

STATE OF MINNESOTA

DISTRICT COURT

EIGHTH JUDICIAL DISTRICT

ADMINISTRATIVE POLICY NUMBER 22

PUBLIC CONTACT GUIDELINES

The Eighth Judicial District Judges met on September 9, 1994 and discussed the adoption of the TQM Public Contact/Protocol Team guidelines for the Eighth Judicial District.

On motion, second and majority vote of the Eighth Judicial District Judges, the attached guidelines are adopted.

Dated: *October 31, 1994*

B. W. Christopherson

BRUCE W. CHRISTOPHERSON
CHIEF JUDGE
EIGHTH JUDICIAL DISTRICT

PUBLIC CONTACT/PROTOCOL
GUIDELINES AND TRAINING

EIGHTH JUDICIAL DISTRICT

1994

BASIC TELEPHONE ETIQUETTE

1. Know your telephone equipment.
 - a. Learn about features on your telephone system right away and have notes about codes you will need to know.
 - b. Practice.
2. Voice is important.
 - a. Only 7% of what you communicate comes from the actual words you use, 55% is visual and the remaining 38% comes from how you sound.
 - b. As an employee, you are giving an impression of our office every time you speak. Even though questions or information may be redundant, as professionals, court personnel need to remember and realize that this might be the only time or experience the public will have to deal with the court system and therefore, personnel must display interest and eagerness to help our external and internal customers.

Consider these areas when answering the phone:

1. Pitch-low is easier to listen to.
2. Inflection-speak with feeling rather than monotone.
3. Courtesy-always remember your customer.
4. Tone-your voice should reflect sincerity, interest and confidence.
5. Understandability-pronounce words clearly. Please do not talk when you have something in your mouth.
6. Rate-do not speak too fast.
7. Be positive, and enthusiastic.

GREETINGS

1. Answer before third ring if possible.
2. Have energy in your voice.
3. Use Mr., Ms., Mrs., or Miss when addressing the caller, if you know them well use first name.
4. Use a professional greeting.
 - a. State Organization, "Court Administrator."
 - b. State your name.
 - c. Offer your help.
5. Listen to the caller:
 - a. Listen patiently and respectfully to others.
 - b. Ask questions, paraphrase, give feedback and summarize what you heard.
 - c. Listening attentively is the greatest compliment you can give an external and internal customer, and the most effective bridge to good communication.
6. When using voice-messaging, let the caller know that the party is unavailable, ask the caller if he would like to leave a message on the individual's answering machine, if someone else could help, if you can take a message; or if the caller would like to call at a later time.

DEALING WITH DIFFICULT CUSTOMERS VIA PHONE AND COUNTER

It is important to remember that if a customer is dissatisfied with an organization, this person will tell 10-15 other people. Thus, it is imperative for our organization to handle complaints in a professional manner.

1. Remember, most of the time the person is not mad at you but mad at the problem or situation.
2. Acknowledge the problem sincerely and quickly. Let the customer know you wish to help.
3. Be an empathetic listener.
4. Relate solutions to the problem.
5. Be pleasant, firm, and hold your emotions back.

ON HOLD

For a customer placed on hold, waiting for over thirty seconds to receive a response or answer can be too long and frustrating. Please do not leave a caller on hold for a long period of time. If a caller is going to be on hold for a long time, ask the caller if they would like to continue holding or if they would like their call returned.

TELEPHONE AND MESSAGE MANAGEMENT

The ability to accurately take and leave messages remains a basic element of good communication and etiquette.

1. Treat every message as an important call.
2. Be courteous and informative.
3. Offer assistance to the caller.
4. Take complete and correct notes.
Note the caller's name, phone number, date and time of call, what the call is regarding, and put your name on the message.
5. Double check the information.

BASIC COURTEOUS GUIDELINES VIA TELEPHONE, COUNTER, AND COURTROOM

- Always meet the customer at the counter when he or she enters.
- Always be courteous and use "thank you."
- Personalize calls, note caller's name and use, it.
- End calls pleasantly, restating any action to be taken.
- Give your total focus to the customer. Avoid background noises and do not carry on two conversations at one time.
- Please do not eat, drink or chew gum while on the phone, in the courtroom or waiting on someone at the counter.
- Be careful with the language you choose and the tone of your voice.
- Show respect for every caller and customer.
- Be tactful and show patience with rude callers and customers.
- Return calls as soon as possible.

COURTROOM CHECKLIST

BEFORE COURT OPENS:

1. Check to see if electronic court reporting equipment is operating properly.
 - a. Check to see if you have enough tapes.
 - b. Check to see if you have enough logsheets.
 - c. Check to see if sound system is operating properly.
 - d. Check lighting to make sure lighting is adequate.
 - e. Make sure Bailiffs are directing defendants to proper courtroom, and make sure participants remove their hats, tobacco, beverages, and cameras and tape recorders from the courtroom.
 - f. Make sure you notify the presiding judge of the names he or she will be dealing with in court, such as the name of the clerk, court reporter, bailiffs, names of local court personnel and agencies, and names of and attorneys involved in the case.
 - g. Make sure the court reporter fills out a Substitute Court Reporter Sheet.
2. Be sure that you have the files and other necessary documents.
 - a. Jury box containing jurors names on slips of paper. Also that the slips are numbered to correspond with number on Jury list.
 - b. Complete Jury List, numbered to correspond to numbers in jury box.
 - c. Have necessary forms, such as jury list, form to write down names of jurors as drawn. List also used by attorneys in peremptory challenge.
 - d. Have necessary verdict forms.
 - e. Have affirmations available.
 - f. Have minute-record sheets.
 - g. Have easel board or chalkboard available.
 - h. X-ray view box (if needed).
 - i. Sufficient number of pencils and scratch pads if needed by jurors.

COURT DECORUM

The Public Contact/Protocol team has adopted the Rules of Practice from the Minnesota Civil Trialbook. The Rules are defined as follows:

Section 2. Court Decorum

- (1) 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.

- (2) 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 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.)

This procedure should be done before each major block of court such as conciliation, traffic and criminal arraignments, and jury trials. This procedure must be done each day during the opening of court and before the first session in the afternoon.

- (3) Court Personnel. Before court is in session, court personnel shall maintain order. Court personnel shall direct witnesses and the public to their seats and refuse admittance to the courtroom in such proceedings where the courtroom is occupied to its full capacity. In addition, court personnel shall direct the participants that no food, beverages, tobacco, hats (unless required for religious purposes), or video cameras are allowed in the courtroom.
- (4) Administration of Affirmation. Court personnel shall say to the witness, “please raise your right hand, state your full name and spell your last name.” The court personnel shall then affirm the witness by saying:
 “Do you affirm, under penalty of perjury, that the testimony you will give during this proceeding will be true? If so, answer, “I do.”

Make sure to administer the affirmation in a slow, clear, and dignified manner. Witnesses should stand near the bench, or witness stand as sworn. The affirmation of witnesses should be an impressive ceremony, and not a mere formality.

Section 3. Role of Judges

- (1) Dignity. The judge shall be dignified, courteous, respectful and considerate of the lawyers, court personnel, the jury and witnesses. The judge shall wear a robe at all trials, and courtroom appearances. The judge shall not discriminate against any legislatively protected class of people.
- (2) The judge shall be punctual in convening court, and prompt in the performance of judicial duties. The judge shall be impartial and shall not indicate favor to any party to the litigation.

Section 12. Exhibits

- (1) Marking of Exhibits First Disclosed During Trial. When an exhibit is first disclosed, the proponent shall have it marked for identification before referring to it. The person clerking court or the court reporter shall mark the exhibit by saying:
 “Exhibit number ____ has been marked for identification.”

TITLE I. RULES APPLICABLE TO ALL COURT PROCEEDINGS

Rule 2.01 Conduct of Judges and Lawyers

Dignity and solemnity shall be maintained in the courtroom. There shall be no unnecessary conversation, loud whispering, newspaper or magazine reading or other distracting activity in the courtroom while court is in session.

Rule 2.02 Addressing Court or Juror

Except when making objections, lawyers shall rise and remain standing while addressing the court or the jury. During court proceedings, counsel shall not exhibit familiarity with the judge, court personnel, jurors, witnesses, parties or other counsel, nor address them by first names (except for children).

Familiarity With Witnesses, Jurors and Opposing Counsel

Lawyers and judges shall not exhibit undue familiarity with court personnel, adult witnesses, parties, jurors, or opposing counsel, or with each other and the use of first names shall be avoided. In arguments to the jury, no juror shall be singled out and addressed individually. When addressing the jury, the lawyers shall first address the court, who shall recognize the lawyer.

AFFIRMATIONS

WITNESS:

Do you affirm, under penalty of perjury, that the testimony you will give during this proceeding will be true? If so, answer, "I do."

JURORS BEFORE EMPANELLING:

Do you affirm, under penalty of perjury, that you will give true answers to all questions concerning your ability to serve as a fair and impartial juror? If so, answer, "I do."

JURORS AFTER EMPANELLING:

Do you affirm that you will pay attention during this trial, follow the instructions of the judge, not discuss this case with anyone outside the jury, and keep your verdict secret until it is delivered to the Court? If so, answer, "I do."

GRAND JURY:

Do you affirm that you will decide this matter to the best of your ability and according to law and that you will not discuss these grand jury proceedings with anyone outside of the jury? If so, answer, "I do."

BAILIFFS:

Do you affirm that you will keep these jurors together, separate from all other persons, that you will not allow anyone to communicate with them or overhear their deliberations. That you will not make any comment to them about the law or the facts in this case, and that you will not disclose to anyone, except this Court, anything you may learn from their deliberations? If so, answer, "I do."

INTERPRETER:

Do you affirm that you will accurately interpret to the defendant or witnesses who do not understand English all that is said in this proceeding and that you will repeat in English to the Court all statements made by the defendant or witness? If so, answer, "I do."

JURY TRIALS

BEFORE TRIAL:

1. Make enough copies of original jury panel list for each attorney, the court reporter and the judge.
2. Prepare substitute court reporter form for court reporter. Make sure the court reporter is coming.
3. Get sign-in sheet for bailiffs to use for jury.
4. Check a couple of jury slips to make sure you have the right panel. Before putting the slips in the box, take excused or absent jurors' slips out so that when the clerk is calling juror numbers and names it doesn't appear that the clerk is rejecting slips that are drawn even though the clerk is doing so because the clerk knows that panel member is not present. Put the slips in-the box. Have affirmations ready and jury sheet ready to write the names on as the names are drawn from the box.
5. Make sure there are enough seats for jurors for voir dire. If it is a felony trial, there are 20 jurors seated. If it is a gross misdemeanor or misdemeanor trial, 14 are seated. If it is a civil trial, 10 are seated.
6. Give bailiff the sign-in sheet; put copies of jury list on counsel tables and the bench as well as the sheets the attorneys, judge and reporter use to write juror names on.
7. Make note on court minutes when jury selection began.

DURING TRIAL:

1. When the judge enters the courtroom, state the following:
All rise, please. The District Court of the Eighth Judicial District, County of _____,
State of Minnesota is now open. Judge _____presiding. Please be seated.
2. After the judge's opening remarks about the case, the entire panel shall be affirmed by the clerk to truthfully answer the voir dire questions put to them. Instruct the panel to raise their right hands and administer the following affirmation:

JURORS BEFORE-EMPANELING:

Do you affirm, under penalty of perjury, that you will give true answers to all questions concerning your ability to serve as a fair and impartial juror? If so, answer, "I do."

3. The judge will instruct the clerk how many jurors to seat.

The clerk says, "As your name is called, please come forward and take a seat in the jury box as directed by the bailiff."

Begin drawing names from the box. In a loud clear voice say the juror number and name. Then write the name on the sheet. Continue in this manner until all names are drawn.

The usual manner for seating jurors is:

- A. Civil: Seat 10 people. 2 strikes for plaintiff and 2 strikes for defendant. NET IS 6 JURORS.
- B. Criminal:
 - Misdemeanor: Seat 14 people. 3 strikes for plaintiff and 5 strikes for defendant. NET IS 6 JURORS.
 - Gross Misdemeanor: Seat 14 people. 3 strikes for plaintiff and 5 strikes for defendant. NET IS 6 JURORS.
 - Felony: Seat 20 people. 3 strikes for plaintiff and 5 strikes for defendant. NET IS 12 JURORS.
- C. Variations: Seat one at a time or seat 6 or 12 at a time. Then clerk must keep track of strikes on the sheet. Number of strikes for criminal cases remains the same regardless of how many are seated to start with.

4. Now the lawyers will proceed to question the jurors. If a juror is excused by the Court, draw a line through the name and indicate on the sheet "Court excused." If using Variation C above and one of the lawyers strikes, indicate this on the sheet. Draw another name, announce it, write it on the sheet, and give the affirmation- again.

After panel of jurors is passed by the lawyers and the procedure is A or B, the jury sheet is handed to the defendant's lawyer first. The lawyers pass the sheet between them and make their strikes. End result is either 6 or 12 jurors.

After lawyers have completed the strikes, hand the sheet to the judge so he or she can check it over. Read the names of those jurors stricken and ask them to have a seat in the back of the courtroom.

5. Ask everyone in the courtroom to rise, ask the jurors to raise their right hands, and then read the following affirmation:

JURORS AFTER IMPANELING:

Do you affirm that you will pay attention during this trial, follow the instructions of the judge, not discuss this case with anyone outside the jury, and keep your verdict secret until it is delivered to the Court? If so, answer, "I do."

6. Sometime before the close of the evidence, prepare the verdict forms. You need one "guilty form" and one "not guilty form" for each count in a criminal trial. In a civil trial, the judge or law clerk will have a verdict prepared.
7. If clerking the entire trial, court minutes should indicate recesses and the time of following:
 - A. Preliminary instructions by judge.
 - B. Opening statements by the lawyers.
 - C. Witnesses for plaintiff and exhibits.
 - D. Time plaintiff rests.
 - E. Witnesses for defendant and exhibits.
 - F. Time defendant rests.
 - G. Rebuttal, if any.
 - H. Closing remarks by lawyers.
 - I. Instructions by the Court.
 - J. Affirm bailiffs.
 - K. Time jury retires to deliberate.
 - L. Time jury asks a question or for further instructions, if any.
 - M. Time jury returns verdict. Also note this time on the verdict form.

BAILIFF AFFIRMATION:

Do you affirm that you will keep these jurors together, separate from all other persons, that you will not allow anyone to communicate with them or overhear their deliberations, that you will not make any comment to them about the law or the facts in this case, and that you will not disclose to anyone, except this Court, anything you may learn from their deliberations? If so, answer "I do."

JUDGE AND DEFENDANT ONLY HAVE TO BE PRESENT FOR THE READING OF A FELONY VERDICT.

Ask the judge if the judge prefers to read the verdict or if the judge wants the clerk to read it.

8. If the clerk reads the verdict, first ask: “Members of the jury, have you reached a verdict?”
“May I have the forms, please?”

Hand the forms to the judge if the judge is there. If not, check that the forms are properly signed. Then read the signed form(s) aloud word for word and ask “Is this your verdict as I have read it to you?”

9. Have the jury list on the desk in the event someone wants the jury polled after the verdict is given. If the clerk is taking the verdict without the judge being present, the jury should be polled even if no one requests it.

If the jury is polled after the verdict has been read, call each juror by name and ask:
“John Smith, is the verdict read your verdict?”

10. Judges shall thank the jury for their service. If the judge is not available, the clerk shall thank the jurors for their service.

REFERENCES

Minnesota Rules of Court-State and Federal, West Publishing, 1994.
High-tech Etiquette, U.S. West Communication.