

GROUND RULES

I have listed below some of the ground rules I ask lawyers to observe during the course of a jury trial. The list is not exclusive. When in doubt, lawyers should be guided by their good sense and the spirit of professionalism.

1. Do not argue with each other in the presence of the jury. All remarks should be made directly to me.
2. Try to anticipate evidentiary problems. I prefer to deal with them in advance. Your single "best case" which supports your position would be appreciated.
3. Do not offer to stipulate in the presence of the jury.
4. When you make an objection please state your legal grounds, briefly and in a non-argumentative way. If you feel argument is necessary, ask for a sidebar conference.
5. Once I rule please do not continue to argue your position in the presence of the jury. If you feel further argument is necessary, ask for a sidebar conference.
6. When an objection to a question is made, the questioner should wait for a ruling on that objection before proceeding to another question.
7. If for any reason you wish an answer repeated, please direct to me your request for reading of the answer.
8. If you expect an objection to an exhibit, please make your initial offer of that exhibit out of the presence of the jury.
9. If you want to go off the record, ask me for permission to do so.
10. If you want a witness to leave the stand during his/her testimony, ask me for permission.
11. Pre-mark your exhibits and show them to opposing counsel. Let me know in advance whether there will be an objection to the offer of exhibits.
12. During voir dire, don't attempt to "sell" the prospective jurors on your version of the case by asking questions that don't go to bias or prejudice. It is argumentative to do so; also, you may be embarrassed when objections to your questions are sustained on the Court's own motion or on that of other counsel.

13. During voir dire, don't ask "exchange" questions (i.e., if we prove this will you give us that); this is pure argument and does not go to bias or prejudice.
14. During the opening statement, don't use documents or other physical evidence without prior consent of the Court.
15. The court reporter can only effectively listen to one voice at a time. Take turns talking.
16. Don't argue with the Court AFTER it has made a ruling.
17. Show other counsel documents and physical evidence before showing them to the witness.
18. If you want an exhibit circularized through the jury, request the Court's permission. If the Court approves, hand the exhibit to the Deputy Sheriff who will do it. Exhibits must have been received in evidence before they will be passed to the jury.
19. Refer to documents and other physical evidence on the record by their exhibit numbers.
20. Before reading from a deposition, give the beginning and ending pages and lines you propose to read. Then give other counsel an opportunity to read them and to object if necessary. Read slowly and indicate in each instance whether you are reading a question or an answer.