

**Policies and Procedures
Applicable To All Cases Pending in
Division 3 of the Jackson County Circuit Court**

Courtroom Decorum

When appearing in Division 3, the following rules of decorum shall apply.

1. All counsel, support staff, clients, and any other persons at counsel table and/or located within the well of the courtroom shall:
 - A. Stand as court is opened, recessed, or adjourned;
 - B. Stand when the jury enters or retires from the courtroom;
 - C. Stand when addressing or being addressed by the Court;

2. A podium is provided for counsel to use when examining witnesses and/or making arguments to the Court. Counsel may approach the witness for purposes of handing or presenting exhibits for identification. In all other cases, the Court shall be asked for permission to approach the witness. The Court has a “no hover” rule meaning counsel shall not stand over witnesses as witnesses are testifying.

3. Counsel shall not place documents on the bar in front of the jury without permission of the Court. Counsel shall not approach the jury box and stand immediately in front of the jury without prior permission of the Court.

4. Counsel shall address all remarks, other than examination of witnesses, directly to the Court, not to opposing counsel.

5. All counsel, witnesses, and parties shall be treated with fairness and respect. No disparaging, personal remarks or acrimony shall be directed toward opposing counsel, litigants, witnesses, or the Court.

6. For the examination and cross examination of each witness, only one attorney for each party shall ask questions of said witness. The attorney stating objections, if any, during examination and cross examination of witnesses shall be the attorney who is examining or cross examining said witness.

7. Counsel should request permission for approaching the bench and are to review and comply with the provisions of local rules regarding conduct at the bench.

8. When making objections in all jury tried cases, counsel should stand and ask to approach the bench. All objections, comments, and arguments regarding said objections shall be made at the bench outside the hearing of the jury.

9. If any party “invokes the rule” regarding exclusion of witnesses, the Court will not know and cannot identify prospective witnesses. Therefore, it is counsel’s responsibility to monitor individuals within the courtroom and ensure that witnesses are excluded. If witnesses are present in or enter the courtroom, counsel shall be responsible for immediately removing said witness from the courtroom. If a witness is in the courtroom and the rule has been invoked, that witness will not be allowed to testify.

10. Any suggestions or recommendations of counsel with regard to the comfort or convenience of jurors should be made to the Court out of the jury’s hearing.

11. During the course of all jury trials, counsel shall be in the courtroom and available at least 30 minutes prior to the time announced to the jury for commencement of that day’s proceedings. This will allow the Court and counsel to attend to any matters which need to be resolved prior to beginning evidence for the day.

12. Counsel and other parties at counsel table shall be allowed to have bottled water in screw top bottles located on the counsel table with the agreement of all counsel. If any parties wish to have coffee or any other drinks in non-screw top bottles at counsel table, all parties seated at counsel table must agree thereto.

13. Proper dress for court is required of all counsel, their support staff, clients, and witnesses as set forth by Court En Banc policy.

14. Counsel should always speak up, speak clearly, and speak slowly to ensure that the court reporter is able to make a complete and accurate record of all proceedings. In addition, counsel shall advise their respective witnesses that they also need to speak up, speak clearly, and speak slowly when testifying.

Tenets of Professional Courtesy

Counsel shall conform to and comply with the Tenets of Professional Courtesy adopted at the Bench Bar Conference - a copy of said Tenets is posted on the Division 3 website.

Use of Sound System

The courtroom of Division 3 contains a sound system. In order to assist the court reporter in making an accurate record and allow the Court, counsel, and parties to hear all statements made in court, all attorneys and witnesses will be required to use a microphone at all times. Counsel should contact the court reporter before any hearing or trial to obtain the necessary microphone equipment and/or for any required instruction regarding the use of the sound system.

The Court and the court reporter have a master power switch for the sound system which will mute the sound system during all bench conferences conducted outside the hearing of the jury. However, counsel are reminded that if they wish to discuss their case with co-counsel or their client, it will be their responsibility to turn off their individual microphone to ensure confidentiality.

Witnesses, Exhibits and Demonstrative Evidence

Prior to the commencement of trial, each party shall prepare a witness list and an exhibit list and provide same to the Court and the court reporter (a suggested witness list and exhibit list are posted on Division 3's website - counsel may use them or substantially similar forms). All exhibits identified on the exhibit list shall be pre-marked prior to the commencement of trial. The Court recognizes there may be additional exhibits offered during trial which have not been previously included in the exhibit list and pre-marked. The requirement to pre-mark exhibits does not prevent offering additional exhibits at trial.

Exhibits shall be numbered consecutively with each party starting their respective numbering at 1, 101, 201, 301, etc. Plaintiff's exhibits shall start at 1 and continue through 100 (higher if necessary). Defendant's exhibits shall start at 101 and continue through 200 (higher if necessary). Any additional parties shall likewise number their exhibits.

Offered exhibits which have not been pre-marked shall be provided to the court reporter to be marked and numbered before they are tendered to the Court or to the witness for examination.

Any exhibit offered into evidence should at the time it is offered, be handed to opposing counsel for review.

The location of easels, screens, large exhibits, demonstrative evidence and/or equipment used to display said exhibits and demonstrative evidence shall be determined in joint conversation with counsel and the Court. Equipment and exhibits shall not be placed on the rail in front of the jury box or in the space between the witness box and the jury without prior permission of the court. In the event counsel wants witnesses to step down from the witness chair and utilize exhibits or demonstrative evidence, they shall ask permission from the Court.

At the conclusion of trial, counsel shall withdraw their exhibits on the record. Any exhibits which are not withdrawn shall be retained by the Court for thirty (30) days. If said exhibits are not claimed by counsel within said time, they will be destroyed.