

LOCAL RULE 19 | TRIAL CONDUCT AND COURTROOM DECORUM

Voir Dire Time Limitations: For most jury trials, the Court orders prospective juror panels of 25 jurors. The panel answers a juror questionnaire that is provided to all parties when the panel arrives for voir dire and the Court will then ask general questions of the panel. The Court will limit the time for voir dire so that each side will have one hour to question jurors. By written motion filed at least 30 days before the first scheduled calendar call, a party may request additional time upon showing that the facts of the particular case are complicated or warrant more time.

A. A Lawyer should always deal with parties, counsel, witnesses, jurors or prospective jurors, court personnel and the judge with courtesy and civility and avoid undignified or discourteous conduct which is degrading to the court.

B. Be punctual and prepared for any court appearance.

C. Stand as the Court is opened, recessed or adjourned; when the jury enters or retires from the courtroom; and when addressing, or being addressed by the court.

D. Examination of jurors and witnesses should be conducted from a suitable distance. A lawyer should not crowd or lean over the witness or jury and during interrogation should avoid blocking opposing counsel's view of the witness.

E. Counsel should address all public remarks to the court, not to opposing counsel.

F. A lawyer should avoid disparaging personal remarks or acrimony toward opposing counsel.

G. Counsel should refer to all adult persons, including witnesses, other counsel, and the parties by their surnames and not by their first or given names.

H. 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.

I. Counsel should request permission before approaching the bench. Any documents counsel wishes to have the court examine should be handed to the clerk.

J. Have the clerk pre-mark the potential exhibits



K. Any paper or exhibit not previously marked for identification should first be handed to the clerk to be marked before it is tendered to a witness for examination. Any exhibit offered in evidence should, at the time of such offer, be handed to opposing counsel.

L. In making objections, counsel should state only the legal grounds for the objections and should withhold all further comment or argument unless elaboration is requested by the court.

M. Generally, in examining a witness, counsel shall not repeat or echo the answer given by the witness.

N. Offers of, or requests for, a stipulation should be made privately, not within the hearing of the jury, unless the offer or knows or has reason to believe the opposing lawyer will accept it.

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

P. Counsel shall admonish all persons at the 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.

Q. During trial and evidentiary hearings, the lawyers should mutually agree to disclose the identities, and duration of witnesses anticipated to be called that day and the following day, including depositions to be read with deposition designations provided to opposing counsel at least 48 hours before tendering to the Court or jury and should cooperate in sharing with opposing counsel all visual-aid equipment.

R. A lawyer should not mark on or alter exhibits, charges, graphs, or diagrams without opposing counsel's permission or leave of court.

S. A lawyer should abstain from conduct calculated to detract or divert the fact-finder's attention from the relevant facts or otherwise cause it to reach a decision on an impermissible basis.

T. A lawyer's word should be his or her bond. The lawyer should not knowingly misstate, distort, or improperly exaggerate any fact or opinion and should not improperly permit the lawyer's silence or inaction to mislead anyone.



U. A charge of impropriety by one lawyer against another in the course of litigation should never be made except when relevant to the issues of the case.

V. A lawyer should not pay, offer to pay, or acquiesce in the payment of compensation to a witness contingent upon the content of his testimony or the outcome of the case. A lawyer, however, may advance, guarantee or acquiesce in the payment of:

- 1) Expenses reasonably incurred by a witness in attending or testifying;
- 2) Reasonable compensation to a witness for his lost time in attending or testifying;
- 3) A reasonable fee for the professional services of an expert witness.

W. In appearing in their professional capacity before a tribunal, a lawyer should not:

- 1) State or allude to any matter that he or she has no reasonable basis to believe is relevant to the case or that will not be supported by admissible evidence;
- 2) Ask any questions that he or she has no reasonable basis to believe is relevant to the case and that is intended to degrade a witness or other person;
- 3) Assert one's personal knowledge of the facts in issue, except when testifying as a witness;
- 4) Assert one's personal opinion as to the justness of a cause, as to the credibility of a witness, as to the culpability of a civil litigant, or as to the guilt or innocence of an accused; but may argue, on the lawyer's analysis of the evidence, for any position or conclusion with respect to the matters stated herein.

X. A question should not be interrupted by an objection unless the question is patently objectionable or there is reasonable ground to believe that matter is being included which cannot properly be disclosed to the jury.

Y. A lawyer should address objections, requests and observations to the court and not engage in undignified or discourteous conduct which is degrading to court procedure.



Z. Where a judge has already made a ruling in regard to the inadmissibility of certain evidence, a lawyer should not seek to circumvent the effect of that ruling and get the evidence before the jury by repeated questions relating to the evidence in question, although he is at liberty to make a record for later proceedings of his ground for urging the admissibility of the evidence in question. This does not preclude the evidence being properly admitted through other means.

AA. A lawyer should not attempt to get before the jury evidence which is improper.

BB. A lawyer should scrupulously abstain from all acts, comments and attitudes calculated to curry favor with any juror, by fawning, flattery, actual or pretended solicitude for the juror's comfort or convenience or the like.

CC. A lawyer should never attempt to place before a tribunal, or jury, evidence known to be clearly inadmissible, nor make any remarks or statements which are intended to improperly influence the outcome of any case.

DD. A lawyer should accede to reasonable requests for waivers or procedural formalities when the client's legitimate interest is not adversely affected.

EE. Attorneys should not knowingly misstate, misrepresent, distort any fact or legal authority to the court or to opposing counsel and shall not mislead by inaction or silence.

Furthermore, if this occurs unintentionally and is later discovered, it should immediately be disclosed or otherwise corrected.

[Revised: 09-29-2009].



ALL LITIGANTS ARE ADVISED THAT FAILURE TO FOLLOW THIS COURT ORDER, ANY CMC, ANY SCHEDULING, ANY DISCOVERY DEADLINES OR OTHER ORDERS BY THE COURT, ABSENT GOOD CAUSE, MAY SUBJECT THE OFFENDING PARTY TO SANCTIONS. See, A.O.S.C 20-23, 12th Amendment, April 13, 2021 and [Kozel v. Ostendorf, 629 So.2d 817 \(Fla. 1993\)](#). [1 - was the disobedience willful, deliberate or contumacious, rather than neglect, 2 - any previous sanctions, 3 - was the client involved in the disobedience, 4 - prejudice to opposing party, 5 - was there a reasonable justification, 6 - did the delay created significant problems of judicial administration.] See, [Massey v. Thomas, 4D21-2125 \(Fla. 4th DCA July 20, 2022\)](#).

It is Hereby Ordered by the Court that all parties and their counsel shall comply with the Division 14 requirements for motions, hearings, orders and trials as stated herein.

DONE AND ORDERED in chambers, in Ft. Lauderdale, Broward County, Florida this 21st day of JULY, 2022.

_____/s/____

Carlos A. Rodriguez

Circuit Court Judge

