

MAGISTRATE JUDGE JUDITH C. McCARTHY
CONDUCT OF COUNSEL AT TRIAL

When appearing in this Court, unless excused by Judge McCarthy, all counsel (including any other people at counsel table), shall adhere to the following rules:

1. Stand as Court is opened, recessed, or adjourned.
2. Stand when the jury enters or exits the courtroom.
3. Stand when addressing, or being addressed by, the Court.
4. Stand at the lectern while examining any witness—except that counsel may approach the Courtroom Deputy’s desk or the witness for purposes of handling or tendering exhibits.
5. Address all remarks to the Court, not to opposing counsel.
6. Be respectful of opposing counsel and the litigants or witnesses.
7. Refer to all persons, including witnesses, other counsel, and parties by their surnames and not by their first or given names.
8. Only one attorney for each party shall examine, or cross-examine, each witness. The attorney stating objections, if any, during direct-examination, shall be the attorney recognized for cross-examination.
9. Request permission before approaching the bench.
10. Any document counsel wish to have the Court examine should be handed to the Courtroom Deputy.
11. Any exhibit offered in evidence should, at the time of such offer, be handed to opposing counsel. At the end of trial, counsel should make sure they have all of their exhibits. The Courtroom Deputy is not responsible for them.
12. If you intend to question a witness about a group of documents, avoid delay by having all the documents with you when you start examination.
13. In making objections, counsel should state only the legal grounds for the objection and should withhold all further comment or argument unless elaboration is requested by the Court.

14. In advance of each trial session, counsel for the party going forward at that session should show opposing counsel the exhibits s/he intends to introduce at the session. The opponent shall indicate those exhibits to which s/he has no objection, and the Court will admit them when offered at the session. Those exhibits to which there is an objection shall be presented to the Court for ruling before the opening of the session. If possible, the Court will rule on the objection then, thereby eliminating the necessity for a sidebar conference when the exhibit is offered.
15. Offers of, or requests for, a stipulation should be made privately, not within the hearing of the jury.
16. Do not face or otherwise appear to address yourself to jurors when questioning a witness.
17. Sidebar conferences will presumptively not be tolerated, except in extraordinary and unforeseen circumstances. These conferences have a distracting effect on the jury, and the parties should strive to postpone raising issues outside the jury's presence until the next recess, except when an immediate conference appears necessary to avoid unfair prejudice.
18. In opening statements and in argument to the jury, counsel shall not express personal knowledge or opinion concerning any matter in issue. In addition, counsel shall not offer a specific dollar amount that the jury should award for pain and suffering.