

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 VERY briefly the legal grounds for the objection, 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. Questions are *solely* for the purpose of determining whether the person can and will be *fair and impartial*. 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 greater weight of the evidence, 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. Unless an insurer is a named party, do not ask specifically whether jurors have worked for insurers; general inquiry as to all work experience is permitted. Do not attempt to make prospective jurors witnesses (i.e., “Do you use extra care when it’s raining?”)

8. Rules or practices for using depositions: **Discuss objections in depositions with opposing counsel (and, if necessary, with the court) in advance. All videotape depositions need to be edited in advance.**

9. Do not ask the court to declare a witness to be an expert.

TRIAL EXPECTATIONS

Advise the Court in advance of anticipated days needed for trial

Advise the Court each day of the anticipated order of witnesses for the day

Trial will begin promptly at 9:00 a.m. and end promptly at 5:00 p.m. (unless unforeseeable circumstances require later ending time or jury is deliberating)

Court will recess briefly mid-morning and mid-afternoon and will recess also for lunch

To avoid wasting juror time motions will be entertained at 8:30 a.m. or after jury is released for the day

The clerk will release one exhibit or piece of evidence at a time - upon its return another will be released

All demonstrative aids must be out of view of the jurors at all times unless in use

All demonstrative aids (including power point presentations for open or close) must be shared with opposing counsel before they are shown to the jury

Do not present boilerplate or template motions in limine to the Court – they must be substantive and case specific

If at possible, use a real-time court reporter

Require experts and witnesses to arrive ½ hour to 1 hour earlier than they are expected to testify

No audio/visual equipment is provided, however a projection screen is available in the courtroom. Bring your own projector and speakers. On the day audio/visual will be used, arrive to court by 8:30 to set up and test equipment

Lawyers for both parties must meet with the Clerk no later than noon the Friday before trial is to commence. That meeting can be a joint meeting with all the parties or separate meetings if necessary. Parties are encouraged to stipulate to as much of the evidence as possible to allow the trial to move along most efficiently.

(revised January, 2017)