

## EXHIBIT "L"

### FOURTH JUDICIAL DISTRICT COURTROOM DECORUM AND PRACTICE GUIDELINES

#### Preface

The pursuit of justice is a serious undertaking and conduct during the litigation process, both within and outside the courtroom, must at all times satisfy the appearance as well as the reality of fairness and equal treatment. Dignity, order, and decorum are indispensable to the proper administration of justice.

A trial is an adversary proceeding, and lawyers must advocate for their clients' positions. However, conduct that may be characterized as discriminatory, abusive, or obstructive impedes the fundamental goal of resolving disputes rationally, peacefully and efficiently. Such conduct tends to delay and often to deny justice.

Attorneys are privileged to participate in the administration of justice in a unique way, and are responsible to their own consciences, to their clients, to one another, and to the public to conduct themselves in a manner which will facilitate, and never detract from, the administration of justice.

A trial is a truth-seeking process designed to resolve human and societal problems in a rational and efficient manner. A lawyer's conduct should be characterized at all times by personal courtesy and professional integrity in the fullest sense of those terms. A judge's conduct should be characterized at all times by courtesy, patience, and fairness toward all participants. The courts belong to the people of this state. The guidelines are intended to facilitate access to the courts for the fair resolution of disputes, and should never be applied to deny access.

#### **Application**

The purpose of these guidelines is to provide lawyers, judges, and parties with a reasonable standard of conduct in judicial proceedings. However, these guidelines are not intended to homogenize conduct or remove individuality from the courtroom. To facilitate professional growth and foster voluntary compliance with these guidelines, the Judges of the Fourth Judicial District periodically review the guidelines. Comments are considered by the Judges and changes are incorporated as needed.

All participants in judicial proceedings should voluntarily adhere to these guidelines. The Judges of the Fourth Judicial District reserve the right to impose contempt of court or Rule 11 sanctions for violations of these guidelines. Nothing in these guidelines supersedes or detracts from existing codes or rules of conduct or discipline or alters existing standards by which lawyer misconduct may be determined.

#### **COURTROOM DECORUM**

## I. General Courtroom Conduct

- A. Always be prompt.
- B. Stand when the judge enters or leaves the courtroom.
- C. Do not make personal attacks on opposing counsel. Argument or motions on issues not fully briefed or noticed for hearing as well as allegations of improper or unethical conduct by an attorney or party which are being raised for the first time during a trial or court hearing are generally considered efforts calculated to disrupt or distract from the issues before the Court and will be cause for sanctions.
- D. Do not interrupt the Court or opposing counsel. Wait your turn.
- E. Enhancing courtroom decorum is a cooperative venture among bench and bar. It is appropriate to call to the attention of opposing counsel any perceived violations of these guidelines out of the presence of the jury.
- F. After the Court has ruled, ask the Court's permission before arguing further.
- G. Advise clients and witnesses of the formalities of the Court, the appropriate guidelines, and any rulings on motions in limine. Encourage their cooperation. This applies both to attorneys and to pro se parties.
- H. If there is a live microphone at counsel table, remember not to confer with others or rustle papers near the microphone.
- I. Courtrooms equipped for videotaped reporting may require special precautions, such as remaining near a microphone.
- J. Counsel and the parties are expected to dress in a manner that reflects the seriousness of judicial

proceedings and demonstrates an awareness of the Court as a respected institution of the American system of democracy. Coat and tie are suggested for male attorneys. Corresponding attire is appropriate for female attorneys.

- K. Treat everyone in the courtroom with fairness, consideration and respect. Refrain from conduct that discriminates on the basis of race, color, national origin, religion, creed, sex, age, disability, sexual orientation, or marital status.

## II. General Trial Conduct

- A. Offers of and requests for stipulations are appropriate to facilitate the presentation of a case, but should not be employed to communicate to the jury a party's willingness or unwillingness to stipulate.
- B. During trial, maintain appropriate respect for witnesses, jurors, and opposing counsel, avoiding informality. Address adults by their titles or surnames unless permission has been given to use first names. Avoid referring to adults by biased and demeaning expressions or labels such as "girl," "gal," or "boy." Address jurors individually or by surname only during voir dire.
- C. Treat jurors with respect and dignity, avoiding fawning, flattery, or pretended solicitude. Suggestions regarding the comfort or convenience of jurors should be made to the Court out of the jury's hearing.
- D. During the opening statement and argument of opposing counsel, never inappropriately divert the attention of the Court or the jury.
- E. Avoid expressing an opinion to the

jury about the testimony of a witness, a ruling of the Court, or argument of counsel through exaggerated facial expressions or other contrived conduct.

- F. When practical, give the Court advance notice of any legal issue which is likely to be complex, difficult, and which you expect to require argument.
- G. Do not argue the case in the opening statement.
- H. Counsel should not express to the jury personal knowledge or personal opinions about the evidence.
- I. Address your remarks to the Court, not to opposing counsel except when extending necessary courtesies, e.g., thank you.
- L. Only attorneys, parties, court personnel, and witnesses, when called to the stand, are permitted within the bar of the courtroom, unless otherwise allowed by the Court.

### **III. Examination of Witnesses**

- A. When examining a witness, avoid undue repetition of the witness's answer.
- B. Make objections for evidentiary reasons without delivering a speech or guiding a witness. Recapitulate testimony only as needed to put an objection in context.
- C. If a witness was on the stand at a recess or adjournment, have the witness ready to proceed when court is resumed.
- D. Attempt to anticipate witness scheduling problems and discuss them with opposing counsel and the Court. Try to schedule witnesses in advance of trial.

### **IV. Exhibits and Documents**

- A. Premark exhibits with the clerk for identification prior to trial where appropriate. Hand all unmarked exhibits to the clerk for marking before using them in trial.
- B. If practical, have photocopies of an exhibit for the Court, opposing counsel, and the witness. Avoid illegible copies if possible.
- C. Return all exhibits to the clerk at each adjournment.
- D. Whenever referring to an exhibit, mention the exhibit number.
- E. After an exhibit has been admitted, mark on it only with the Court's permission. Avoid unnecessary markings. When referring to locations or features on exhibits such as maps or diagrams, indicate the locations by appropriate markings if they are not readily apparent from the documents.
- F. Give to the clerk all papers intended for the Court.
- G. Show the proposed exhibit to opposing counsel prior to offering the exhibit in evidence.

### **V. Scheduling**

- A. When practical, consult opposing counsel before asking for a hearing and scheduling a discovery appearance in an effort to avoid scheduling conflicts. Assert a scheduling conflict only if the requested time is not available, not to obtain any unfair advantage.
- B. If opposing counsel fails to promptly accept or reject a time offered for hearing or discovery appearance, raises an unreasonable number of conflicts, or consistently fails to comply with this standard, agreement is not required.

- C. Where time associated with scheduling agreements could cause damage or harm to a client's case, then a lawyer is justified in asking for a hearing or scheduling a discovery appearance without first consulting with opposing counsel.
- D. Give notice of cancellation of appearances and hearings to all involved at the earliest possible time.

## **VI. Preferences of Individual Judges**

Counsel are advised to determine the preferences of individual judges with respect to movement within the courtroom. Following are some examples of individual preferences.

- A. Stand when addressing the Court and when making objections.
- B. Stand during opening statements and closing argument.
- C. Approach the bench only with permission.
- D. Maintain an appropriate distance from the witness and the jury.
- E. Always address the judge as "Your Honor."

## **VII. Discovery**

- A. Make reasonable efforts to conduct all discovery by agreement. Consider agreeing to an early voluntary exchange of information.
  - 1. Comply with all reasonable discovery requests in a timely
  - 2. Stipulate to facts unless there is a genuine dispute.
- B. Conduct yourself in a professional manner and treat other lawyers, the opposing party, and all involved with courtesy and civility at all times. Clients should be counseled that civility and courtesy are required.
- C. Be punctual in fulfilling all

professional commitments and in communicating with the Court and other lawyers.

- D. Concentrate discovery responses on matters of substance and content, avoiding quarrels over form or style.
- E. Clearly identify for other counsel or parties all changes made in documents submitted for review.
- F. Fully respond to discovery, unless making a specific and clear objection warranted by existing law or a reasonable extension thereof. Do not produce documents in a manner designed to hide or obscure the existence of particular documents.

## **VIII. Depositions**

- A. Advise clients regarding appropriate behavior, attire and other matters involved with depositions and other proceedings.
- B. Take depositions only when actually needed to ascertain facts or information or to perpetuate testimony.
- C. Make only good-faith objections to discovery, and avoid objections solely for the purpose of withholding or delaying the disclosure of relevant information.

## **IX. Court Staff**

- A. Counsel are to fully cooperate with all court staff including appointed guardians, settlement masters, and standing masters by promptly returning phone calls and keeping scheduled appointments.