



THE VASSAR B. CARLTON
AMERICAN INN OF COURT

Brevard County, Florida

HANDBOOK

Civility • Ethics • Professionalism • Legal Excellence

Table of Contents

1. Mission of the Inn
2. English Inns of Court
3. American Inns of Court
4. Vassar B. Carlton American Inn of Court History
5. Professional Creed of the American Inns of Court
6. Professional Conduct Guidelines of the Vassar B. Carlton American Inn of Court
7. Internal Policies of Vassar B. Carlton American Inn of Court
 - 7.A. Membership Classifications and Term Limits
 - 7.B. Meetings and Attendance Requirement
 - 7.C. Team Participation
 - 7.D. Dues
 - 7.E. Awards
 - 7.F. Recommended Program Guidelines
8. Websites

1. Mission of the Inn

The mission of the American Inns of Court is to foster excellence in professionalism, ethics, civility, and legal skills. Inn members seek to achieve these goals through education, through mentoring activities, and through the promotion of interaction and collegiality among judges, lawyers, law students, and others.

2. English Inns of Court

Since their inception in the Middle Ages, the English Inns of Court have been dedicated to educating future barristers in the standards of competency and ethics required of those who seek to become legal advocates. In the collegial environment of the Inns, judges and master lawyers taught students of the law to become barristers. Through the conduct of “moots,” the master lawyers and judges presided over mock arguments in which students argued difficult points of law. The collegial environment fostered common goals and nurtured professional ideals and ethics.

Today, the English Inns serve as both professional associations and collegiate educational institutions. Every English barrister must belong to one of the four Inns of

Court: Gray's Inn, Lincoln's Inn (the oldest, which dates back to at least 1422), Inner Temple, or Middle Temple. Each Inn of Court is a self-contained campus in London that provides libraries, dining facilities, and professional accommodation. Present-day students, barristers, and "benchers" (masters of the bench) still dine in their Inn's halls, study in the library, and work in some of the chambers that function as offices.

3. American Inns of Court

The American Inns of Court began as the result of a discussion in the late 1970's among the United States members of the Anglo-American Exchange of Lawyers and Judges, including Chief Justice of the United States Warren E. Burger.

The first American Inn of Court was founded in 1980 in the Provo/Salt Lake City area of Utah. Within the next three years additional American Inns formed in other regions. Thereafter, a committee of the Judicial Conference of the United States found that the American Inn concept was of value to the administration of justice and proposed the formation of a national organization to promote the

goals of legal excellence, civility, professionalism and ethics. In 1985 the American Inns of Court Foundation was organized to support the Inns and to promote those goals on a national level.

Loosely based on the English Inns of Court, there are today nearly 400 chartered American Inns of Court in 48 states, the District of Columbia, Guam, and Tokyo. More than 30,000 active members nationwide encompass a wide cross-section of the legal community, including federal and state judges, lawyers, law professors, and law students.

4. Vassar B. Carlton American Inn of Court History

The Vassar B. Carlton American Inn of Court was founded in 1992 by Judge Clarence T. Johnson, Jr. The Inn was named after Justice Vassar B. Carlton, who served in Brevard County as both a county court judge and circuit judge. At the time he became a county court judge in 1941, Vassar B. Carlton was the youngest judge in Florida at 27 years old. Elected to the Florida Supreme Court in 1969, Justice Carlton became Chief Justice of the Florida Supreme Court in 1973. Justice Carlton retired from the Florida Supreme Court in 1974. He died in 2005 at the age of 92.

5. Professional Creed of the American Inns of Court

Whereas, the Rule of Law is essential to preserving and protecting the rights and liberties of a free people; and

Whereas, throughout history, lawyers and judges have preserved, protected and defended the Rule of Law in order to ensure justice for all; and

Whereas, preservation and promulgation of the highest standards of excellence in professionalism, ethics, civility, and legal skills are essential to achieving justice under the Rule of Law;

Now, therefore, as a member of an American Inn of Court, I hereby adopt this professional creed with a pledge to honor its principles and practices:

- *I will treat the practice of law as a learned profession and will uphold the standards of the profession with dignity, civility and courtesy.*
- *I will value my integrity above all. My word is my bond.*
- *I will develop my practice with dignity and will be mindful in my communications with the public that what is constitutionally permissible may not be professionally appropriate.*
- *I will serve as an officer of the court, encouraging respect for the law in all that I do and avoiding abuse or misuse of the law, its procedures, its participants and its processes.*

- *I will represent the interests of my client with vigor and will seek the most expeditious and least costly solutions to problems, resolving disputes through negotiation whenever possible.*
- *I will work continuously to attain the highest level of knowledge and skill in the areas of the law in which I practice.*
- *I will contribute time and resources to public service, charitable activities and pro bono work.*
- *I will work to make the legal system more accessible, responsive and effective.*
- *I will honor the requirements, the spirit and the intent of the applicable rules or codes of professional conduct for my jurisdiction, and will encourage others to do the same.*

6. Professional Conduct Guidelines of the Vassar B. Carlton American Inn of Court

WHEREAS, the Vassar B. Carlton American Inn of Court is an organization comprised of judges and attorneys that are committed to the practice of law in Brevard County, Florida; and

WHEREAS, this Inn's members are dedicated to legal excellence, civility, ethics, and professionalism in the practice of law; and

WHEREAS, this Inn, along with following the Professional Creed of the American Inns of Court, always strives to ensure the highest ethical standards of conduct in the practice of law.

THEREFORE, the Vassar B. Carlton American Inn of Court, through its Executive Committee,

HEREBY resolves and adopts these Professional Conduct Guidelines that shall be embraced and followed by all Inn members.

PROFESSIONAL CONDUCT GUIDELINES

I. Scheduling

1. Attorneys should attempt to coordinate scheduling matters with the other side. Only after making reasonable efforts to communicate with the other side and not being successful should attorneys unilaterally schedule hearings or depositions.
2. Attorneys should grant reasonable requests for extensions of time within which to respond to pleadings, discovery and other matters when such an extension will not prejudice their client or unduly delay a proceeding.

II. Service of Papers

Papers and memoranda of law should not be served at court appearances without advance notice to opposing counsel. The submission of the paper or memoranda of law should allow sufficient notice to opposing counsel to prepare for that appearance or to respond to the papers.

III. Communication with Adversaries

1. Counsel should at all times be civil and courteous in communicating with adversaries, whether in writing or orally.
2. Unless permitted by the court, copies of letters between counsel should not be sent to judges.

IV. Depositions

1. In scheduling depositions, reasonable consideration should be given to accommodating schedules of opposing counsel and of the deponent, where it is possible to do so without prejudicing client's rights.
2. At the deposition, counsel should refrain from repetitive or argumentative questions. Counsel should not harass the witness by repeating questions after they are answered, by raising the questioner's voice, or by appearing angry at the witness.
3. Counsel defending a deposition should limit objections to those that are well founded and permitted by the evidence code and applicable rule of procedure. When objecting to the form of the question, counsel shall state "I object to the form of the question." If the specific grounds are requested by the examining attorney, they should be stated succinctly.

4. Counsel defending a deposition should not through objection or otherwise suggest answers to a witness. Counsel defending a deposition should not direct a deponent to refuse to answer questions unless they seek privileged information.

V. Document Requests

1. Demands for production of documents should be limited to documents actually and reasonably believed to be needed and not to harass or embarrass a party or witness or to impose an inordinate burden or expense on the party responding.
2. Documents should be withheld on the grounds of privilege only where appropriate and if privilege is asserted, a privilege log should be prepared.
3. Counsel should not produce documents in a disorganized or unintelligible fashion, or in a way calculated to hide or obscure the existence of particular documents.

VI. Motion Practice

1. Before setting a motion for hearing, counsel should make a reasonable effort to resolve the issue.
2. Following the hearing on a motion, the attorney charged with preparing the proposed order should prepare it promptly. The attorney so charged should promptly provide the proposed order to opposing counsel for approval prior to submitting it to the court. Opposing counsel should promptly communicate objections to the proposed order. The drafting attorney should immediately submit a copy of the proposed order to the court advising

the court as to whether or not it has been approved by opposing counsel. If objections have not been resolved, the drafting attorney should submit the proposed order to the court as well as clearly state any unresolved objections.

VII. Ex-Parte Communications

1. An attorney should avoid ex-parte communications on the substance of a pending case with a judge before whom such case is pending.
2. Copies of submissions to the court (correspondence, memoranda of law, case law, etc.) should simultaneously be provided to opposing counsel by substantially the same method of delivery by which they are provided to the court.

VIII. Conduct Toward Counsel, Court, and Participants

1. Attorneys should refrain from criticizing or denigrating the court, opposing counsel, parties, or witnesses, before their clients, the public, or the media, as it brings dishonor to our profession and destroys the level of professionalism to which we aspire and wish to maintain.
2. Attorneys should be and should impress upon their clients and witnesses the need to be courteous and respectful and not to be rude or disruptive with the court, opposing counsel, parties, and witnesses and to always act in a collegial fashion.
3. Attorneys should make an effort to explain to witnesses the purpose of their required attendance at depositions, hearings, or trials. They should further attempt to accommodate the schedules of witnesses when setting or resetting their

appearance and promptly notify them of any cancellations.

4. Attorneys should respect and abide by the spirit and letter of all rulings of the court, and advise their clients to do the same.

IX. Candor to the Court and Opposing Counsel

1. Attorneys should not knowingly misstate, misrepresent or distort any fact or legal authority to the court or to opposing counsel and shall not mislead by inaction or silence. Further, if this occurs unintentionally and is later discovered, it should immediately be disclosed or otherwise corrected.
2. Attorneys shall also advise the court of legal authority which is clearly contrary to their clients' legal positions.

X. Courtroom Conduct

1. An attorney should always deal with parties, counsel, witnesses, jurors or prospective jurors, court personnel and the judge with courtesy and civility and avoid undignified or discourteous conduct which is degrading to the court.
2. Be punctual and prepared for any court appearance.
3. Stand as court is opened, recessed, or adjourned; when the jury enters or retires from the courtroom; and when addressing, or being addressed by the court.

4. Examination of jurors and witnesses should be conducted from a suitable distance. An attorney should not crowd or lean over the witness or jury and during interrogation should avoid blocking opposing counsel's view of the witness.
5. Counsel should address all public remarks to the court, not to opposing counsel.
6. An attorney should avoid disparaging personal remarks or acrimony toward opposing counsel.
7. Counsel should refer to all adult persons, including witnesses, other counsel, and the parties by their surnames and not by their first or given names.
8. Only one attorney for each party shall examine, or cross examine each witness. The attorney stating objections, if any, during direct examination, shall be the attorney recognized for cross examination.
9. Counsel should request permission before approaching the bench. Any documents counsel wishes to have the court examine should be handed to the clerk.
10. Any paper or exhibit not previously marked for identification should first be handed to the clerk to be marked before it is tendered to a witness for examination. Any exhibit offered in evidence should, at the time of such offer, be handed to opposing counsel.
11. In making objections, counsel should state only the legal grounds for the objections and should withhold all further comment or argument unless elaboration is requested by the court.

12. Generally, in examining a witness, counsel shall not repeat or echo the answer given by the witness.
13. Offers of, or requests for any stipulations should be made privately, not within the hearing of the jury, unless the offeror knows or has reason to believe the opposing attorney will accept it.
14. In opening statements and in arguments to the jury, counsel shall not express personal knowledge or opinion concerning any matter in issue.
15. Counsel shall admonish all persons at counsel table that gestures, facial expressions audible comments, or the like, as manifestations of approval or disapproval during the testimony of witnesses or at any other time, are absolutely prohibited.
16. An attorney's word should be his or her bond. The attorney should not knowingly misstate, distort, or improperly exaggerate any fact or opinion and should not improperly permit the attorney's silence or inaction to mislead anyone.
17. In appearing in his or her professional capacity before a tribunal, an attorney should not:
 - a. state or allude to any matter that he or she has no reasonable basis to believe is relevant to the case or that will not be supported by admissible evidence;
 - b. ask any question that he or she has no reasonable basis to believe is relevant to the case and that is intended to degrade a witness or other person;

- c. assert one's personal knowledge of the facts in issue, except when testifying as a witness;
 - d. assert one's personal opinion as to the justness of a cause, as to the credibility of a witness, as to the culpability of a civil litigant, or as to the guilt or innocence of an accused; but may argue, based on the attorney's analysis of the evidence, for any position or conclusion with respect to the matter stated therein.
18. A question should not be interrupted by an objection unless the question is patently objectionable or there is reasonable ground to believe that matter is being included which cannot properly be disclosed to the jury.
19. An attorney should not attempt to get before the jury evidence which is improper.

XI. Family Law Matters

- 1. An attorney should strive to lower the emotional level of family disputes by treating counsel and the parties with respect.
- 2. When the client's decision making ability appears to be impaired, the attorney should try to protect the client from the harmful effects of the impairment.
- 3. An attorney may not represent both parties in a family law matter.

4. An attorney should advise the client of the potential effect of the client's conduct in disputes involving children.
5. An attorney representing a parent should consider the welfare of minor children and seek to minimize the adverse impact of family law litigation on minor children.

Resolved and adopted by the Vassar B. Carlton American Inn of Court in August 2010. Many thanks to Judge Dean Moxley, Jr., for his efforts in drafting these professional conduct guidelines.

Executive Committee (2010-2011)

7. **Internal Policies of Vassar B. Carlton American Inn of Court**

Please consult the information packet disseminated to the Inn membership at the beginning of the Inn year for specific information. The following topics generally address some frequently asked questions.

A. **Membership Classifications and Term Limits**

The Vassar B. Carlton American Inn of Court has four classifications of active membership: Masters of the Bench, Barristers, Associates, and Pupils. Classifications are generally based on how many years the lawyer has been practicing law. The Inn tries to offer the Inn experience to as many attorneys as possible. Therefore, terms of membership are “rotated” so that the Inn will have openings for new candidates.

Masters of the Bench are the most experienced members of the profession who normally have fifteen or more years of legal experience after admission to the Bar. Masters also have demonstrated some

extraordinary level of commitment to the Inn. Masters have no pre-set term of membership and do not rotate out of the Inn.

Barristers typically have between five and fifteen years of legal experience. Barristers typically serve a three-year term of membership.

Associates generally have between one and five years of legal experience. Associates serve a two-year term of membership.

Pupils are law school students who have been recommended by their law schools for participation in the Inn. The membership term for pupils is one year.

Inactive Members. The Executive Board may confer Emeritus and Honorary status. **Emeritus** members are designated from among Masters on the basis of long and distinguished service to the Inn. **Honorary** members are designated on the basis of distinguished service to the bench or bar, furtherance of the American Inns of Court objectives, or other noteworthy achievements.

Both Emeritus and Honorary members are exempt from attendance requirements.

B. Meetings and Attendance Requirement

The Inn holds monthly dinner meetings September through April, with the exception of December. At each monthly meeting, an Inn team presents a formal program to the assembled Inn membership. CLE credits are usually available for both presenters and attendees.

Dinner meetings are normally held on the first Wednesday of the month. Please consult the calendar of meeting dates distributed at the beginning of the Inn year for the current meeting schedule.

All Inn members (except Emeritus and Honorary members) must attend 4 out of the 7 dinner meetings.

C. Team Participation

Teams, or pupillage groups, are the core membership units of the Inn. Members are assigned to one of seven teams. Each team is assigned a topic to

be presented to the full Inn membership at a dinner meeting. Each team member is expected to participate fully in the team. Because our teams strive for excellence, team membership requires each team member to devote extra time for team meetings. Each team decides how much preparation and rehearsal will be required to put together a professional program presentation.

D. Dues

The Inn is supported entirely by the dues paid by the membership at the beginning of the Inn year. Dues are set by the Executive Board to enable the Inn to meet its financial obligations, principally to pay for the monthly dinner meetings and to pay annual dues to the American Inns of Court Foundation.

At present, the tariff of dues is:

Pupils	\$125.00
Associates	\$140.00
Barristers	\$225.00
Masters	\$300.00
Emeritus	\$125.00 + Cost of Dinner

Please consult the packet distributed to the membership at the beginning of the Inn year for the current dues tariff for each year.

E. Awards

At the annual banquet at the end of the Inn year, the Vassar B. Carlton American Inn of Court presents several awards for outstanding participation. Awards include Mentor of the Year, Captain of the Year, Associate of the Year, Barrister of the Year, and the Frank R. Pound, Jr. Award for Best Presentation. The Clarence T. Johnson, Jr. Member of the Year is chosen from among associates and barristers whose contributions to the Inn are particularly noteworthy. One of the most coveted awards is the “Ham” Award, presented to the member whose performance in a skit was most memorable.

F. Recommended Program Guidelines

05 Minutes	Team Intro Including Brief Bios	(Provide Hard Copy with Program Submission)
05 Minutes	Ethics Moment Relating to Topic	(Provide Hard Copy with Program Submission)
05 Minutes	Mentor Moment	
15 Minutes	Historical Cases & Statutory Overview of Topic	Powerpoint Recommended
20 Minutes	Presentation of Fact Pattern	Skit with Full Team Involvement Recommended
20 Minutes	Identification of Issues	Multiple Team Member Involvement or One MC
20 Minutes	Audience Involvement Q&A	

It is recommended that the Fact Pattern/Identification of Issues/ Audience Involvement be broken into three parts in order to retain the attention of the audience. A sample fact

Civility • Ethics • Professionalism • Legal Excellence

pattern with related issues is provided as an example and may be used by the team for presentation. The team is requested to select a title for the presentation and provide it to Amy Romaine (amyromaine@cs.com) no later than two (2) weeks prior to the presentation.

Each team is requested to maintain a timekeeper to keep the presentation on schedule. A disk including the team bios, ethics moment, powerpoint presentation, fact pattern, issue identification, and any handouts must be turned in to Amy Romaine (amyromaine@cs.com) no later than three (3) weeks from the night of the presentation.

8. Websites

National Website. The national American Inns of Court maintains a website (<http://innsofcourt.org>) with numerous informative and enriching resources. One handy resource is the “Frequently Asked Questions” section, which addresses topics such as how to log in to the website, how to find out your password, and how to update your profile and contact information.

To find the “Frequently Asked Questions” section:

- *Navigate to the American Inns of Court home page.*
- *Click on the “About Us” tab near the top of the page.*
- *On the right side of the “About Us” page is a shaded box; click on “Frequently Asked Questions.”*

Vassar B. Carlton American Inn of Court Website.

The website for the Vassar B. Carlton American Inn of Court (www.innsofcourt.org/vbc) may be reached through the home page of the American Inns website:

- *Navigate to the American Inns of Court home page.*
- *Click on “Find an Inn”*
- *Click on “zipcode” or “inn name” to navigate to the Vassar B. Carlton American Inn of Court home page.*

Logging In to Member Account. Members do need to log in for tasks such as updating the member's profile or ordering a program from the online Program Library. See the "Frequently Asked Questions" section discussed above for log-in help.