

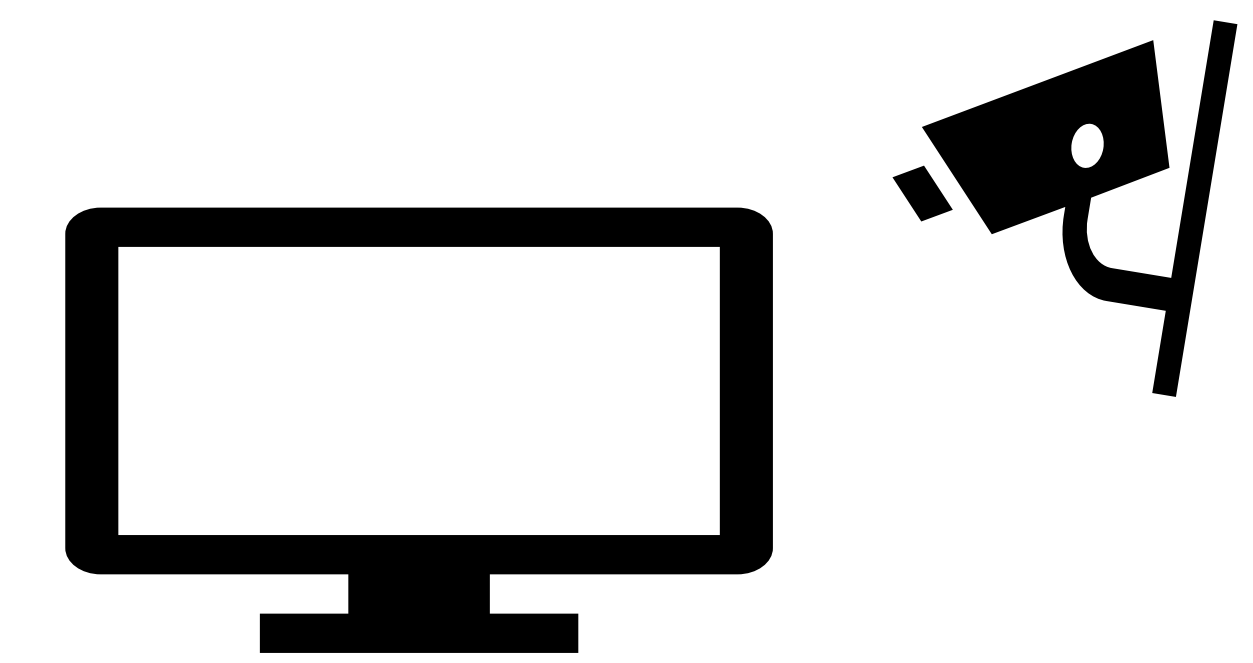


# 'All Rise:' Suiting Up for the Practice of Law in the Virtual Legal Environment



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### INTRODUCTION

The age-old advice: "No matter how you feel, get up, dress up, and show up for work and life!" may be worth remembering as more legal professionals participate in virtual environments due to the COVID-19 mandated court closures.

### PSYCHOLOGY of CLOTHING: The Experts Weigh In

The courtroom environment is one that commands respect, and so it follows that certain attire is expected of those who temporarily occupy its space. To better appreciate the impact clothing has on people we need only turn to our 'fashion experts.'

Well renowned Italian fashion designer Miuccia Bianchi Prada realized the universality of clothing and explains, "What you wear is how you present yourself to the world, especially today, when human contacts are so quick. Fashion is instant language." The grand dame of British fashion and inventor of the miniskirt Barbara Mary Quant understood the visual impression clothing makes about the person wearing the clothing when she noted, "Fashion is a tool to compete in life outside the home. People like you better, without knowing why, because people always react well to a person they like the looks of."

While we may dismiss these fashionistas as biased or non-neutral experts with perhaps an exaggerated belief in the effects of clothing, non-fashion experts also concur. Noble Prize winning author Isaac Bashevis Singer acknowledged the transformative nature of clothing when he noted, "What a strange power there is in clothing." In the play Hamlet, William Shakespeare wrote "apparel oft proclaims the man." Philosopher Ernest Shurtleff Holmes' claim that "Life is a mirror and will reflect back to the thinker what he thinks into it," may be expanded to include: "Clothing is a mirror that reflects back to the wearer the image the wearer projects to others."

Academic scholars have also weighed in. Enclothed Cognition is a term coined by Hajo Adam and Adam D. Galinsky, two cognitive psychologists at Northwestern University. Galinsky asserts "It has long been known that clothing affects how other people perceive us, as well as how we think about ourselves." In their study, they "examin[ed] the psychological and performance-related effects that wearing specific articles of clothing have on the person wearing them." "Enclothed cognition involves the symbolic meaning of the clothes and the physical

experience of wearing the clothes." It is "the link between what we wear and how we feel." These claims have been borne out by the bestselling book "Dress for Success by John T. Molloy and the popular TLC television show What Not to Wear," illustrating the power of clothes and perceptions about the people who wear them.

### ROBES of JUSTICE: Court Customs & Traditions

Customs and traditions are woven into the apparel of our courts in the United States. Most striking is the clothing, the long black robes worn by the nine Justices of the U.S. Supreme Court and judges in the federal and state courts in the United States, as they enter the courtroom and take the bench to preside over cases. The black robes of justice worn by the members of the U.S. Supreme Court dates back to the 1800s. Notable exceptions were Chief Justice John Jay, "wearing robes with a red facing" and Chief Justice William Rehnquist, adorning "his robe with four gold stripes on each sleeve."

### DRESSING UP for LAW: No Matter Where or When

In the United States, a court's authority to regulate an attorney's dress is partially based on statutory rules of conduct and ethics. For example, "The Dress Code" policies adopted by The New York City Law Department cautions that "Traditional business attire should be worn in all circumstances where it is customary to dress in that manner." Judge Clifford R. Weckstein of Virginia begins a letter to lawyers about proper attire with a few lines from the movie My Cousin Vinny:

Court: **Mr. Gambini, didn't I tell you that the next time you appear in my court that you dress appropriately?**

Counsel: **You were serious about that?**

Virtual court hearings, mediations, and meetings are taking place. Attorneys and legal educators have adapted to changes in how we meet clients and students by utilizing Blackboard Collaborative, Zoom, Cisco WebEx, Microsoft Teams, Google Meet/Hangouts, and Skype. Do such changes in our ways of meeting and communicating-within the virtual environment-bring with them a corresponding change in expectations of what is appropriate attire for the practice of law?

Kansas City attorney Charles W. Gotschall cautions legal professionals to literally "not get caught with your pants down," and asks us to imagine "sitting in a home office or dining room office, and the court hearing starts. **What do you do when [the bailiff exclaims:] 'All rise' and you're wearing shorts?'**"

### PARALEGALS MODELING ATTORNEYS: Ethics, Work, and Dress

A partner of a law firm at which I was an associate attorney once said to me, "If candidates for a job position do not care enough about themselves to make sure their resumes are free of errors/typos, I do not believe they will care enough about the work they produce for our firm and on behalf of our clients." Attorneys and paralegals as professionals must not only *show up* capable and ready for work, but also *dress up* or rather *suit up* in the required work attire to inspire confidence, earn trust, show and gain respect, all of which are qualities necessary for and integral to the legal profession.

# LAW SUIT



Sources:

A Decorated Sleeve. (n.d.). Retrieved October 18, 2020, from <https://exhibits.law.harvard.edu/decorated-sleeve/>.

Adam, H., & Galinsky, A.D., Enclothed cognition, Journal of Experimental Social Psychology (2012), doi:10.1016/j.jesp.2012.02.008

APPROPRIATE ATTIRE AND CONDUCT FOR ATTORNEY IN THE COURT ROOM. (n.d.). Retrieved July 10, 2020, from [https://www.law.ua.edu/pubs/jlp\\_files/issues\\_files/vol12/vol12art13.pdf](https://www.law.ua.edu/pubs/jlp_files/issues_files/vol12/vol12art13.pdf)

Courtroom Dress Codes and Changing Times. (n.d.). Retrieved July 06, 2020, from <https://www.legalserviceslink.com/blog/courtroom-dress-codes-and-changing-times/>

Daily Fashion Quotes. (n.d.). Retrieved July 10, 2020, from <https://1930bychrisjackson.wordpress.com/category/fashion/daily-fashion-quotes/>

Dress Code. (n.d.). Retrieved July 10, 2020, from <https://www1.nyc.gov/site/summerorientation/resources/dress-code.page>

Hughes, O. (2020, May 13). Zoom vs Microsoft Teams, Google Meet, Cisco Webex and Skype: Choosing the right video-conferencing apps for you. Retrieved July 11, 2020, from <https://www.techrepublic.com/article/zoom-vs-microsoft-teams-google-meet-cisco-webex-and-skype-choosing-the-right-video-conferencing-apps-for-you/>

Mary Quant Quotes. (n.d.). Retrieved July 10, 2020, from [https://www.brainyquote.com/quotes/mary\\_quant\\_349217](https://www.brainyquote.com/quotes/mary_quant_349217); Marie Claire February 19, & Marie Claire. (2019, March 06). Mary Quant - The Style Icon Who Changed The Face Of 60s Fashion. Retrieved July 10, 2020, from <https://www.marieclaire.co.uk/fashion/mary-quant-646366>

My Cousin Vinny. Twentieth Century-Fox Film Corporation (1992). In this movie, the judge is played by actor Fred Gwynne (al/ia Herman Munster of The Munsters) and Vinny Gambini, the defense counsel, is played by actor Joe Pesci.

The Court and Its Traditions. (n.d.). Retrieved July 06, 2020, from <https://www.supremecourt.gov/about/traditions.aspx>.

John Jay's robe. (n.d.). Retrieved July 06, 2020, from [https://americanhistory.si.edu/collections/search/object/nmah\\_1200990](https://americanhistory.si.edu/collections/search/object/nmah_1200990).

Rbrett. (2010, April 11). Lesson 46: No matter how you feel, get up, dress up, and show up for life - Regina Brett's "God Never Blinks". Retrieved October 17, 2020, from [https://www.cleveland.com/pdextra/2010/04/lesson\\_46\\_no\\_matter\\_how\\_you\\_fe.html](https://www.cleveland.com/pdextra/2010/04/lesson_46_no_matter_how_you_fe.html)

Sansom, L., Emily, R., M., McCarthy, J., Cohen, A., Christy, & Heels, P. (2020, July 01). Enclothed Cognition: Put On Your Power! Retrieved from <https://positivepsychologynews.com/news/emily-vansonnenberg/2012052122126>.

Shakespeare, William, et al. Hamlet. Simon & Schuster, 2003. Act 1 Scene 3.

Yalim, D. (2020, September 21). 150+ Best Ernest Holmes Quotes: Exclusive Selection. Retrieved July 03, 2020, from <https://bayart.org/ernest-holmes-quotes/>

Swauger, Brenda. "9 Tips on How to Dress for the Courtroom." ABA Journal, [www.abajournal.com/voice/article/how-to-dress-for-the-courtroom](http://www.abajournal.com/voice/article/how-to-dress-for-the-courtroom).

Images: All Rise for court. (n.d.). Retrieved November 09, 2020, from [https://images.search.yahoo.com/search/images;\\_ylt=A0geJaS1g6hfVZE4X9XNyOa;\\_ylu=Y29sbwNiZjEEcG9zAzEEEdRnZANdMDE2MF8xBHNiYwNwaXZz?\\_p=All+Rise+for+court](https://images.search.yahoo.com/search/images;_ylt=A0geJaS1g6hfVZE4X9XNyOa;_ylu=Y29sbwNiZjEEcG9zAzEEEdRnZANdMDE2MF8xBHNiYwNwaXZz?_p=All+Rise+for+court)

Hurst, S. (2016, May 11). California Federal Judge Rejects Motion to Dismiss Crowdfunded 'Star Trek' Feature Film Lawsuit. Retrieved November 08, 2020, from <https://www.crowdfundinsider.com/2016/05/85433-california-federal-judge-rejects-motion-to-dismiss-crowdfunded-star-trek-feature-film-lawsuit/>; Lawsuits for attorneys for men and women. (n.d.). Retrieved November 08, 2020, from [https://images.search.yahoo.com/search/images;\\_ylt=AwrExdrpUqhnfiAzG2JzbkF;\\_ylu=c2VjA3NX1MDOTYwNjI4NzE0EX31DMGRhY3RuA2NsawRjc3JjcHhZpZANDMwJxOFRRFd0xqSkVPdlRLWDBmTmh3dmVPVFI1TWdBUQFBQXJLRXNfBGZyA21jYWZlZQRmclJdC2EtZ3AEZ3ByaWQDakd1MEJdD2dUZlHk2S0ZQWl0Z2VFRUuX3N1Z2cDMARvcmInaW4DaW1hZ2VzLnNlYXJjaC55YWVhbnVyb3J20EcG9zAzAeCHFdHIDBHBxc3RybAMEcXN0cmwDNtIEcXVlcnkDbGF3c3VpdHMIMjBmb3IIMjBhdHRvcm5leXMIMjBmb3IIMjBtZW4IMjBhbmQIMjB3b21lgR0X3N0bXADMTYwNDG2NjkwNQ-IXJjaARzGSDyNV0dG9u;\\_ylc=?p=lawsuits+for+attorneys+for+men+and+women](https://images.search.yahoo.com/search/images;_ylt=AwrExdrpUqhnfiAzG2JzbkF;_ylu=c2VjA3NX1MDOTYwNjI4NzE0EX31DMGRhY3RuA2NsawRjc3JjcHhZpZANDMwJxOFRRFd0xqSkVPdlRLWDBmTmh3dmVPVFI1TWdBUQFBQXJLRXNfBGZyA21jYWZlZQRmclJdC2EtZ3AEZ3ByaWQDakd1MEJdD2dUZlHk2S0ZQWl0Z2VFRUuX3N1Z2cDMARvcmInaW4DaW1hZ2VzLnNlYXJjaC55YWVhbnVyb3J20EcG9zAzAeCHFdHIDBHBxc3RybAMEcXN0cmwDNtIEcXVlcnkDbGF3c3VpdHMIMjBmb3IIMjBhdHRvcm5leXMIMjBmb3IIMjBtZW4IMjBhbmQIMjB3b21lgR0X3N0bXADMTYwNDG2NjkwNQ-IXJjaARzGSDyNV0dG9u;_ylc=?p=lawsuits+for+attorneys+for+men+and+women)