

Getting dressed for court

By: F. Dennis Saylor IV and Daniel I. Small ○ July 28, 2016



Trying a case involves standing up in front of 12 total strangers and attempting to persuade them to do something.

Whether you want them to or not, those strangers are making judgments, not just about the case, but about you — most fundamentally, whether you are someone they should listen to and respect.

And while it may be irrational and unfair, those judgments may be based, at least in some small part, on what you

choose to wear to court. Because of that, your wardrobe should be respectful and moderately conservative in all respects.

This may not be what you want to hear. We know that we live in a very casual society, in which people wear workout clothes to restaurants and hockey jerseys to church. We know you probably don't like other people telling you what to wear. And maybe you have your own unique style and personality and wouldn't be caught dead in a Brooks Brothers suit.

We get it. But you should recognize that what you (and your client and your witnesses) choose to wear could have potentially harmful consequences in the courtroom.

Whether you like it or not, people often associate certain types of clothing with undesirable qualities — including dishonesty, eccentricity and egocentricity. Your job is difficult enough without adding that to the mix. And even if 11 of the 12 jurors don't care, you still need the vote of the one who does.

The wrong clothing also can be distracting. Presumably, you want the jury to be thinking about what you and the witnesses are saying, not wondering where on earth you got that suit or how you're able to walk in those high heels.

Worse, it can create distance between you and the people you're trying to persuade. You're trying to make a connection to the jury, not emphasizing how very different you are.

To put it bluntly, your responsibility is to obtain the best possible outcome for your client, not to show off your unique style. So play it safe. Remember, you're not there to impress them; you're there to persuade them.



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Again, your choice of dress should be moderately conservative across the board: clothing, hair, jewelry, makeup, everything. That doesn't mean you can't wear nice clothes, or even expensive clothes. You can look successful. In the words of Coco Chanel, "Dress shabbily and they remember the dress; dress impeccably and they remember the woman." But your choices should always tend toward the conservative.

For men, that is pretty easy. Wear a business suit with a normal cut, with shirts and ties in standard business colors and fabrics. Leave the double-breasted padded suit, the dark purple shirt, and the wild tie in the closet.

For women, this is an immensely complicated subject, on which we are certainly no experts. Fairly or unfairly, jurors pay much more attention to what women wear than what men wear. Remember, at least, that you want to look professional — not overdressed, not dowdy, and not like you're on your way to a nightclub or a cocktail party.

Try, too, to dress appropriately to the area. Clothing that might be appropriate in state court in west Texas might provoke a very different reaction in federal court in Boston.

This advice applies to some degree to clients and witnesses, as well, although the dynamic is somewhat different. Some clients, particularly indigent criminal defendants, may not own any clothing that could be characterized as conservative or even appropriate for the courtroom. Your options may be very limited. Still, as a general rule, if your client is charged with being (say) a drug kingpin, it's preferable that he does not look the part.

Another issue is that clients and witnesses may look and feel uncomfortable in clothing that they are not used to wearing, and that may make them seem less credible. Within reasonable bounds, people should wear what feels natural to them. A lifelong construction worker should not dig out the ill-fitting three-piece suit he last wore at his wedding 20 years ago. But maybe that Bud Light tank-top isn't quite right, either.

At a minimum, clients and witnesses should wear clothing that does not convey a disrespectful and casual attitude to the court and to the jury.

Again, fairly or not, everything about you will be observed, evaluated and judged to some degree. You can't control how tall you are, or how deep your voice is, or any of your other immutable personal characteristics. But you can control what you wear. Don't let your wardrobe interfere with the message you are there to convey.

Previous installments of Tried & True can be found at masslawyersweekly.com. Judge F. Dennis Saylor IV sits on the U.S. District Court in Boston. Prior to his appointment to the bench, he was a federal prosecutor and an attorney in private practice. Daniel I. Small is a partner in the Boston and Miami offices of Holland & Knight. He is a former federal prosecutor and teaches CLE programs across the country.

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