



# Welcome to Henning Mediation



[henningmediation.com](http://henningmediation.com)



# Introducing Randy Rich

- Presided over 300 jury trials, as well as the largest pending civil lawsuit in Georgia: the Georgia Opioid Litigation.
- Judge Rich founded the Gwinnett Business Court and was later named a Business Court Judge in the Metro Atlanta Business Court.
- Award-winning lawyer with a nationwide civil litigation practice
- Henning Mediator since 2021



# Professionalism in the Courtroom...

*Some Advice for Trial Lawyers*

Judge Randy Rich







# Your Next Favorite Mediator

- Full-time Neutral at Henning since 2021
- 16 Years on the Bench
- Real Experience, Real Results
- Scheduling now at [henningmediation.com/rich](https://henningmediation.com/rich) or 770-955-2252





# Where Does Professionalism Come From?

- What Is it?
- Where Does it Come From?
- How is it Different from Ethics?
- Chief Justice Convocation (1990)
- Lawyers Creed
- Aspirational Goals
- Judge/Lawyers/Justice System/Society

A black and white photograph of a pair of scales of justice, with a hand holding the top handle. The scales are slightly out of focus, and a yellow diagonal bar is overlaid on the left side of the image.

# Cases on Professionalism

- Butts v. State, 273 Ga 260 (2001)
- Justice Benham concurring opinion
- Civility
- What Client perceives
- What System expects



A black and white photograph of a pair of scales of justice, with a hand holding the top handle. The scales are slightly out of focus, and a yellow diagonal bar is overlaid on the left side of the image.

# Cases on Professionalism

- Buckner v. Buckner, 294 Ga. 705, 709 (2014)
- Settlement Agreement
- Wife did not agree that writing accurately reflected settlement
- Husband's lawyer got it signed anyway
- May have violated bar rules AND unprofessional

A black and white photograph of a pair of scales of justice, with the pans hanging from a central point. The scales are slightly out of focus, and a yellow diagonal bar is overlaid on the left side of the image.

# Cases on Professionalism

- [Smith v. State, 288 Ga. 348](#) (2010)
- Cobb Murder Trial
- CourtTV
- Prosecutor Birthday Cake 8 candles
- Conviction upheld
- Dissent: “preposterous” “absurd theatrical stunt” (implied prosecutor was auditioning to be the next Nancy Grace)



A close-up, black and white photograph of a pair of scales of justice, showing the metal pans and the central beam. The scales are slightly out of focus, with the background being a soft, blurred grey. A yellow diagonal bar is visible in the top left corner of the slide.

# The Judge

- Fair
- Impartial
- No Appearance of Impropriety (ex parte)
- Recuse when warranted
- Even Temperament
- Timely Decisions
- Follow Rule of Law
- Just Punishment in Criminal Cases

A close-up, black and white photograph of a pair of scales of justice, showing the metal pans and the central beam. The scales are slightly out of focus, with the background being a blurred grey. A yellow diagonal bar is visible in the top left corner.

# The Judge?

- Fair?
- Impartial?
- No Appearance of Impropriety?
- Recuse when warranted?
- Even Temperament?
- Timely Decisions?
- Follow Rule of Law?
- Just Punishment in Criminal Cases?

A close-up, black and white photograph of a pair of scales of justice, showing the metal pans and the chain. The scales are slightly out of focus, with the top part being sharper. A yellow diagonal bar is overlaid on the top left corner of the image.

# Judge Falls Short

- JQC Complaint?
- Recusal Request?
- Appeal?
- Talk to Judge after case is over?
- Talk to Judge with opposing counsel while case is pending?
- Try to get back to Square One



A vertical image on the left side of the slide showing a close-up of a pair of scales of justice. The scales are made of metal and have two pans hanging from a central point. The background is a gradient of yellow and grey.

# Reputation

- Reputation follows you
- Daily Report
- Consequences
- Other Lawyers
- Judges
- Long time to repair damage to reputation
- My own reputation?

A black and white photograph of a pair of scales of justice, with a hand holding the top handle. The scales are slightly out of focus, and a yellow diagonal bar is overlaid on the left side of the image.

# What We Expect from Lawyers

- Honest
- Straight Forward
- Up Front
- Pleasant Temperament
- Reasonable
- Follow Rules of Procedure
- Refer Only to Admissible Evidence
- Follow Court Rulings
- Lawyers Creed



# **Top 10 Things to Avoid in the Courtroom**





# Number 10:

**Directing Comments to the  
Other Lawyer, Not the Court**



# Number 9:

## Not Requiring Judge to Rule on Objections

- “I think I am required for the record to request a ruling...”
- Mistrial
- Curative instruction
- Mistrial again



# Number 8:

## **Overt Displays of Dissatisfaction to Rulings by the Court**

- Put your issue on the record at the next break – no display in front of jury





# Number 7:

## **Disrespectful to Courtroom Procedures or to the Court**

- Be on time
- Be ready
- Behave
- Take up matters without necessity  
for repetitive breaks



# Number 6:

## Non-Legal Objections

- What about when the other side does it?
- Maintain composure

# Number 5:

## Overly Theatrical

- Don't give the impression you are wasting time





# Number 4:

## Ignoring Court Instructions/Rulings

- Sangster v. Dujinski, 264 Ga. App. 213 (2003)





# Number 3:

## Turning Court Proceedings Into a Lawyer Contest

- “actually, .....your honor, my understanding of the rules of evidence is .....
- In re: Finklestein, 901 F.2d 1560



## Number 2:

### **Making Closing Argument in Response to Evidentiary Objection**

- “I object to counsel trying to imply.....”
- Don’t be perceived as wasting time



# Number 1:

## Letting Frustration Prevent Making The Record

- Put in on the record at the next break
- Motion for Mistrial
- Motion for Curative Instruction
- Re-new Motion for Mistrial





**HENNING**  
Mediation & Arbitration Service, Inc.

Judge Randy Rich