

**GENERAL RULES FOR THE TRIAL OF CASES
BEFORE JUDGE SUZANNE MITCHELL**

The chambers procedures which are set forth below are consistent with the Federal Rules of Civil Procedure and the Federal Rules of Criminal Procedure and are not intended to add to the already substantial demands of litigation practice. To the contrary, these chambers procedures are intended to remove uncertainty and guesswork for litigants and their counsel by providing reliable and concrete guidance as to my expectations and procedures in some of the many matters as to which the Federal Rules and the Local Rules leave the trial judge with substantial discretion.

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. Please stand when you address the court or make objections. (Counsel with physical disabilities are excused from this requirement.)
3. Stand at the podium when you examine witnesses, make statements and present argument. (Counsel with physical disabilities are excused from this requirement.)
4. 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.
5. If you intend to use demonstrative exhibits in opening statements, inform opposing counsel at least one week before trial regarding this intent and confer to determine whether there are any objections to such use. The attorney intending to use the demonstrative exhibits shall promptly inform the courtroom deputy for the undersigned, in advance of the trial, regarding any such objections.
6. If you intend to question a witness about a group of documents, place it before the witness before you start the examination.
7. Except for children, address witnesses by their surnames, for example, Mr. A, Sergeant B, or Doctor C.
8. Do not greet or introduce yourself to adverse witnesses. Commence your cross-examination without preliminaries.
9. Court time may not be used for marking exhibits. Mark all exhibits in advance of the court session.
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. Unless permission is given at the bench for further examination, examination of a witness ends with the first redirect.
12. Never assert personal knowledge of a fact in issue or a fact not in evidence. Likewise, never express your personal opinion as to the credibility of a witness, the culpability of a civil litigant, or the guilt or innocence of the accused.
13. 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.
14. 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.
15. Bench conferences will be kept to a minimum. **If** objections are anticipated with an upcoming witness, the attorneys will be expected to raise the matter in Court, when the jury is not present, in advance of the witness' testimony.
16. "Speaking objections" will not be permitted. Make your objections short and to the point.
17. **If** opposing counsel does not object to a group of exhibits to be offered, the offering party may proffer the exhibits for admission as a group at the beginning of the trial.
18. Exhibits as to which no objection is lodged in the pretrial report shall not be objected to when offered at trial, even if the court routinely inquires as to whether there is an objection when the exhibit is offered.
19. Do not bring food or beverage into the courtroom. Water is provided.
20. Do not leave the courtroom while trial is in progress without obtaining leave of court.
21. It is the obligation of counsel to have their witnesses available to prevent any delay in the presentation of testimony and to avoid running out of witnesses before the end of any trial day. If counsel has a problem in this regard, it should be promptly brought to the court's attention.
22. Before each morning and afternoon session of court, and at the end of the day, each attorney should tell opposing counsel the names of the witnesses he or she intends to call in the next session of court.
23. 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 the testimony.

24. Do not publish an exhibit to the jury, with visual presentation equipment or otherwise, before the exhibit has been admitted into evidence. Always show demonstrative exhibits or enlargements of admitted exhibits to opposing counsel before they are used or published to the jury.
25. 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.
26. If you intend to use any special evidence presentation equipment not already present in the courtroom, you should make the appropriate arrangements prior to the date of the trial and advise the courtroom deputy. The “Attorney’s Manual for Courtroom Technology,” located under “Rules and Procedures” on the Court’s website, includes information as to the presentation equipment already available.
27. Do not ask the court, at trial, to certify your expert witness as an expert.
28. 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.
29. The judiciary’s privacy policy restricts the publication of certain personal data in documents filed with the Court. The policy requires limiting Social Security and financial account numbers to the last four digits, using only initials for the names of minor children, and limiting dates of birth to the year. For criminal cases, also limit home addresses to city and state. However, if such information is elicited during testimony or other court proceedings, it will become available to the public when the official transcript is filed at the courthouse unless, and until, it is redacted. The better practice is for you to avoid introducing this information into the record in the first place. Please take this into account when questioning witnesses or making other statements in court. If a restricted item is mentioned in court, you may ask to have it stricken from the record or partially redacted to conform to the privacy policy, or the court may do so on its own motion.
30. The jury should hear the instructions on the law of the case from the court, an impartial source. In your final argument, you may tell the jury what you anticipate the substance of the court's instruction on a particular subject will be, but do not read or quote any instruction.

Thank you for your cooperation.

Suzanne Mitchell
United States Magistrate Judge