

## Lawyer objects to wearing tie

*Attorney who refused judge's order is booted from court*

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[BLOOMSBURG](#) — Sheriff's deputies escorted a Berwick lawyer out of court last week because he refused a judge's order to put on a tie. After first asking him privately to put on a tie, then offering his own, Judge Gary Norton kicked lawyer Travis Petty out of his courtroom during Accelerated Rehabilitative Disposition (ARD) hearings March 27.

Petty, representing two DUI defendants, came to court without one.

Petty said this week he hasn't worn a tie to court in at least six months. He started going without neckwear as a "silent protest" against former judge Tony McDonald, who was appointed and not elected.

But in court last week, Norton said in the 41 years he has been a lawyer, male lawyers have worn ties in court — it is a tradition he said he will continue to uphold.



ty, who has been told not to return to county court without a tie,

says he is willing to give up parts of his law practice and make a case to higher courts requiring ties for men but not women is discriminatory.

### **Lawyer intends to fight**

Norton declined to talk about his decision to evict Petty from his courtroom. He said the state judicial code of conduct states he cannot make public statements about matters pending in court or could interfere with a future trial or hearing.

Petty publicly stated he intends to fight Norton's court order by filing a motion for reconsideration of the order to wear a tie.

If Norton denies the motion, Petty plans to file an equal protection claim with the state superior court.

While Norton would not comment on the March 27 court proceedings, the Press Enterprise obtained a copy of the court transcript from that day.

In it, Norton begins court proceedings but stops them soon after to speak to Petty privately.

When court resumes, Norton states for the record of court Petty was not wearing a tie.

"I have been in the profession for 41 years, and males have to wear ties in court," he says. "It has been a local rule." Norton then states Petty was previously warned by McDonald about showing up without neckwear.

"For better or worse, you went through the tie thing with him, and were told to wear a tie in court," Norton says.

“That is correct,” Petty replies.

Norton then states he offered Petty a clip-on tie, but Petty refused it.

According to the transcript, Petty argued privately to Norton the tie requirement is a violation of equal protection.

“But I disagree,” Norton said. “It has always been that way. It was never a violation of equal protection, it’s not now — in my career. I witnessed Judge [Gailey] Keller have a lawyer leave the courtroom who was wearing a nice sweater and no tie. It has always been that way.”

“Segregation was once a thing, Your Honor, too. We have evolved from that,” Petty said. “I also assert my First Amendment rights to not wear a tie.”

Norton once more ordered Petty to wear a tie.

After Petty refused again, Norton ordered him to leave.

Petty said his eviction from the courtroom would leave his clients without a lawyer, to which Norton stated the court would continue without him.

“That’s your choice,” Norton said.

“And if I don’t leave the courtroom?” Petty asked.

“Then I’ll have the sheriff take you out of the courtroom,” Norton said.



ur honor, you can have the sheriff escort me out of the

courtroom,” Petty said.

The transcript shows Norton then apologized to Petty’s clients, advising both to find an attorney who will comply with the rules of court, postpone the hearings until Petty would agree to appear wearing a tie, or represent themselves.

Both chose to proceed with their hearings without Petty or another attorney representing them.

### **‘Silent protest’**

“I stopped wearing a tie within the last six months,” Petty said Wednesday. “It’s time to take a stand for equality and justice.”

But his decision not to wear a tie started out as something else.

Petty said he initially refused to wear a tie in McDonald’s court because he disagreed with his appointment to the bench. McDonald was a judge for less than a year before he lost the seat to David James in an election last year.

In that year, McDonald also stopped court and asked Petty to wear a tie. Petty refused. McDonald said he chose not to ban him from the courtroom, and allowed the day’s cases to be heard because he did not want to embarrass Petty.

“Fortunately, he lost the election before I had the opportunity to appear before him again,” Petty said.

Neither man denies they dislike each other — and both questioned the other’s professionalism during interviews Wednesday.

Petty said last week he appeared in court dressed similarly to Erin Cosoleto-Miller, an assistant district attorney. Both wore slacks, a collared shirt and dress shoes. As a woman, Cosoleto-Miller is not required to wear a tie, Petty noted.

And neither should he, Petty said.

“The court can’t impose different roles for different genders,” Petty said. “I respect that the court has the authority to control decorum, and a need to do that, but there are gender-neutral ways of achieving that result.”

Petty said he argued that case to Norton in the hallway, but it fell on deaf ears.

“He said, ‘This is the way it’s always been done,’” Petty said. “I attempted to make a gender equality argument, but he shut it down and said he wasn’t willing to entertain that type of argument.”

He intends to file a motion requesting Norton reconsider. If that fails, Petty said he will file an appeal to the state Superior Court and is willing to make his argument to the state and even federal Supreme Courts.

“This is an issue that should unite the right and the left,” he said. “This is about freedom of choice and freedom of expression.”

He also said his clients’ Sixth Amendment right to legal representation was denied when he was thrown out of court.

“I can’t represent my clients without a tie,” he said.

Petty said he respects Judge Norton and the county court system, but he has no plans to stand before any judge in neckwear.

“I can assure you that I will not be appearing with a tie,” Petty said Wednesday.

Petty also works as an administrative judge overseeing expungement hearings in Luzerne County. He said he does not wear a tie in court there, either.

While Norton declined to comment, two longtime attorneys said Petty should just put on a tie.

Danville lawyer Mike Dennehy said wearing a tie is an unwritten rule followed in courtrooms throughout the state.

“Whatever your job is, there is some sort of dress code and uniform requirement,” Dennehy said. “When I worked at Wendy’s, I had the Wendy’s shirt I had to wear.”

Dennehy said in his more than 40 years as an area lawyer, he once had to appear in a judge’s chambers wearing his Boy Scout leader uniform because he rushed from Camp Lavigne to attend an unplanned meeting in the judge’s chambers.

Dennehy recalled a lawyer who showed up to Columbia County court without a tie once before.

In the 1980s, the attorney appeared in a Polo-style collared shirt and no tie.

Judge Jay Myers at the time warned the lawyer about his appearance. the attorney still showed up a second time wearing a T-shirt with

a tie printed on it, Dennehy said.

“I don’t remember if the judge fined him, but I know the judge had a really long talk with him,” Dennehy said.

Likewise, attorney Sam Stretton, an expert on legal ethics from West Chester, said proper court attire is a sign of respect for the judge and the law.

“It shows respect,” he said. “You don’t go into court without a tie.”

Stretton said only once in more than 50 years of practicing law did he forget his tie.

He got one from a courthouse closet that held a stash of clothes for people representing themselves in court.

Stretton said he could not recall any other time an attorney claimed they had a right not to wear a tie or other formal clothes in court.

When asked about Petty’s argument the tie requirement amounts to discrimination, Stretton said, “It’s a very stupid argument.”

“There is no excuse for a lawyer not wearing a tie,” Stretton said. “It is ridiculous and shows his degree of his legal understanding. It makes you wonder if he should still be practicing law.”

Dennehy said Petty’s clients could also suffer from his decision.

“Clients have expectations, too, of what their attorneys are going to look like in court,” Dennehy said.

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