complete charge of the trial at all times and shall see to it that everything is done to obtain a clear and accurate record of the trial. It is a duty to see that the witnesses testify clearly so that the reporter may obtain a correct record of all proceedings in court.

(g) Comment Upon Verdict. The judge should not comment favorably or adversely upon the verdict of a jury when it may indirectly influence the action of the jury in causes remaining to be tried.

(Amended effective January 1, 1998; amended effective July 1, 2015; amended effective November 22, 2023.)

Advisory Committee Comment - 2015 Amendments

Rule 2.02(a) is amended to refer to "sexual orientation" rather than "sexual preference." This change is consistent with terms used in legislative definitions of prohibited discriminatory conduct.

See, e.g., Minnesota Statutes, section 363A.02 (Minnesota Human Rights Act); 82B.195, subdivision 3 (vii) (real estate appraisers).

Rule 2.03 Role of Attorneys

(a) Officer of Court. The lawyer is an officer of the court and should at all times uphold the honor and maintain the dignity of the profession, maintaining at all times a respectful attitude toward the court.

(b) Addressing Court or Jury. Except when making objections, lawyers physically present in the courtroom should rise and remain standing while addressing the court or the jury. In addressing the court, the lawyer should refer to the judge as "Your Honor" or "The Court." Counsel shall not address or refer to jurors individually or by name or occupation, except during voir dire, and shall never use the first name when addressing a juror in voir dire examination. During trial, counsel shall not exhibit familiarity with the judge, jurors, witnesses, parties or other counsel, nor address them by use of first names (except for children).

(c) Approaching Bench. The lawyers should address the court from a position at the counsel table. If a lawyer finds it necessary to discuss some question out of the hearing of the jury at the bench, the lawyer may so indicate to the court and, if invited, approach the bench for the purpose indicated. In such an instance, the lawyers should never lean upon the bench nor appear to engage the court in a familiar manner.

(d) Non-Discrimination. Lawyers shall treat all parties, participants, other lawyers, and court personnel fairly and shall not discriminate on the basis of race, color, creed, religion, national origin, sex, marital status, sexual orientation, status with regard to public assistance, disability, or age.

(e) Attire. Lawyers shall appear in court in appropriate courtroom attire.

(Amended effective January 1, 1998; amended effective July 1, 2015; amended effective November 22, 2023.)

Advisory Committee Comment - 1997 Amendment

The majority of this rule was initially derived from the former Rules of Uniform Decorum. The adoption of these rules in 1991 included these provisions in Part H, Minnesota Civil Trialbook. They are recodified here to make it clear that the standards for decorum, for lawyers and judges, apply in criminal as well as civil proceedings.

The Task Force on Uniform Local Rules considered the recommendations of the Minnesota Supreme Court Task Force on Gender Fairness, and recommended Rule 2.03(d) be adopted to implement, in part, the recommendations of that body. See Minnesota Supreme Court Task Force for Gender Fairness in the Courts, 15 Wm. Mitchell L. Rev. 825 (1989). The rule specifically incorporated the definition of discriminatory conduct in the Minnesota Human Rights Act, Minnesota Statutes 1990, section 363.01, subdivision 1, clause (1). The Task Force added to the statutory definition of discrimination the category of sexual preference.

The inclusion of these provisions in the rules is intended to establish uniform standards to be followed in most cases. Nothing in this rule limits the power of the court to modify the rules or their application in a particular case. See Rule 1.02. It is not intended that the failure to follow these rules, in itself, would be the subject of claimed error in the conduct of the trial court proceedings in the absence of aggravating circumstances, such as repeated violations or persistent violation after objections by a party or direction from the court.

Advisory Committee Comment - 2015 Amendments

Rule 2.03(d) is amended to refer to "sexual orientation" rather than "sexual preference." This change is consistent with terms used in legislative definitions of prohibited discriminatory conduct. See, e.g., Minnesota Statutes, section 363A.02 (Minnesota Human Rights Act); 82B.195, subdivision 3 (vii) (real estate appraisers).

Advisory Committee Comment - 2023 Amendments

Rule 2 is modified in 2023 to reflect broader use of remote court proceedings and the decorum challenges that arise in the remote context.