

COURTROOM PROCEDURES

JUDGE KARIN J. IMMERGUT

MULTNOMAH COUNTY CIRCUIT COURT
DEPARTMENT 26
CHAMBERS: 232

OFFICE: 503.988.5008
Karin.J.Immergut@ojd.state.or.us



STAFF:

JUDICIAL CLERK: [Judicial Team 1](#)

JUDICIAL ASSISTANT: [Judicial Team 1](#)

I. GENERAL RULES

- **Please rise when the Judge enters and exits the courtroom and for the jury once the jury has been sworn.**

- **You may move freely about the courtroom.**

You have the permission to approach witnesses and the bench. You may stand during examination of witnesses, but are not required to do so.

- **Do not ask for a Bench Conference unless absolutely necessary.**

Our courtroom is too small for privacy. Short matters can be handled in chambers. Matters for the record will require the jury to be sent out.

- **No Speaking Objections.**

“Trial courts must restrict counsel’s objections to a statement of the antiseptic legal grounds without comment.” 298 OR 782, 792.

II Pre-Trial Issues

A. EXHIBITS

1. **Mark** all exhibits prior to trial.
2. **Exchange** all marked exhibits (except impeachment exhibits) with opposing counsel.
3. Give the exhibits to which you **stipulate** to the clerk. These will be logged and received into evidence. The clerk will hold them until needed.
4. Retain the exhibits to which you **object** and I will rule on these before trial.

*****This procedure will preclude the need to lay a foundation during trial.*****

B. CONFER WITH OPPOSING COUNSEL

Prior to trial, you are asked to confer with opposing counsel on the following:

1. Whether **witnesses** are to be excluded.
2. **Stipulations** as to evidence and exhibits.
3. **Motions in Limine**: Discuss what you can agree to and what you will not agree to. Stipulations will be put on the record and objections will be ruled on prior to trial.
4. **Prior convictions** of a witness.
5. The need for further **settlement discussions** with a judge.
6. The need for **in-chamber discussions** regarding trial procedure, scheduling, and special concerns.

C. CHECK IN WITH THE CLERK

Prior to trial, please provide the clerk with the following:

1. **Your name** and the names of all possible **witnesses**.
2. **Exhibits** that have been marked to which both sides stipulate.
3. **Jury Instructions**.
4. Any **special needs** regarding equipment (podium, DVD player, etc..)

III Jury Selection

A. Peremptory challenges are taken in chambers.

You need to make challenges for cause in open court as soon as you have grounds for such a challenge. The court will rule on challenges for cause and excuse jurors for hardship in open court, outside the presence of the potential jurors.

B. DO NOT ask questions designed to:

1. **Educate the jurors as to the law** (some discussion regarding jurors ability to apply legal concepts is okay):

“Can anyone tell me what reasonable doubt means?”

2. **Condition a response from a juror:**

“Would you have a hard time walking a straight line when you are nervous or tired?”

3. **Exact a promise from the jurors:**

“Can you promise me you will be able to return a guilty verdict if the state proves its case?”

4. **Argue the facts of the case:**

“Would it surprise you to learn that the police did not collect finger prints when they learned the car was stolen?”

5. **Suggest facts not in evidence:**

“Can you think of why my client would not want to testify?”

IV Trial

A. Use the proper names of the parties:

Do not refer to the parties as the “defendant,” or “suspect, or “plaintiff,” or “victim” or complainant.

Unless the witness or party is a child, do not use first names.

B. Do not be solicitous about witnesses’ and jurors’ welfare.

The court staff will tend to these matters.

C. You must ask the court before you hand exhibits to the jury.

D. You do not need to ask to approach witnesses.

E. Parties are responsible for moving easels, podiums, demonstrative exhibits, and furniture about the courtroom.

F. You are responsible for reserving court equipment to be used during trial from the Supply Department (503.988.3187).

G. No speaking objections are to be held in front of the jury; bench conferences must be held in chambers. Any argument will be put on the record during a break.

H. Questions “in aid of objections” are not allowed.