

## **COURTROOM DECORUM AND PROCEDURE**

Because Judges have different preferences and “courtroom custom” may vary, the following is intended to state this Court’s preferences and to refresh our recollection as to certain basic procedures and courtroom behavior. Much of this merely repeats and supplements the Rules of Professional Conduct, the requirements of the Uniform Pretrial Procedures in Civil Cases and principles of common courtesy.

1. Please stand when: Court is opened, recessed, or adjourned, the jury enters or retires from the courtroom; addressing or being addressed by the Court; examining witnesses; or making objections.
2. Address objections and any remarks to the Court, and not to opposing counsel. Avoid all disparaging personal remarks or acrimony toward opposing counsel. Refer to all persons (including witnesses, other counsel, and parties) by their surnames and not by their given or “first” names. Exceptions may be made in the case of children.
3. The objecting attorney should stand, state that he or she objects, and state the legal grounds for the objections, withholding further comment or argument unless requested by the Court. The proponent of the question should not make any argument as to the objection unless the Court requests a response.
4. Any paper or other tangible object not yet received into evidence should be marked for identification by the clerk and shown to opposing counsel before it is tendered to the witness.
5. Normally, one attorney for each party should examine or cross-examine any one witness. The attorney who examines or cross-examines shall make any objections.
6. Offers of or requests for stipulations should be made outside the presence of the jury. Suggestions of counsel relating to the comfort or convenience of jurors should be made outside the presence of the jury. Generally, motions should be made outside the jury’s presence.
7. Re: voir dire examination. Jurors should not be questioned concerning anticipated jury instructions or theories of law, or jurors’ “understanding” of various legal principles yet to be explained to them (except burden of proof, sympathy, or scruples against awarding money for intangible elements of damage). No attempt should be made to elicit what kind of verdict a juror might return under a hypothetical state of facts, or to obtain a pre-commitment from a juror to a legal or factual proposition which is at issue. Counsel are forbidden to ask any questions containing the word “doubt”. In tort cases, do not ask specifically whether jurors have worked for insurers; inquiry as to all work experience is permitted.
8. Do not ask the Court to declare a witness to be an expert.