

## **I. GENERAL RULES FOR THE CONDUCT OF COUNSEL IN THE COURTROOM AND DURING TRIAL**

- A. In jury trials, as a general rule, Court will convene at 9:00 a.m., take a mid-morning recess, break for lunch from Noon to 1:30 p.m., take a mid-afternoon recess, and adjourn for the evening before 5:00 p.m.
- B. Counsel are requested to either go to the attorney/witness room themselves to call a witness, or to arrange for an associate to do so. The Marshals and Court Security Officers (CSOs) are in the courtroom for security purposes only and are instructed not to engage in any activity other than security protection for the Court, the jury, counsel, and the attending of juries.
- C. No food or drink will be permitted in the courtroom at any time, other than the water on counsel tables. Also, newspapers are not to be read in the courtroom.
- D. Counsel must stand near a microphone when addressing the Court, opposing counsel, or the jury, and when examining witnesses or during opening statements and closing arguments so that the court reporter can accurately transcribe the proceedings. However, counsel need not stand at the lectern. Counsel and the parties must stand when the jury enters and exits the courtroom.

## **II. INSTRUCTIONS CONCERNING JURY SELECTION**

In general, Judge Myerscough will conduct a voir dire of 14 panelists. After Judge Myerscough has questioned the panel, the attorneys will be given the opportunity to question the panelists. The attorneys will approach the bench. Challenges for cause will be made. Then the parties may exercise their peremptories with the plaintiff going first. The remaining panelists will fill in the empty seats and new panelists will be called to refill the jury box. Judge Myerscough will then question the new panelists, followed by the attorneys.

In a single criminal defendant case, the defendant has 10 peremptory challenges and the Government has 6 peremptory challenges. In a civil case, each side has 3 peremptory challenges. Back strikes are permitted.

In a criminal case, the last two individuals called will be the alternates. The parties are allowed 1 peremptory challenge with respect to alternates.

In a civil case, the first 8 to be unchallenged will be the jury. There are no alternates.

### **III. CONDUCT TOWARD THE JURY**

- A. Counsel may not, under any circumstances, communicate with a juror during the pendency of a trial and may do so after the conclusion of the trial only with prior permission from the Court.

### **IV. EXAMINATION OF WITNESSES**

- A. Counsel should not instruct witnesses, but instead request the Court for an instruction.
- B. When more than one attorney represents a party, only one attorney may question each witness, and only the questioning attorney may object to opposing counsel's questions of that witness.
- C. Counsel should ask leave to approach a witness with an exhibit the first time, and need not repeat the request for that witness thereafter.
- D. Counsel should not obstruct any juror's view of the witness with their person or an exhibit.
- E. Counsel should be mindful of the court reporter and not speak too quickly or interrupt a witness while the witness is answering counsel's previous question.

## **V. OBJECTIONS**

- A. Counsel should attempt to limit their courtroom objections by motions in limine, which should be in writing and filed before trial.
- B. Counsel should very briefly state the grounds for an objection at the time the objection is made (e.g., “Objection. Hearsay.”).
- C. If counsel wishes to argue an objection or make a record, they should not do so in front of the jury, but instead must request a side bar. The Court encourages counsel to anticipate evidentiary problems and handle as many objections as possible prior to trial or at the beginning of the morning or afternoon before the jury enters the courtroom.
- D. Once an objection is made, before proceeding to another question, the questioner should either wait for a ruling or ask to withdraw the pending question. The questioner should not respond to the objection unless asked by the Court to do so.

## **VI. CONDUCT DURING JURY DELIBERATION**

- A. Counsel should furnish the Clerk of the Court with a cellular phone number where they can be reached when the jury indicates that it has reached a verdict or when the jurors have a question that needs a response from the Court.
- B. Counsel should be able to arrive in the courtroom upon receiving a call within fifteen minutes of being contacted by the Court.

*Revised July 30, 2014*