

GENERAL RULES FOR THE TRIAL OF CASES BEFORE

JUDGE DAVID L. RUSSELL

Updated October 17, 2018

COUNSEL: PLEASE READ CAREFULLY PRIOR TO TRIAL

1. Please be on time for each court session. Trial engagements take precedence over any other business. If you have matters in other courtrooms, arrange in advance for the handling of such matters by you or have an associate handle them for you.
2. Court time may not be used for marking exhibits. This must be done in advance of the court session. Please provide an extra copy of exhibits to the Courtroom Deputy for the Court's use. **ALL EXHIBITS MUST HAVE CASE NUMBER ON EACH LABEL.**
3. Please stand whenever you address the Court. This includes the making of objections.
4. Stand a respectful distance from the jury at all times. Statements and arguments to the jury will be made from the lectern.
5. In your opening statement to the jury, do not argue the case and do not discuss law. Confine yourself to a concise summary of the facts to follow. Do not describe in detail what individual witnesses will say. Unless the case is unusually complex, each party will be limited to 15 minutes.
6. Please stand when you question witnesses. (Counsel with physical disabilities are excused from this requirement.) Do not pace about the courtroom when questioning witnesses, but remain at the lectern unless given permission to approach the witness, diagram, bench, or the like.
7. If you intend to question a witness about a group of documents, avoid delay by having all the documents with you when you start the examination.
8. Except for children, address witnesses by their surnames, for example, Mr. A, Sergeant B, or Doctor C.
9. Do not greet or introduce yourself to adverse witnesses. Commence your cross-examination without preliminaries.
10. When you object in the presence of the jury, make your objection short and to the point. Do not argue the objection in the presence of the jury, and do not argue with the ruling of the Court in the presence of the jury. Do not make motions in the presence of the jury. Such matters may be raised at the first recess without waiving any rights by such delayed motion.
11. Do not face or otherwise appear to address yourself to jurors when questioning a witness.
12. Never assert your personal opinion as to the credibility of a witness, the culpability of a civil litigant, or the guilt or innocence of an accused, nor as counsel assert personal knowledge of a fact in issue, nor assert a fact not in evidence.
13. Do not react to a statement by another counsel or a witness being examined by another counsel by any gesture or facial expression signifying agreement, disagreement, approval or disapproval. Advise your clients they are subject to this same limitation.

14. Do not bring food or beverage into the courtroom. Water is provided there.
15. When another counsel has the floor, do not distract the Court or jury by audibly conversing with your client or co-counsel, ostentatiously passing notes, rummaging through papers, or other conspicuous conduct.
16. Do not leave the courtroom while trial is in progress without obtaining leave of Court.
17. Where more than one attorney represents a party, only the attorney handling the particular witness may respond to an objection or raise an objection in regard to his testimony.
18. While the Court permits exhibits to be passed to the jury, this procedure should be used sparingly and reserved for truly significant exhibits. If possible, when you wish to publish an exhibit to the jury, have a copy for each juror.
19. If you have reason to anticipate that any question of law or evidence is particularly difficult, give the Court as much advance notice as possible.
20. If you wish to use the evidence presentation technology in our courtroom, please familiarize yourself with it before trial.
21. **Depositions.** If rulings will be necessary with respect to any testimony to be read or played from depositions, transcripts of those depositions shall be delivered to chambers not later than noon on Thursday of the week prior to trial. The passages that the proponent of the deposition testimony intends to read or play shall be highlighted in green, and any counter-designated testimony shall be highlighted in yellow. (Passages more than one page long may be marked with a vertical highlight of the appropriate color in the left margin.) A list of objections by page and line number, and including the basis for the objection, shall be attached to the cover of the transcript. The objections shall also be noted at the appropriate place(s) within the deposition transcript. Notations in the body of the transcript may be handwritten if necessary.

Thank you for your Cooperation.

DAVID L. RUSSELL
UNITED STATES DISTRICT JUDGE