

INSTRUCTIONS TO COUNSEL FOR CLOSING ARGUMENTS

In conducting closing arguments, counsel must be familiar with and adhere to Local Rule 83.3, Courtroom Decorum. In addition, counsel shall adhere to the following procedures during closing arguments:

1. Time limitations shall be agreed upon prior to closing arguments and shall be strictly followed by all counsel.
2. Counsel shall conduct their closing arguments within one arm's length of the DEPS podium, but in no event any closer to the jury than the extension of the podium closest to the jury. If counsel utilize the tripod and flip charts, they will remove the exhibit/document/flip chart page upon completion of use of such material during argument.
3. Counsel are reminded that objections during closing arguments are typically limited to a narrow set of circumstances – such as misstatements of the law or evidence, arguments on facts outside the record, statements of personal belief as to the justness of a client's cause, or appealing to the prejudices of the jury. Counsel are advised that any objections made during closing arguments must be restricted to a statement of the legal grounds for the objection and must not include argument or comment.
4. In referring to witnesses by name, counsel shall utilize proper names and avoid the use of first names only (e.g., "Mr. Smith" or "Frank Smith"). The exception to this procedure is when a witness was more commonly referred to at trial by first name or other nomenclature.
5. Counsel shall refrain from referring to opposing counsel by name. Instead, counsel shall utilize the terms "Plaintiff's counsel" or "Defendants' counsel" if necessary to reference an argument or contention made by opposing counsel or a question posed by counsel during the course of the trial.
6. Consistent with LR § 83.3(e), counsel shall not, by facial expression or other conduct, exhibit any opinion concerning any argument being given by opposing counsel. In addition, during closing argument, if opposing co-counsel must consult with each other, such consultation should be done in an unobtrusive and quiet manner and should be kept to a minimum in order to be respectful during the respective closing arguments.