

**MAGISTRATE JUDGE THERESA L. FRICKE  
CONDUCT OF COUNSEL AT TRIAL**

When appearing in this Court, unless excused by Judge Fricke, all counsel (including any other people at counsel table), shall adhere to the following rules:

1. Stand as Court is opened, recessed, or adjourned.
2. In jury trials, stand when the jury enters or exits the courtroom.
3. Stand when addressing, or being addressed by, the Court.
4. Stand at the lectern while examining any witness—except that counsel may approach the Courtroom Deputy's desk or the witness for purposes of handling or tendering exhibits.
  - COVID PROTOCOL EXCEPTIONS: Counsel may choose to examine witnesses while seated at counsel's table rather than at the lectern. Counsel should endeavor to publish evidence electronically as often as possible to minimize hand-to-hand transfers.
5. Address all remarks to the Court, not to opposing counsel.
6. Be respectful of opposing counsel and the litigants and/or witnesses.
7. Refer to all persons, including witnesses, other counsel, and parties by their surnames and not by their first or given names.
8. Only one attorney for each party shall examine, or cross-examine, each witness. The attorney stating objections, if any, during direct-examination, shall be the attorney recognized for cross-examination.
9. Request permission before approaching the bench.
10. All exhibits will be handled electronically. If for some reason a hard copy exhibit becomes necessary, any such hard copy that counsel wishes to have the Court examine should be handed to the Courtroom Deputy.

11. All exhibits that are admitted into evidence will go to the jury electronically through JEEPS. Hard copies will not be used unless the electronic system does not work properly. The DEPS program will be used for presenting exhibits. Any exhibit offered in evidence should, at the time it is offered, be displayed electronically first to opposing counsel. At the end of trial, counsel should make sure they have all of their exhibits. The Courtroom Deputy is not responsible for them.
  - COVID PROTOCOL: Counsel should provide electronic copies of all evidence to be offered in advance of trial.
12. If you intend to question a witness about a group of documents, avoid delay by having all the documents organized and electronically ready to use, when you start examination.
13. In making objections, counsel should state only the legal grounds for the objection and should withhold all further comment or argument unless elaboration is requested by the Court.
14. For any exhibits that were not stipulated as admissible or otherwise ruled admissible before trial and admitted into evidence at the start of the trial, the following steps will be taken. In advance of each trial session, counsel for the party going forward at that session should show opposing counsel the exhibits s/he intends to introduce at the session. The opponent shall indicate those exhibits to which s/he has no objection, and the Court will admit them when offered at the session. Those exhibits to which there is an objection shall be presented to the Court for ruling before the opening of the session. If possible, the Court will rule on the objection then, thereby eliminating the necessity for a sidebar conference when the exhibit is offered.
15. Offers of, or requests for, a stipulation should be made privately, not within the hearing of the jury.
16. Do not face or otherwise appear to address yourself to jurors when questioning a witness.
17. Sidebar conferences will presumptively not be tolerated, except in extraordinary and unforeseen circumstances. These conferences have a distracting effect on the jury and the parties should strive to postpone raising issues outside the jury's presence until the next recess, except when an immediate conference appears necessary.
  - COVID PROTOCOL: If a sidebar conference is necessary, the Court will conduct any such conference in the Courtroom after giving the jury a recess

to step outside of the Courtroom and wait in the outer hallway.

18. In opening statements and in argument to the jury, counsel shall not express personal knowledge or opinion concerning any matter in issue.

**ADDITIONAL COVID-19 PROTECTIVE MEASURES:**

19. Counsel should maintain social distancing, that is, counsel should maintain six feet of distance between counsel and anyone else in the Courthouse at all times.

20. Counsel are not to move any of the seats/chairs in the Courthouse. These were strategically placed in order preserve social distancing.

21. Counsel must wear a face covering at all times, except while speaking.