
**LOCAL RULES OF COURT
FROM THE US DISTRICT COURT, FLORIDA, MIDDLE DISTRICT
[CHAPTER FIVE]**

{AS OF: 12/1/2009}
TBD 0.080

E: TextBookDiscrimination@gmail.com
W: www.TextBookDiscrimination.com

visit TBD's [website](#) for the most up-to-date information

TABLE OF CONTENTS | CHAPTER FIVE | TRIAL AND COURTROOM PROCEDURES

#	Rule No	Title	Page
1	5.01	Juries - Selection; Instructions; Prohibition...	4
2	5.02	Marshal to Attend Court	5
3	5.03	Courtroom Decorum	6
4	5.04	Disposition of Exhibits and Discovery Materials	8
-	n/a	Appendix	11

CHAPTER FIVE | LOCAL RULES OF COURT | USFLMD

RULES: 5.01 through 5.04

TITLE: TRIAL AND COURTROOM PROCEDURES

Rule 5.01 | JURIES -- SELECTION; INSTRUCTIONS; PROHIBITION OF POST-TRIAL INTERVIEWS

(a) In all civil cases tried by jury, in accordance with Fed. R. Civ. P. 48, the jury shall consist of 6 to 12 persons as the Court may specify.

(b) The method of voir dire examination and exercise of challenges in selection of the jury shall be as specified by the presiding judge. A list of the venire will be furnished to counsel only at the time the case is called for trial, and prior to commencement of voir dire examination (unless otherwise required by governing rule or statute), and must be returned to the Clerk when the jury is empaneled. No person shall copy from or reproduce, in whole or in part, any list of veniremen.

(c) All requests for instructions to the jury shall be submitted in writing within the time specified by the presiding judge. Such requests, and supplemental requests, if any, shall be marked with the name and number of the case; shall designate the party submitting the request; shall be numbered in sequence; and shall contain citation of supporting authorities, if any.

(d) No attorney or party shall undertake, directly or indirectly, to interview any juror after trial in any civil or criminal case except as permitted by this Rule. If a party believes that grounds for legal challenge to a verdict exist, he may move for an order permitting an interview of a juror or jurors to determine whether the verdict is subject to the challenge. The motion shall be served within fourteen (14) days after rendition of the verdict unless good cause is shown for the failure to make the motion within that time. The motion shall state the name and address of each juror to be interviewed and the grounds for the challenge that the moving party believes may exist. The presiding judge may conduct such hearings, if any, as necessary, and shall enter an order denying the motion or permitting the interview. If the interview is permitted, the Court may prescribe the place, manner, conditions, and scope of the interview.

Rule 5.02 | MARSHAL TO ATTEND COURT

(a) Unless excused by the presiding judge, the United States Marshal of this District, or his Deputy, shall be in attendance during all sessions of any kind conducted in open court.

Rule 5.03 | COURTROOM DECORUM

(a) The purpose of this rule is to state, for the guidance of those heretofore unfamiliar with the traditions of this Court, certain basic principles concerning courtroom behavior and decorum. The requirements stated in this rule are minimal, not all-inclusive; and are intended to emphasize and supplement, not supplant or limit, the ethical obligations of counsel under the Code of Professional Responsibility or the time honored customs of experienced trial counsel. Individual judges of the Court may, in any case, or generally, announce and enforce additional prohibitions or requirements; or may excuse compliance with any one or more of the provisions of this rule.

(b) When appearing in this Court, unless excused by the presiding Judge, all counsel (including, where the context applies, all persons at counsel table) shall abide by the following:

- (1) Stand as Court is opened, recessed or adjourned.
- (2) Stand when the jury enters or retires from 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 Clerk's desk or the witness for purposes of handling or tendering exhibits.
- (5) Stand at the lectern while making opening statements or closing arguments.
- (6) Address all remarks to the Court, not to opposing counsel.
- (7) Avoid disparaging personal remarks or acrimony toward opposing counsel and remain wholly detached from any ill feeling between the litigants or witnesses.
- (8) Refer to all persons, including witnesses, other counsel and the parties by their surnames and not by their first or given names.

(9) 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.

(10) Counsel should request permission before approaching the bench; and any documents counsel wish to have the Court examine should be handed to the Clerk.

(11) Any paper or exhibit not previously marked for identification (see Rule 3.07) should first be handed to the Clerk to be marked before it is tendered to a witness for his examination; and any exhibit offered in evidence should, at the time of such offer, be handed to opposing counsel.

(12) 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.

(13) In examining a witness, counsel shall not repeat or echo the answer given by the witness.

(14) Offers of, or requests for, a stipulation should be made privately, not within the hearing of the jury.

(15) In opening statements and in arguments to the jury, counsel shall not express personal knowledge or opinion concerning any matter in issue; shall not read or purport to read from deposition or trial transcripts, and shall not suggest to the jury, directly or indirectly, that it may or should request transcripts or the reading of any testimony by the reporter.

(16) Counsel shall admonish all persons at counsel table that gestures, facial expressions, audible comments, or the like, as manifestations of approval or disapproval during the testimony of witnesses, or at any other time, are absolutely prohibited.

Rule 5.04 | DISPOSITION OF EXHIBITS AND DISCOVERY MATERIALS

(a) Sensitive Exhibits and Exhibits Other Than Documents: Sensitive exhibits shall include, but are not necessarily limited to, drugs, weapons, currency, exhibits of a pornographic nature, and articles of high monetary value. When offering sensitive exhibits and exhibits other than documents into evidence, offering counsel shall also offer photographs of the exhibits. Counsel will be deemed by the Court to stipulate to substitution of the photographs for the exhibits in the record on appeal, unless otherwise ordered by the Court.

(b) Documentary Exhibits Larger than 8-1/2" x 11": When offering into evidence a documentary exhibit larger or smaller than 8-1/2" x 11", counsel shall also offer an 8-1/2" x 11" reduction or enlargement of the exhibit. Counsel will be deemed by the Court to stipulate to the substitution of the 8-1/2" x 11" reduction or enlargement for the exhibits in the record on appeal, unless otherwise ordered by the Court.

(c) Clerk's Disposition Schedule: The Clerk shall dispose of exhibits in accordance with the following schedule:

(1) Sensitive Exhibits: Sensitive exhibits offered or received into evidence or otherwise filed with the Clerk during any proceeding in this Court shall be maintained in the custody of the Clerk during the hours in which the Court is in session. At the conclusion of each daily proceeding, and when Court recesses if the presiding judge so directs, the Clerk shall return all sensitive exhibits to offering counsel or their delegates who shall then be responsible for maintaining custody and the integrity of such exhibits until the next session of Court at which time they shall be returned to the Clerk. After a verdict is rendered in a jury case or final order is entered in a non-jury case, with the approval of the presiding judge, the Clerk shall immediately return custody of sensitive exhibits to the offering or filing counsel. It shall be the responsibility of counsel to safely maintain all exhibits thus returned during the time permitted for an appeal and thereafter during the pendency of an appeal should one be taken.

(2) Documents Larger Than 8-1/2" x 11" and Exhibits Other Than Documents: A document larger or smaller than 8-1/2" x 11" or an exhibit other than a document offered or received into evidence or otherwise filed with the Clerk during any proceeding in this Court shall be delivered to and kept by the Clerk until a verdict is rendered in a jury case or until the entry of a final order by the Court in a non-jury case. Thereafter, unless otherwise ordered by the Court, the Clerk shall immediately return custody of the exhibit to the offering or filing counsel. It shall be the responsibility of counsel to safely maintain all exhibits thus returned to counsel during the time permitted for filing an appeal and during the pendency of any appeal should one be taken. The Clerk shall handle and dispose of any photograph or reduction offered with an exhibit in the manner described in subsection (3) below unless otherwise ordered by the Court.

(3) Other Exhibits and Discovery Materials: Other exhibits and discovery materials offered or received in evidence or otherwise filed with the Clerk during any proceeding in this Court and any photographs or reductions offered pursuant to subsections (a) and (b) shall be delivered to the Clerk who shall keep them in custody unless otherwise ordered by the Court, except that the Clerk may, without special order, permit an official court reporter to retain custody pending preparation of the transcript and transmit such items to a court of appeals. All such exhibits, discovery materials, photographs and reductions remaining in the custody of the Clerk shall be taken away by counsel within three (3) months after the case is finally decided, unless an appeal is taken in the United States Court of Appeals for the Eleventh Circuit. It shall be the responsibility of counsel to safely maintain exhibits thus taken away during the time permitted for an appeal with any other court and thereafter during the pendency of an appeal with such court should one be taken. In all cases in which an appeal is taken with the United States Court of Appeals for the Eleventh Circuit, all exhibits, photographs and reductions shall be taken away within thirty (30) days after the filing and recording of the mandate of that court.

(d) Destruction of Exhibits: The Clerk may notify counsel in writing of the requirement that exhibits, discovery materials, photographs, and reductions be removed, and if they are not removed within thirty (30) days, the Clerk may destroy them or make such other disposition as the Court may direct.

APPENDIX

COPYRIGHT NOTICE

TextBookDiscrimination.com is not the author of these rules. Instead, TextBookDiscrimination.com merely re-printed and reformatted them for easier use.

ORIGINAL SOURCE

<u>#</u>	<u>Item</u>	<u>Link</u>
1	Original Source	www.FLMD.USCOURTS.gov

CONTACT INFORMATION

E: TextBookDiscrimination@gmail.com

W: www.TextBookDiscrimination.com

Congratulations! You're now ***booked up*** on Chapter Five of the Local Rules of Court from the United States District Court Middle District of Florida!