

**Circuit Court of the State of Oregon
For the County of Lane**

Trial Conduct & Courtroom Decorum

The Honorable Josephine H. Mooney

Courtroom 202



Lane County Circuit Court Mission

As a separate and independent branch of government, we provide fair and accessible justice services that protect the rights of individuals, preserve community welfare and inspire public confidence.

Courtroom Decorum

All lawyers, parties, witnesses and other persons present in the Courtroom shall abide by these rules of conduct:

- Be prompt and ready to proceed at the appointed time.
- Dress appropriately to the dignity of the Court and the serious nature of the matters before it.
- Remove your hat and sunglasses before entering the Courtroom; do not eat, drink or chew gum in the courtroom.
- Turn off all cell phones, pagers and similar devices before entering the courtroom. Lawyers and parties may be allowed to use iPads or laptops during trial with the judge's prior permission.
- Please stand, if physically able, when the judge enters the Courtroom and when you address the Court.

All self-represented parties are expected to act professionally and courteously toward the judge, jury, other parties and their lawyers. You must be prepared, and present your case according to the rules.

All persons observing court proceedings or waiting for a case to be called must sit quietly and be respectful of the court proceedings.

All members of the media are welcome to observe court proceedings and must sit quietly and be respectful of the court proceedings. Photography, videotaping and/or audio recording may only occur by prior Order of the Court pursuant to and in compliance with UTCR 3.180 and Lane SLR 3.181.

“You may not smoke in this Court,
you may not whisper or speak or laugh.
You must dress decently, and . . . you may not wear your hat unless such is your religion.
This is in honour of the Judge . . . and in honour of the Law behind the Judge, and in honour of the
People behind the Law.”

~ Alan Paton, *“Cry the Beloved Country”*

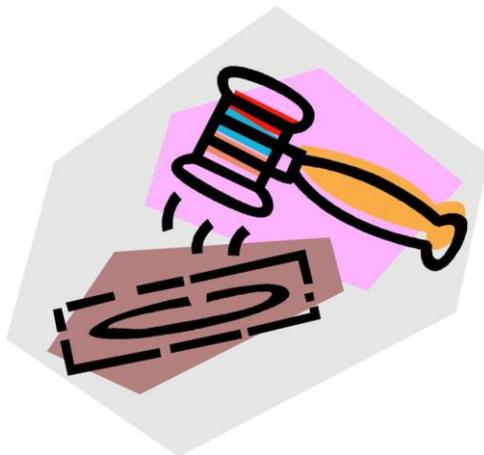
JURY SELECTION (Voir Dire)

- The judge will ask preliminary questions of the entire panel concerning scheduling, prior convictions and general bias regarding the type of case at bar.
- When questioning jurors, Counsel may either sit or stand at counsel table. Please do not enter the well.
- Do not use evidence during jury selection.
- Direct your questions to the 12 (or 6) jurors in the box.
- **Do not** ask questions designed to:
 - ◇ Educate jurors about the law. The Court will instruct the jury about the law. *Discussion about jurors' abilities to follow instructions is fine.*
 - ◇ Ask jurors to put themselves in the place of a party.
 - ◇ Ask jurors to define legal concepts.
 - ◇ Argue facts about the case.
 - ◇ Ask jurors to speculate.
- Peremptory challenges are taken by ballot slips in the courtroom. The clerk will provide the slips. You must pass the jurors in the box for cause before peremptory challenges begin. After each challenge is taken, a new panelist will enter the box for questioning until each lawyer passes that juror for cause and so on, until the jury is seated.



TRIAL

- Address or refer to counsel, parties, and witnesses by their surname using the appropriate prefix (i.e. - “Mr. Jones”, “Ms. Jones”, “Dr. Jones”, “Trooper Jones”). You may address children under 16 by their first name.
- Address objections and any remarks to the Court and not to opposing counsel or parties.
- Call your witness and the clerk will bring your witness in from the hall; make sure witnesses are available to testify when they are called.
- Witness examination is limited to direct examination, cross-examination, and redirect examination. At the conclusion of redirect examination, the witness will be asked to step down.
- You must request the judge’s permission to approach a witness or the Bench.
- You may enter the well and move freely about during opening statements and closing arguments; movement is otherwise by permission of the Court because the courtroom is too small to ensure respectful boundaries and adequate personal space.
- The Court may exercise its discretion under OEC 611 to *sua sponte* intervene on matters affecting the interrogation of witnesses and the presentation of evidence.



Before trial, please confer with opposing counsel on the following:

- Whether witnesses are to be excluded.
- Stipulations as to evidence and exhibits.
- Motions in Limine. *Stipulations will be put on the record and objections will be ruled on prior to trial.*
- The need for in-chambers discussions about trial procedures, scheduling and special concerns.

EXHIBITS

1. Mark exhibits consecutively before trial. Use the numbering system in UTCR 6.080.
2. Exchange marked exhibits with opposing counsel before trial.
3. Give stipulated exhibits to the clerk. These will be logged and received into evidence upon request of counsel.
4. Adhere to the following steps for offering an exhibit into evidence.
 - Have the exhibit identified.
 - Show the exhibit to opposing counsel.
 - Offer the exhibit.
 - Wait for the Court's ruling on any objection by opposing counsel before handing the exhibit to the clerk. If the Court receives the exhibit, hand it to the clerk to have it marked received. *Exhibits go to the clerk, not the Judge.*
 - Return all exhibits to the clerk after the witness steps down.
5. Do not hand exhibits to the jury. Ask permission to publish an exhibit. If the Court permits it, the exhibit will be published to the jury by courtesy of the clerk.

FILINGS

For cases assigned out of “trial call” on the day of trial, please file the following documents with the Court as soon after “trial call” as possible and before trial commences:

- Your witness list.
- Your exhibit list, including a list of exhibits to which all parties stipulate.
- Your proposed jury instructions.
- Your trial memo, if you have prepared one.
- A neutral statement of the case in civil cases.

For cases pre-assigned to Judge Mooney, please follow the Scheduling Order in that case.

EQUIPMENT

Bring to Court any of the following equipment you may need:

- DVD/Video Player
- Paper tablet, chart & markers
- Easel
- Projector and power cord
- Document Camera and power cord
- Small table for projector and/or document camera
- Screen

Prior to commencing trial, please pay all filing, trial, and court fees.