

**MAGISTRATE JUDGE KIM P. BERG
CONDUCT OF COUNSEL AT TRIAL**

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

1. Stand as Court is opened, recessed, or adjourned.
2. Stand when the jury enters or exits the courtroom.
3. Stand when addressing, or being addressed by, the Court.
4. Stand at the lectern and use the microphone while examining any witness. Do not face or otherwise appear to address yourself to jurors when questioning a witness.
5. Counsel shall address all remarks to the Court, not to opposing counsel.
6. Be professional and respectful of opposing counsel, litigants and witnesses.
7. Refer to all persons, including witnesses, other counsel, and parties by their surnames and not by their first or given names.
8. Unless the Court directs otherwise, each session will commence promptly at 9:30 a.m. and proceed to approximately 5:00 p.m. Counsel should avoid delays by having sufficient witnesses and exhibits ready so as to fill the entirety of each session.
9. At least one week prior to the commencement of trial, the Parties shall deliver to the Courtroom Deputy in tabbed binders a copy of each of the Party's exhibits pre-marked for identification. Government/Plaintiff shall mark exhibits with numbers and Defendant(s) shall mark exhibits with letters.
10. Counsel shall endeavor to enter into a pre-trial stipulation for all exhibits to which there will be no objection as to admissibility and which will then be admitted into evidence at the outset of the trial.
11. To the extent exhibits are not part of the aforementioned pre-trial stipulation, in advance of each trial session, counsel for the party going forward at that session should show opposing counsel the exhibits counsel intends to introduce at the session. The opponent shall indicate those exhibits to which they have 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 to determine if the Court can rule on the objection thereby reducing delay and eliminating the necessity for a sidebar conference when the exhibit is offered.
12. 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 only attorney recognized for cross-examination.

13. Request permission before approaching the bench, Courtroom Deputy's desk or witness including for purposes of handling or tendering exhibits.
14. When 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.
15. At the end of trial, counsel should make sure they have all originals/hard copies of their exhibits. Neither the Court Reporter nor the Courtroom Deputy are responsible for them.
16. Sidebar conferences will presumptively not be tolerated, except in extraordinary and unforeseen circumstances as these conferences have a distracting effect on the jury.