

Sample Rules for Conduct of Counsel while in Trial

Different judges have different rules and different pet peeves. It is not really fair to expect counsel to follow the rules, if they do not know what the rules are. For this reason, I am providing counsel with this document before trial. If there are any of these rules you object to or do not understand, I will be glad to discuss them with you in chambers with opposing counsel present.

General

Be on time for court.

Make brief objections on legal grounds.

Stand to object or to address the court.

Do not respond to opposing counsel's objection, unless you first ask leave of the court to do so, or the court asks you to do so.

Do not talk at the same time that opposing counsel, a witness, or the court is talking.

Do not use racist, sexist, obscene, or profane language in court (unless eliciting or quoting from facts in the case).

Your client

If your client is in custody at the time of trial, bring appropriate clothes for him to wear to the courtroom before trial and give them to the bailiff.

Voir Dire

Make challenges for cause contemporaneous with the proof, even if the juror is being questioned by opposing counsel.

Testimony

Have your witnesses in attendance at the court and ready to testify when needed.

Have your witnesses dress appropriately for court (not blue jeans, shorts, t-shirts, etc.)

Do not request a bench conference except under extraordinary circumstances.

Do not point firearms, loaded or unloaded, in the direction of jurors, witnesses, or any other persons in the courtroom.

Ask permission to approach a witness on the stand.

Ask permission to approach the court reporter to use an exhibit.