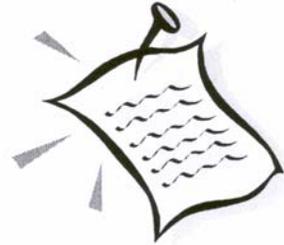


I. GENERAL RULES

- Please **stand** when the Judge enters and exits the courtroom.
- You may **move freely** about the courtroom.
You have permission to approach witnesses and the bench. You may stand during examination of witnesses.
- Do not ask for a **Bench Conference**.
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*
- Get **Jury Instructions** to the clerk prior to trial.
We prepare written instructions for the jurors in every Jury trial.

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, VCR, etc..)

III Jury Selection

A. **Peremptory challenges** are taken in chambers.

--You may bring your client.

B. **DO NOT** ASK QUESTIONS DESIGNED TO:

1. **Educate the jurors** as to the law. (Some discussion regarding jurors ability to apply legal concepts ok).

“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 imagine why my client would not want to testify?”
“Can you think of reasons why the victim would not be here?”

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. Do not hand exhibits to the jury. The clerk will do that for you.

D. Do not ask to approach witnesses— Just do it.

E. Let the clerk move easels, podiums, and furniture about the courtroom for you. Let him clip or hang exhibits, drawings or pictures on the board.

These tasks can be difficult to accomplish in front of a jury and the clerk knows how to do it best.

F. Read section on Exhibits

G. No speaking objections in front of jury and bench conferences must be held in chambers.