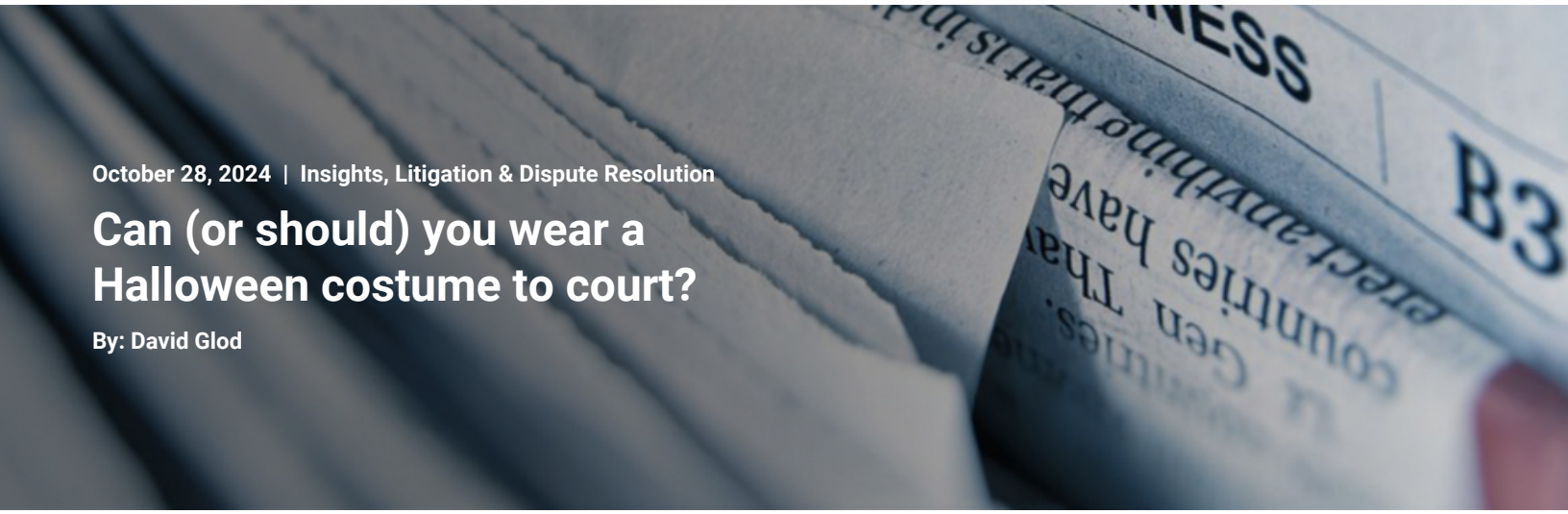

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Can (or should) you wear a Halloween costume to court?

By: David Glod

As Halloween approaches, Massachusetts attorneys should be aware that there is precedent for allowing jurors to wear costumes during a trial. However that does not suggest that one should. As the Appeals Court summarized in *Zabin v. Picciotto:*

> As the trial approached the end of October, the jurors asked the judge if he would allow them to wear costumes on Halloween. After consulting with counsel for all parties and hearing no objection, the judge allowed the request.

On appeal, the defense claimed that "the presence of jurors in costumes turned the trial into a circus and denied their rights to due process." The Appeals Court rejected their argument, though it stopped short of endorsing the practice of allowing spooky attire in the courtroom:

> With or without the consent of counsel to the parties, it is regrettable that the trial judge agreed to the jurors' request. The introduction of Halloween costumes cannot but have detracted from the seriousness and gravity of formal court proceedings. However, as to the defendants' claim of a due process violation, the judge did not merely accommodate the jurors' request; he consulted with counsel for all parties before doing so, and all counsel agreed. The issue is waived.

The full decision is *Zabin v. Picciotto, 73 Mass. App. Ct. 141, 166 (2008)*. If you have questions about the legal status of your festive apparel, or any aspect of trial procedure, feel free to contact the author or any member of the Rich May team.

Disclaimer: This summary is provided for educational and informational purposes only and is not legal advice. Any specific questions about these topics should be directed to attorney David Glod.

Related Attorneys

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