

Model Order on Counsel Conduct

BE IT REMEMBERED, that on this the ____ day of _____, the court, in order to assure a proper and fair trial of the above-entitled cause of action, finds that the entry of the following Orders are necessary and reasonable.

IT IS THEREFORE ORDERED, on the court's own motion, that counsel for the state and the defendant shall, during the trial of this cause of action, conform his or her conduct in accordance with these requirements:

1. Counsel will timely appear before the court at each setting and following each recess.
2. Counsel will not address each other during the trial of the case in the presence of the jury, but will make proper and due objections, statements, or requests through the judge of the court.
3. Counsel will state all objections to the court and not engage in jury arguments or sidebar remarks during the presentation of objections.

If the court deems it necessary to have additional information before making a ruling on an objection, the court will inquire as to the basis of the objection or request clarification of objections where needed by the judge to make a ruling.

4. The court will not entertain argument on the objections within the hearing of the jury, and if counsel wishes to present argument with respect to an objection being made or opposed, said counsel shall ask to approach the bench for such discussion with the judge.
5. Counsel will not interrupt and talk over each other, except to state a specific and valid objection.
6. All stipulations must be made in writing signed by the parties and presented to the court outside the presence of the jury. No counsel should offer to enter into a stipulation orally before the jury.
7. All counsel shall remain seated at counsel table during questioning of witnesses and shall only rise to address the court or to request permission to approach the witness to deal with documentary or tangible evidence in the case.
8. Counsel will restrict their *voir dire* examination to such matters as are permissible by law and shall not engage in arguing their case or in placing inadmissible matters before the jury panel.

Opening statements should also be restricted to permissible perimeters and should not be counsel's argument on either the facts or the law.

9. Counsel will try the lawsuit upon the law and the facts and not engage in striking at the parties through their attorney. Therefore, counsel will not engage in insinuations, insults, or derogatory remarks regarding opposing counsel.
10. Only the attorney conducting the examination or cross examination of a specific witness is allowed to make objections during that witness's testimony. Counsel shall not be permitted to interject him or herself into the direct or cross examination of that witness or in the making of an objection other than by privately conferring with co-counsel regarding the testimony.

11. Counsel will address the court appropriately as Your Honor or Judge and should refer to all parties and witnesses by their surname. Therefore, counsel shall not refer to witnesses or parties by any nicknames, informally by their first name, or by any other discriminatory or inappropriate classification.
12. Counsel should always be completely candid, diligent, and respectful to the court and judiciary, and not bring discredit upon the judicial system or unjust criticism upon the judiciary.
13. Counsel shall be courteous and cooperative with opposing counsel, and cooperate fully with all depositions, hearings, and discovery matters for a timely disposition of the cause before the court.
14. Counsel shall promptly prepare orders or judgments to be presented to the court and make same to the court and opposing counsel simultaneously and within one business day of the entry of that order or judgment by the court.
15. Counsel shall not engage in attempts to obtain advantage in a case by an *ex parte* communication with the court, which includes oral and written communication. Counsel shall not encourage litigants or witnesses before the court to attempt *ex parte* communications with the judge. All non-substantive matters and scheduling matters shall be directed to the judge through the appropriate court personnel.
16. Counsel shall not engage in any remarks to the jury calculated to ingratiate counsel with the jury.

SIGNED AND ORDERED this the ____ day of _____.

JUDGE

WE ACKNOWLEDGE RECEIPT OF THE ABOVE ORDER ON THIS THE ____ DAY OF _____. **WE HAVE REACHED SAID ORDER AND AGREE TO ABIDE BY SUCH ORDER:**

DISTRICT ATTORNEY

ATTORNEY FOR DEFENDANT