



COURTS OF NEW ZEALAND | NGĀ KŌTI O AOTEAROA

Guidelines for Courtroom Conduct for Counsel

July 2026

These Guidelines address standards of courtroom conduct for counsel, including for prosecutors such as sworn police officers who are not lawyers. The Guidelines are not intended to be comprehensive. They sit alongside, and do not replace, existing professional obligations under the Lawyers and Conveyancers Act 2006 and the Lawyers and Conveyancers Act (Lawyers: Conduct and Client Care) Rules 2008.

The Guidelines have been developed through a consultative process involving the judiciary and the profession and have been endorsed by the Chief Justice and Heads of Bench. They are intended to assist practitioners and may be used for educational purposes, particularly for those new to court practice.

Separate guidance may be developed for particular courts or types of proceedings. Links will be provided to any such guidance upon its publication.

Respect

- [1] Counsel must show respect for the court and its processes at all times.
- [2] All people in court must be treated with courtesy and respect.
- [3] Respect must be shown in all dealings with court registry staff at all times.
- [4] Counsel are entitled to expect that judges and court staff will likewise treat everyone, including counsel, with respect and in accordance with these Guidelines.

Modes of address

- [5] Judges should be addressed as “your Honour” or the reo Māori equivalent, “e te Kaiwhakawā/Tiati”, but not as “Judge”. If there is a panel of judges, refer to them collectively as “your Honours” or “the Court” or “e ngā Kaiwhakawā/Tiati” or “e te Kooti/Kōti”. “Sir” and “Ma’am” are still commonly used but these forms of address are intended to be phased out.

[6] Coroners should be addressed as “Coroner”, “your Honour” or “e te Kaitirotiro Matewhawhati”. Associate Coroners should be addressed as “your Honour” or “e te Kaitirotiro Matewhawhati Tuarua”. Family Court Associates should be addressed as “your Honour” or “e te Kaiwhakawā Tuarua o te Kōti Whānau”. Community Magistrates should be addressed as “your Worship” or “e te Kaiwhakawā ā Hapori”. Justices of the Peace should be addressed as “your Worship” or “e te Mana Whakaaio”.

[7] When referring to a judge in the third person, High Court, Court of Appeal and Supreme Court judges should be referred to as “Justice [surname]”. High Court Associate Judges and Employment Court, District Court, Family Court, Environment Court, Māori Land Court, Court Martial and Court Martial Appeal Court judges are referred to as “Judge [surname]”. The reo Māori equivalent, “Kaiwhakawā [surname]”, may also be used. Coroners should be referred to as “Coroner [surname]” or “Kaitirotiro Matewhawhati [surname]” and Associate Coroners as “Associate Coroner [surname]” or “Kaitirotiro Matewhawhati Tuarua [surname]”. Family Court Associates should be referred to as “Family Court Associate [surname]” or “Kaiwhakawā Tuarua o te Kōti Whānau [surname]”. Where necessary, first names may be used to distinguish the judicial officer from another judicial officer with the same surname.

[8] If counsel meet any judge outside court in a social setting, they should address the judge as “Judge” or “e te Kaiwhakawā/Tiati” unless invited to do otherwise. Coroners should be addressed as “Coroner” or “e te Kaitirotiro Matewhawhati”.

Court dress

[9] The overriding requirement is that court dress should demonstrate respect for the court and those participating in its proceedings. Court is a formal setting and the clothing worn by counsel should reflect that.

[10] Appropriate dress is, generally, a dark suit with a plain or striped collared shirt and tie or a plain or striped blouse (not required to be collared or buttoned to the neck), or plain dark clothing (including a dress) and a jacket. Where practicable, suit coats and jackets should be buttoned when counsel stand to address the court. Brighter coloured clothing is generally acceptable in the Family Court and Māori Land Court. These dress guidelines apply to police prosecutors who are not in uniform.

[11] Culturally required headwear may be worn in court. Counsel may wear taonga in court, including in place of a tie.¹ Where worn in place of a tie, taonga are to be worn with a shirt that has the top button done up. Cultural dress such as korowai and kākahu may be worn in court on ceremonial occasions.

¹ This is in accordance with the Media Statement from the Chief Justice dated 25 May 2021: *Interim Guidance – Wearing Taonga in all Courts*. Paragraph 8 of that document states: “This interim guidance does not intend to provide a comprehensive definition of taonga. However, for the purposes of this guidance, ‘taonga’ is intended to refer to a decorative item of special Māori cultural significance that is worn around a person’s neck.”

[12] Gowns are required for hearings in the Employment Court, Court Martial, Court Martial Appeal Court, High Court (other than matters in chambers),² Court of Appeal and Supreme Court. Gowns are also required in jury trials in the District Court, but not judge-alone trials. Counsel should put on their gowns before entering the body of the courtroom. Where this has not been possible, counsel may put on their gowns inside the body of the courtroom prior to the entry of the judge or judges.

General

[13] If, for any reason, counsel are unable to appear on behalf of their client at a conference, call-over or hearing, counsel must either obtain an adjournment or arrange for replacement counsel to appear.

[14] Counsel should inform the registry as soon as possible beforehand if they or their clients or any of their witnesses require any special assistance or accommodation for any reason, including because of childcare or breastfeeding responsibilities, disability or injury.

[15] Standing and/or bowing is not expected at any time where for any reason, including disability or injury, this would be challenging, impossible or uncomfortable. Paragraphs [26], [27], [28], [30], [31], [39], [40] and [57] should be read subject to this guideline.

[16] Food and drink may be brought into court if packed inside a bag but must only be consumed outside the courtroom. Water and glasses are usually provided by the court.

[17] If it is proposed that a karakia or waiata be performed at any time during a hearing, the registry must be notified in advance and approval sought from the presiding judge. Where court hearings are held on a marae or a place of significance to Māori, counsel must observe and respect the relevant kawa and tikanga.

Electronic devices

[18] Electronic devices include laptops, iPads, cellphones, smartphones and any other personal digital devices of any kind.

[19] All electronic devices carried by counsel must be set to “do not disturb” or silent mode or be turned off before counsel enter the courtroom.

[20] Counsel may use electronic devices in court provided that:

- (a) counsel remain aware of their professional obligations as officers of the court and to their client, to ensure the use of the device does not undermine the dignity of the

² Hearings “in chambers” are usually case management conferences and most interlocutory hearings in civil proceedings, but not applications for summary judgment and strike out. If in doubt, counsel should check with the relevant registry in advance of the hearing as to whether the hearing is “in chambers” or in open court.

court, disrupt the proceedings or prevent the discharge of their duties to their client;
and

- (b) counsel consider the context of use: what may be acceptable in a list court, for instance, may not be acceptable in a jury trial or defended hearing.

[21] Filming, photography and sound recording are not permitted in the courtroom including for the purposes of electronic notetaking using artificial intelligence (AI) or otherwise.

[22] The presiding judge may issue a direction varying or restricting the use of electronic devices from the guidelines set out above. If in doubt as to permitted use, counsel should consult the registrar in the first instance.

[23] Counsel are also referred to the *Guidelines for Use of Generative Artificial Intelligence in Courts and Tribunals* on the Courts of New Zealand website (www.courtsofnz.govt.nz).

Attendance in court

[24] Counsel must be strictly punctual.

[25] King's Counsel have priority to sit in the front row of seats. They should sit in order of date of calling to the inner bar, from right to left facing the judge. Other counsel sitting in the front row should offer their seat to a King's Counsel if there are no other seats available in the front row. Counsel are also referred to Chapter 2 of the New Zealand Law Society's *Introduction to Advocacy* for guidance on other seating conventions in court.³

[26] Counsel must stand when the judge enters or leaves court or when instructed to do so by the court taker.

[27] When the judge bows, counsel at the bar must bow back. Judges will only bow at the commencement and conclusion of each day or each shorter hearing.

[28] Counsel should not sit until after the judge is seated.

[29] Counsel should remain seated while waiting for their case to be called.

[30] When the court is sitting, counsel should bow whenever they are entering and leaving the bar.

Introductions

[31] When their case is called, counsel should stand and introduce themselves and junior counsel. Junior counsel should also stand for the introductions.

³ Bruce Robertson (ed) *Introduction to Advocacy* (New Zealand Law Society, Wellington, 2018) at ch 2.

[32] In civil matters, counsel for the plaintiff completes their introductions first, followed by counsel for the defendant. In criminal matters, counsel for the Crown/prosecutor introduces themselves first, followed by counsel for the defendant. Counsel for any interested party or intervenor should introduce themselves after counsel for the primary parties. In family matters, counsel for the applicant introduces themselves first, followed by counsel for the respondent, then the lawyer for the child and/or subject person and counsel to assist (if appointed). In appeals, counsel for the appellant does the introductions first, followed by counsel for the respondent. In the Coroners Court, the usual order of introductions is counsel to assist followed by counsel for the family, other counsel and then the Police.

[33] If counsel consider it is appropriate in the circumstances of the case, they may, after introducing themselves and junior counsel, advise the judge of the presence of any clients and supporting whānau or communication assistants or interpreters who are in court or watching remotely.

[34] If counsel are appearing in several matters on the same day, they should announce themselves on each occasion for the benefit of all others in court and for the transcription or record unless the judge directs otherwise.

[35] Counsel may make the introductions in te reo Māori or English or New Zealand Sign Language. Counsel may, but are not expected to, repeat te reo Māori introductions in English. The presiding judge may ask counsel to repeat te reo Māori introductions in English where there are members of the public observing in court or remotely who may benefit from translation.

[36] When introducing themselves and junior counsel, all counsel must include the title they use, such as Mr, Ms or their chosen title, but professional or formal titles (such as Dr, Professor, Sir, Dame or Lady) are not to be used.

[37] Examples of acceptable introductions are included in the Appendix to these Guidelines. These examples are not intended to be prescriptive.

Client and witness information

[38] It is counsel's responsibility to make sure they know the correct spelling and pronunciation of the names of their clients and witnesses and also the titles and pronouns they use. Wherever possible, this information should be conveyed to the registrar in advance of the hearing.

Conduct during proceedings

[39] Counsel should wait to speak until they are invited by the court, including after any adjournment. If the court does not invite counsel to speak and any counsel wishes to do so, counsel should stand to indicate they would like to speak. Counsel should stand when being addressed by, addressing or replying to the judge, and when giving submissions or examining witnesses.

[40] Only one counsel should stand at any time. When opposing counsel stands to raise an objection, counsel on their feet must therefore sit while the objection is made. When the judge is addressing all counsel generally, one counsel should stand or counsel who is already standing should remain standing unless invited by the judge to sit.

[41] Adherence is not required to the previous practice that each counsel is heard only once in the principal argument. This allows for junior counsel to make oral submissions during that principal argument.⁴

[42] Counsel should be mindful of their behaviour when they are not speaking, and during breaks when the judge is not present. Expressions of displeasure or disagreement in any form are not appropriate.

[43] Clients and others may sit at counsel's table only with the leave of the court, except in the Family Court where such leave is not necessary.

[44] When referring to a document such as a transcript or witness statement, counsel should identify the nature of the document and ensure that the whole relevant part of the statement is read exactly as drafted, without omission or addition. This includes when witnesses are being referred to evidence. Counsel should ensure that the judge and opposing counsel have a copy of the relevant document.

[45] Wherever possible, additional documents for the hearing that have not already been filed and served should be provided in advance of the hearing to the court and opposing counsel or to the other party (where that party is self-represented). The judge and opposing counsel or the other party should be given the opportunity to read any such additional documents before the hearing. If counsel have additional material to be placed before the court at the hearing, this should first be provided to opposing counsel or the other party and then to the court taker or registrar to hand up to the bench. Any such material should also be provided electronically after it has been handed up, and in any other format required to address any accessibility issues that have been identified to the court.

[46] Counsel should inform the court as soon as practicable if:

- (a) there will be any absences for part of the trial or hearing, that is, absences other than counsel or junior counsel briefly leaving the court while in session to, for example, go to the bathroom, pick up documents, or greet and bring in a witness;
- (b) there are any errors or if corrections are needed, including those to the transcript/notes of evidence;
- (c) there are any other pertinent matters that may affect the trial or hearing, including any issues related to interpretation or communication assistance; or

⁴ See Supreme Court Practice Note *Role of Junior Counsel* (21 June 2022); and Court of Appeal Practice Note *Role of Junior Counsel* (1 March 2018).

- (d) at any stage it appears that the time allocated for trial or hearing may be inaccurate.

[47] If time is required during the hearing to take instructions from clients or confer with opposing counsel, counsel should first seek the leave of the judge.

[48] Counsel may converse with their co-counsel or with junior counsel while the court is sitting provided this is not distracting or disruptive and does not undermine the dignity of the court.

[49] When a communication assistant or interpreter is involved in proceedings, counsel should focus on the person who is addressed or responding and not the communication assistant or interpreter, unless:

- (a) counsel communicates using New Zealand Sign Language and the interpreter is present for their assistance; or
- (b) counsel is responding to a direct query or seeking clarification from the communication assistant or interpreter.

Language in court

[50] Counsel must observe a respectful standard of language and courtesy when addressing the court and each other.

[51] Counsel may use either a direct or indirect form of speech when addressing the court, and may address the judge using the second or third person. For example, counsel could say, “Do you wish for me to proceed, your Honour/e te Kaiwhakawā/Tiati?” or “Does your Honour wish me to proceed?”

[52] Counsel should address opposing counsel using the terms “counsel for the plaintiff” (or whichever party) or “Crown counsel” or “defence counsel”. The phrase “my learned friend” may be used, but the intention is to phase out this form of address in favour of “my learned colleague”. Co-counsel should be referred to as “senior counsel for the plaintiff, Ms X”, for example, or “junior counsel for the plaintiff, Mr Y”. Examples of appropriate te reo Māori equivalents are set out in the Appendix.

[53] Bearing in mind the guidelines at [1], [2] and [50] above, counsel should not swear or use language which might offend in court. The only exception is where that language forms part of the summary of facts or the evidence and it is necessary to quote the exact words used by the witness.

[54] Witnesses should usually be referred to using their formal name, including their title (e.g., Mr, Ms, Dr, Professor, Sir, Dame, Lady or other title), and their pronouns should be used. It is generally appropriate to refer to children or young persons by their given or preferred name.

Conclusion of hearing

[55] Counsel should remain silent during a ruling or judgment. On conclusion of a ruling or judgment, including at the conclusion of a civil case, counsel should say, “As your Honour pleases” or “As the Court pleases” or “Thank you, your Honour”. Examples of appropriate equivalent phrases in te reo Māori are set out in the Appendix.

[56] Counsel should bring to the court’s attention any outstanding matter that may need to be dealt with on conclusion of the hearing or that may need clarification.

[57] Counsel may leave the courtroom once excused or when the next matter is called. Counsel should bow when leaving the courtroom.

[58] The judge should not be left in the courtroom without the presence of at least one counsel. A sworn police prosecutor or self-represented party is not considered “counsel” for this purpose.⁵ If counsel is the final counsel in court (whether in a courtroom or present by VMR or Microsoft Teams), they should not leave before the judge does without the court’s permission.

Remote hearings by Virtual Meeting Room (VMR) or Microsoft Teams (Teams)

[59] These Guidelines apply, with any necessary modifications, to hearings conducted remotely. They are to be read in conjunction with the *Protocol for Participation in Remote Hearings* which can be found on the Courts of New Zealand website (www.courtsofnz.govt.nz).

[60] Counsel appearing remotely in a hearing conducted with the use of VMR or Teams should remain seated and visible throughout the hearing.

[61] Unless the hearing is in chambers, counsel appearing remotely in a hearing in the Court Martial, Court Martial Appeal Court, Employment Court, High Court, Court of Appeal and Supreme Court must be gowned.

⁵ To the extent there was a convention in New Zealand courts for counsel not to leave when only one other counsel is present in court without the court’s permission, that convention has now ceased.

Appendix

Introductions in court

These are not intended as prescriptive introductions and are provided as a guide only.

“May it please the Court, counsel’s name is [e.g., Mr, Ms] [surname] and I appear for the Crown/applicant/plaintiff/defendant/appellant/respondent.”

Te reo Māori introductions in court

- **One judge, one counsel, one client:**

Tēnā koe e te Kaiwhakawā/Tiati.

Ko [name] tōku ingoa.

E tū ana ahau mō te [Karauna/kaitono/kaikaro/kaipira/kaiurupare] i tēnei wā.

- **Three or more judges, two counsel, more than one client:**

Tēnā koutou e ngā Kaiwhakawā/Tiati.

Ko [name], ko [name] ō māua ingoa.

E tū atu nei mō ngā or Kei konei māua mō ngā [kaitono/kaikaro/kaipira/kaiurupare].

- **Karauna:** Crown
- **Kaitono:** applicant/plaintiff
- **Kaikaro:** defendant
- **Kaipira:** appellant
- **Kaiurupare:** respondent

Language in court proceedings

Addressing opposing or other counsel – te reo Māori equivalents:

- **Te rōia mō te [Karauna/kaitono/kaikaro/kaipira/kaiurupare]:** counsel for the [party]
- **Te rōia mātāmua mō te [party]:** senior counsel for the [party]
- **Te rōia pōtiki mō te [party]:** junior counsel for the [party]
- **Ko tōku hoa rōia:** my learned friend

Conclusion of hearing

Addressing the court at conclusion of hearing – te reo Māori equivalents:

- **Nōu te mana e te Kaiwhakawā/Kōti:** as your Honour pleases/as the Court pleases
- **Tēnā koe/kōrua/koutou e te/ngā Kaiwhakawā:** Thank you, your Honour(s)