

JUDGE MAURER'S DO'S AND DON'TS

I. PROFESSIONALISM

- * Be courteous.
- * Be brief.
- * Be timely.
- * Confer.
- * Follow through on your commitments.
- * Empathize with the position of opposing counsel, the court and other players in system.
- * Introduce yourself to the court staff (these folks are like members of our family) and treat them with the utmost respect. This includes:
 - Courtroom clerk
 - Judicial Assistant
 - Corrections deputies
- * Advise court if you have resolved your case and will not need the hearing.
- * Strike from your written and oral arguments all disparaging remarks.
- * Never interrupt. Stand up instead. Make your arguments to the judge, never to opposing counsel.
- * Make all of your arguments before the judge rules, not afterward. (Do not make comments “for the record” after the judge rules.)
- * Be aware that the microphones feed into the judge’s chambers.

II. PREPAREDNESS

- * Serve your opponent and the judge with copies of all court documents.
- * Have a notebook or something else that will keep you organized.
- * Bring your calendar with you to court.
- * Cite to best case, no string cites. Use Oregon cases if possible.
- * Have your witnesses ready to go. Go over their testimony beforehand.
- * Have a notebook with your exhibits marked and ready to go and give a copy to the judge, judge's clerk and opposing counsel. Confer with opposing counsel and stipulate to as many exhibits as possible.
- * Work Backward: Pull out the jury verdict and jury instructions early in case. Fit your evidence and arguments into the verdict and instructions.
- * Bring a clean set of printed jury instructions to court, along with a CD containing the instructions you are requesting.

III. PRESENTATION

- * Tell me what you want me to do before you give background of your case. “Your honor, I am asking for a set-over in the trial date. I need this because...”
- * Speak slowly, loudly, clearly. Courtrooms have terrible acoustics.
- * State your name for the record every time.
- * Call the case name and the case number.
- * Stand up, sit up. Be mindful of your facial expressions.

* Learn the stages of a trial:

Jury selection: Do not use it to condition the jury. Know what jurors you want.

Opening Statement: Roadmap, not argument.

Witness presentation: Get to the point. Do not interrupt your witness.

Use cross sparingly unless you are very skilled. No "why" questions.

(PI case: you are defending and want to establish that the witness is exaggerating injury.

No "if injuries so bad, why didn't you go to hospital immediately?"

Closing Argument: Succinct, using jury instructions and verdict form.

* State "objection" and cite the ground on which you rely. NO speaking objections. Use infrequently.

* No expression of your personal opinion.

* Use exhibits effectively, but do not show them to jury before they have been received.

* Do not use a trial technique just because someone else has. Watch good lawyers.

* Watch the jurors and their nonverbal communication. Do not assume that their silence means they are fascinated with your case. Remember that they are permitted to ask questions now.