

Policy on Courtroom Procedures

Chief U.S. Magistrate Judge Willie J. Epps, Jr.

The following policy constitutes a practical, common-sense compilation of procedures for the courtroom. All lawyers shall adhere to this policy when appearing before Judge Epps.

Tech Equipment

Please test the equipment in the courtroom more than one week prior to trial. This is a requirement, not an option. There should not be any technology glitches during trial that could have been avoided with proper preparation. Counsel may schedule a time to test courtroom equipment with an information technology specialist at 573-636-4015.

Understand how to properly impeach a witness from the podium using the tech equipment. This avoids the inconvenience of approaching a witness with a paper copy of a report or deposition, as well as the confusion in court and difficulty for the court reporter.

Identify whether there will be one technician displaying exhibits for all parties or separate technicians for each party.

Courtroom Conduct

Prior to trial, please designate for the Court lead counsel and identify all individuals who will sit at counsel's table.

For the sake of the court reporter and the jury, always stand at the podium or at counsel's table and speak into the microphone when on the record.

The court reporter can only transcribe one speaker at a time. Be mindful not to speak over others at all times, especially when questioning witnesses and during sidebars.

Always be professional and respectful, including moments when the jury is not present or when court is off the record. Avoid dramatic facial expressions and gestures when Judge Epps or opposing counsel are speaking. Address individuals, including opposing counsel and witnesses, by their last names and the appropriate title, e.g., Dr., Mr., or Ms.

Exhibits

Please confer with opposing counsel prior to trial to come to an agreement concerning whether or not certain exhibits may be used during opening statements. If so, review and agree on those exhibits in advance.

Exhibits should be marked individually. If only one page or portion of evidence will be admitted, it should have its own exhibit number. Please do not attempt to admit only a piece of an exhibit

or to use “sub-exhibit” numbers. (e.g., you may not admit page 63 of exhibit 29. If the entire exhibit will not be admitted, it must be divided.)

Check the exhibit list carefully for errors prior to trial. Mistakes in exhibit numbering only slow down trial tempo and are a waste of time for all involved.

Confer with opposing counsel to come to an agreement concerning what exhibits will be admitted at trial. Jointly pre-admit these exhibits to the Court with an accompanying list of exhibits on which no consensus can be reached by the parties.

Voir Dire

The Court will ask all questions during voir dire unless counsel request, during pre-trial hearing, extensive participation in the jury selection process.

Voir dire questions must be submitted to the Court before trial.

The Court will notify both parties of the final questions prior to jury selection.

If a potential juror requires further, individual examination, counsel will have an opportunity to question that specific juror outside the hearing of the rest of the jury panel.

Objections

To object, stand and speak into the microphone, “Your honor, objection.”

The Court will ask you to state your basis briefly. Use discretion, understanding that the jury is listening. Do not create a prejudicial error by giving a speech with your objection in the presence of the jury.

Sidebars allowing for argument over objections will be very limited.

Jury Questions

With agreement of the parties, the jury will have an opportunity to ask written questions of every witness who testifies in court.

In a sidebar, both parties may choose to object to questions before they are presented to the witness. The Court will read a question and poll lead counsel for each party. State whether you object or agree to the question and provide a brief basis. Do not offer a lengthy explanation.

Questions that are posed to witnesses will be docketed for the record after trial.

Opening Statement and Closing Argument

Each party will have thirty minutes for an opening statement and thirty minutes for closing argument.

If the parties are in agreement, the jury will be instructed on the law prior to an opening statement, and again before closing argument.

Communication with Chambers

For questions regarding scheduling and the Court's Electronic Filing System, attorneys should contact Judge Epps' Courtroom Deputy at 573-556-7564. For other questions, attorneys should contact a law clerk at 573-634-3418.