

# Courtroom Procedures and Decorum Policy

## U.S. District Judge Roseann Ketchmark

### **Courtroom Decorum**

The Western District of Missouri is fortunate to have professional and courteous federal practitioners. The following courtroom decorum policy is comprised of commonsensical rules that generally come naturally to our practitioners:

1. The courtroom is for the attorneys to utilize as they see fit. The Court does not require attorneys to be tethered to the lectern. Attorneys should, however, be mindful to conduct their presentations as to not block the view of the court reporter, jury, witness, opposing counsel, or the Court.
2. Visible reactions to testimony, counsel's presentations or the Court's rulings are inappropriate.
3. Conversations at counsel table between co-counsel and clients should be quiet and should not distract court proceedings.
4. Attorneys shall stand when addressing, or being addressed by the Court.
5. Address all remarks, other than examination of the witness to the Court, not to opposing counsel.
6. Treat all adverse witnesses and parties with fairness and civility. Avoid abusive language, disparaging or offensive personal remarks, or hostility toward opposing counsel, litigants or witnesses.
7. Attorneys shall make all suggestions and comments regarding the comfort or convenience of the jury to the Court out of the jury's hearing.

### **Communication with Opposing Counsel**

Communications between attorneys or parties should not be sent to the Court. Please consult with opposing counsel about any matter of concern before asking the Court for a conference or ruling. Attorneys are usually able to resolve potential problems without Court involvement.

### **Communication with Chambers**

For questions regarding scheduling and the Court's Electronic Filing System, attorneys should contact Judge Ketchmark's Courtroom Deputy, LaTandra Wheeler, at (816) 512-5629. For other questions, attorneys should contact a law clerk at (816) 512-5110.

### **Filing of Documents**

Any represented party filing a document must do so electronically through the District's electronic filing system. Handing documents to the Court, law clerk, or courtroom deputy does not constitute filing of the documents.

### **Assist Court Reporter**

If you will be using technical, medical, or unusual terms in your case, please provide a glossary of those terms to the court reporter before hearings and at the pretrial conference.

### **Trial Schedule**

The Court typically holds trial from 9:00 a.m. to 5:00 p.m., Monday through Friday. The Court will take a morning and afternoon break in addition to the lunch hour. When possible, substantive issues are taken up before 9:00 a.m., during breaks, or after 5:00 p.m.

### **Voir Dire**

If the parties are in agreement, the attorneys may conduct voir dire. If the parties are not in agreement, the Court will conduct voir dire, but will also allow each side to briefly ask follow-up questions to prospective jurors at the conclusion of voir dire.

If the parties are in agreement, the attorneys may give a brief opening statement at the beginning of voir dire.

### **Jury Instructions**

Chambers' Model Jury Instructions can be found on the Court's webpage.

### **Opening Statements**

If the parties are in agreement, the jury will be instructed on the law prior to opening statements.

The Court generally imposes no time limit on opening statements.

Objections during opening statements should be made only by the opposing attorney who is designated to make an opening statement.

### **Jury Note Taking and Questions**

Jurors are allowed to take notes during trial. Notepads and pens will be provided to each juror.

Jurors are allowed to ask questions of witnesses after the attorneys have completed their examinations. Each and every juror submits a notecard upon completion of the attorney's questioning no matter if the notecard is blank or if a question(s) has been written on the notecard. The Court reviews each question submitted with the attorneys at the bench. Attorneys may lodge an objection to a question or may request a revision to the form of the question. A defendant in a criminal case may elect whether or not juror questions may be asked of the defendant if the defendant testifies.

### **Depositions in Civil Trials**

The Court will accept the parties' agreement to use a deposition at trial even though the witness is available. Counsel should provide the designations and objections with the pretrial filings. The Court will attempt to rule on objections at the pretrial conference if necessary, but these are usually ruled on during trial.

### **Stipulations**

Stipulations may be in writing, marked as an exhibit, and read to the jury. Generally, stipulations marked as exhibits and admitted into evidence are not sent to the jury room during deliberations.

Counsel should not make offers of, or requests for, a stipulation within the hearing of the jury unless made by previous arrangement between counsel and the Court. Such offers or requests shall be made at the bench.

### **Questioning of Witnesses**

Attorneys should address all adult witnesses as "Mr.," "Ms.," or "Dr." rather than by their first name, no matter how familiar the attorney is to the witness.

Direct examination, cross-examination, re-direct, and re-cross are permitted. No further questioning is permitted except by leave of Court.

Only one attorney for each party may examine or cross examine each witness. The attorney stating the objections, if any, during direct examination, shall be the attorney recognized for cross examination and vice versa.

Attorneys may approach the witness for any legitimate purpose without requesting permission to do so.

Except in unusual circumstances, a witness should be allowed to complete an answer. If the question calls for a "yes" or "no" answer, the witness will be allowed an opportunity to explain that answer.

When making an objection, an attorney should say only "objection," plus the legal reason for the objection, e.g., leading, hearsay. If the objecting attorney desires to give reasons for the objection or if an opposing attorney desires to oppose the objection, the attorneys should approach the bench.

After counsel questions an expert about their qualifications, do not ask the Court to declare the witness an expert.

Witnesses will remain in the witness chair unless leave of Court is granted for a witness to reference an exhibit. Witnesses will not be allowed to testify standing in front of the jury without leave of Court to do so.

### **Exhibits**

Each party shall mark their exhibits with an exhibit sticker indicating whether the exhibit is being offered by the plaintiff or the defendant, along with the exhibit number. The designation of each exhibit shall match the numeric designation for that exhibit on the exhibit list furnished to the courtroom deputy prior to trial.

The Court will typically address evidentiary objections at the pretrial conference and seek to pre-admit as many exhibits as is reasonable under the circumstances.

During jury deliberation, the Court will provide the jury exhibits upon their request. Only exhibits admitted during trial will go to the jury. Documents that are pre-admitted, but not actually used at trial, will not be submitted to the jury.

**Equipment**

The Courtroom is equipped with various equipment, such as a computer integrated document camera, computerized projector, and screen. Counsel are invited to utilize the courtroom equipment as needed. Counsel who wish to test the equipment prior to trial should contact the courtroom deputy to make arrangements. Parties may provide their own equipment, but arrangements should be made with the courtroom deputy well in advance of the day of trial.

**Closing Arguments**

The length of closing arguments will be established towards the end of trial, usually during the instruction conference.

Objections during closing arguments should be made only by opposing counsel designated to make closing arguments.

Instructions will be read to the jury before closing arguments. The jury will be given copies of the instructions for use during deliberations. Only one verdict form, however, will be given; no copies of the verdict form will be provided to the jury.

**Jury Deliberation**

After the jury retires, each side shall assemble their exhibits and keep them available in the courtroom. Attorneys and their clients should remain in close proximity to the courthouse, and advise the courtroom deputy where they will be located while the jury is deliberating.

After the jury is dismissed, counsel must take possession of their own exhibits from the courtroom deputy and sign the receipt at the bottom of the exhibit list.

After the jury is dismissed, counsel may not directly or indirectly contact jurors unless permitted to do so by the Court.