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**Courtroom Control and  
Contempt Checklists**

# Exercising Courtroom Control Without Contempt

Based on Rothman, *California Judicial Conduct Handbook*, 3d ed., §§4.05–4.13

*Judges have suggested the following ideas, used singly or in combination, as some of the techniques for controlling the courtroom.*

**Fulfill duties of control, patience, dignity and courtesy.** A fair and just proceeding cannot take place in a chaotic, angry, and disorderly environment. Judges are obliged to “require order and decorum” and to “be patient, dignified, and courteous” in court proceedings. (Canons 3B(3), (4).)

**Practice mindfulness and self-control.** Maintain awareness and self-control, always being mindful of who you are and the proper goals and objectives of being a judge (see *Handbook* §2.46).\*

**Control the staff.** Require professionalism, dignity, order, and decorum from staff toward others, even when you are not in the courtroom (see Canon 3C(2)). Control of the courtroom begins before the courtroom doors open.

**Use a formal opening.** A formal opening, at least at the first session of the day, sends the unmistakable message that the courtroom is a place of dignity and justice where there is an expectation of decorum and control.

**Maintain professional distance.** Those before a court are “involved,” but a judge is not. Maintaining control rests on a judge’s ability to maintain professional judicial distance from the fray.

**Never get angry.** Anger, rudeness and abusiveness are the opposites of judicial professionalism (see *Handbook* §2.43 on managing anger and stress), and judicial anger and rudeness begets like conduct from others.

**Avoid embroilment and vengeance.** Judicial anger, embroilment, and revenge in response to misconduct by those in the courtroom are the hallmarks of loss of courtroom control and judicial misconduct. (See *Handbook* §4.33 on embroilment.)

**Never argue or personalize encounters.** Trying to convince an angry person that he or she is wrong is fruitless. Keep your manner as “cool and unruffled” as possible.

**Set rules and limits.** Decide how people should behave in your court, and make these rules clear. All should be made aware that not only will you enforce local and statewide rules of practice and procedure, but you will enforce rules for proper demeanor in your court.

**Enforce rules early and consistently.** Never let the first transgression of rules go unnoticed. A judge should demand proper demeanor and back it up by prompt and consistent enforcement of court rules.

**Use escalating “penalties.”** A judge, like a soccer referee, has the flexibility to “flash a yellow card” before using the ultimate sanction, the red card. A first minor transgression might warrant a prompt admonition at the side bar; the next time, you may need to admonish—again, promptly—without the delicacy of the side bar; and so on.

**Contempt is and should be the last resort.** Control of the courtroom is essential to the administration of justice. Although contempt may be the ultimate tool of control, it is the last one to use. “Because it carries with it a ‘heightened potential for abuse’ [citation], the contempt power should be the last resort of a judge in maintaining control in his courtroom.” (*Kloepfer v Commission* (1989) 49 C3d 826, 858.)