

HONORABLE RICHARD J. SULLIVAN

CONDUCT OF COUNSEL AT TRIAL

When appearing in this Court, unless excused by the presiding judge, all counsel (including, where the context applies, all persons at counsel table) shall:

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 Clerk's desk or the witness for purposes of handling or tendering exhibits. Commence your cross-examination without preliminaries.
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; and any document counsel wish to have the Court examine should be handed to the Clerk.
10. 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 Clerk is not responsible for them.
11. 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.
12. 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.
13. In advance of each trial session, counsel for the party

going forward at that session should show opposing counsel the exhibits he/she intends to introduce at the session. The opponent shall indicate those exhibits to which he/she 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.

14. In examining a witness, counsel shall not repeat or echo the answer given by the witness.
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. This Court agrees with Standard 5.9 of the Standards suggested by the American Bar Association Advisory Committee on the Judge's Function (1972):

The trial judge should be alert to the distracting effect on the jury during the taking of evidence of frequent bench conferences between counsel and the judge out of the hearing of the jury, and should postpone the requested conference to the next recess except when an immediate conference appears necessary to avoid prejudice.

18. Parties shall provide to the Court three copies of the witness list and a marked exhibit list.
19. In opening statements and in argument to the jury, counsel shall not express personal knowledge or opinion concerning any matter in issue.
20. Parties may bring bottled water into the Courtroom during court proceedings but shall drink from the cups on counsel tables and not out of the bottles.