

## **GUIDELINES FOR TRIAL/COURTROOM DECORUM IN DIVISION 6**

1. These guidelines apply to all counsel appearing in Division 6 and, where applicable, witnesses and clients.
2. Unless excused by the Court, counsel shall stand: (a) as Court is opened, recessed, or adjourned; (b) when the jury enters and retires from the courtroom; (c) when making or responding to objections; and (d) when otherwise addressing the Court.
3. Counsel may approach a witness without first asking permission from the Court for the purpose of handing the witness exhibits or assisting the witness with the same. In all other cases, the Court shall be asked for permission before counsel approaches a witness.
4. Counsel will first request and receive permission from the Court before approaching the bench. Counsel shall not use the bench or the ledge in front of the bench as a workspace, or lean on the bench. Jackson County Local Rule 9.6.2.
5. All remarks of counsel during arguments on motions, objections, etc., shall be addressed to the Court, not opposing counsel. Counsel shall refrain from making disparaging personal remarks about or displaying acrimony toward opposing counsel.
6. Opposing counsel, adverse witnesses, and parties will be treated with fairness and consideration. Abusive language or conduct, offensive personal references, etc., will not be tolerated. Counsel shall refrain from making facial expressions and gestures during the argument of opposing counsel, during the testimony of any witness, or in response to any ruling of the Court.
7. Counsel shall refrain from interrupting a witness, opposing counsel, or the Court.
8. Unless the parties are otherwise directed, examination of witnesses shall consist of: (a) direct examination; (b) cross-examination; and (c) re-direct examination. Re-cross examination may be permitted in the discretion of the Court. In any case, the party proffering the witness will be allowed final questioning.
9. Only one attorney for each party shall examine or cross-examine each witness. The attorney making any objections during direct examination shall be the attorney recognized for cross-examination.
10. In making objections in the hearing of the jury, counsel will state only the legal grounds for the objection, e.g., "hearsay," "relevance," etc. If necessary, further

argument regarding the objection will take place at the bench and out of the hearing of the jury. Bench conferences should be kept to a minimum.

11. Offers of, or requests for, a stipulation shall be made outside the hearing of the jury, as shall suggestions of counsel looking to the comfort or convenience of the jury (e.g., requests for recesses, water for jurors, etc.).
12. Absent leave of Court, the use of cell phones and similar electronic communications devices in the courtroom during hearings and trials is prohibited. All such devices shall be turned off. Laptops and similar devices intended for use by counsel during any hearing or trial may be used, so long as they are silenced.
13. Food is prohibited in the courtroom absent leave of Court. Drinks are permitted in the courtroom so long as they are kept in a container with a secure lid.
14. Pursuant to the Court's case management order, lists and copies of exhibits the parties anticipate offering at trial are to be exchanged prior to trial. The format for the parties' exhibit lists shall be in the form which may be obtained from the Law Clerk, and also available on the Court's website. Counsel are encouraged to stipulate to the foundation for and, if possible, the admissibility of exhibits to be offered at trial. Prior to the introduction of evidence, counsel will provide the Court Reporter a list of the witnesses they anticipate calling at trial.
15. During voir dire, counsel should avoid asking questions of the venire that have been answered in the jury questionnaires. The Court permits general questioning by each party and thereafter allows each party the opportunity to conduct limited individual questioning of venirepersons (e.g., questions other than those following up on an answer given to a general question, questions requesting additional information to that provided on the questionnaire, etc.).
16. Easels, video screens or other large items used to display or as demonstrative exhibits shall be placed so that, as far as is practicable, the exhibit may be seen by the Court and the jury. Counsel may coordinate such arrangements with the Law Clerk.
17. Before and during jury trials, counsel shall be available at least 30 minutes prior to the time announced for commencement of the day's proceedings so that any matter needing attention can be addressed before beginning evidence for the day.

Any questions regarding these guidelines should be directed to the Law Clerk.

Updated: February 9, 2023

/s/ J. Dale Youngs  
J. DALE YOUNGS, Circuit Judge  
Division 6