

Contemptuous Behavior

By Reg P. Wydeven
April 24, 2013

When I first joined our firm, the senior partners wanted me to be exposed to many different practice areas and to try several different things. One case I helped with required me to appear at a default judgment hearing, meaning that if the person we were suing did not show up, we would win automatically. The partner told me not to worry, as the defendants never show up, so it's a slam dunk.

Apparently, I have as much luck with slam dunks in the courtroom as I do on the basketball court. Not only did the defendant show up, but he was there with his attorney. I began to sweat through my suit, for not only did I have no clue what to say to the judge, but if I said something stupid, the judge had the power to throw me in jail.

Thankfully the opposing attorney asked the judge to adjourn the hearing to a later date. Not being able to speak, I nodded my agreement and restrained myself from hugging the other lawyer for getting me off the hook.

Had I embraced him, I was afraid the judge would find me to be in contempt of court. The Wisconsin Statutes allow a judge to punish someone who interferes with a court proceeding or with the administration of justice, or impairs the respect due the court. A person could also be found to be in contempt of court if she violates a court order, refuses to testify or produce a document in court.

People who are found in contempt can be fined up to \$500, sent to jail for 30 days, or both. Each judge across the country establishes rules for his or her courtroom governing visitors' behavior. While not necessarily uniform, most judges' rules mandate that people give the court its proper respect. Generally, this includes appropriate attire: no hats for men, no torn or shabby clothing, nothing too revealing, no t-shirts with inappropriate messages on them, etc.

One universal rule, however, is to absolutely silence your cell phone or pager. Nothing will raise a judge's ire quicker than to have a cell phone go off, and many judges post signs warning visitors to silence their phones.

One such judge is Raymond Voet, chief district judge in Ionia County, Michigan. He has a strict "one strike, you're out" policy for unsilenced cell phones. If a phone goes off in his courtroom, Judge Voet confiscates the phone, holds the owner in contempt of court, and fines him or her \$25 to get it back. Voet's rule applies to anyone in his court, telling Law Blog, "I've taken phones from lawyers, cops, witnesses, members of the public, and the media."

He can now add himself to that list. Earlier this month, while a prosecuting attorney was delivering his closing arguments, Judge Voet accidentally activated a voice command on his phone. Judge Voet apologized and then fined himself \$25. Voet then said, "I wanted to make sure anyone who had a phone taken by me knew that I lived by the same rules."

So if you bring a cell phone to court, be sure to bring your wallet, too.