**LOCAL RULES FOR CRIMINAL DISTRICT COURT**

**McLENNAN COUNTY, TEXAS**

## ORDER ON COURTROOM DECORUM AND TRIAL PROCEDURES

**IT IS HEREBY ORDERED** that, Counsel appearing herein, unless excused by the undersigned, shall:

1. Stand as Court is opened, recessed, or adjourned.

2. Stand when addressing, or being addressed by, the Court.

3. Remain seated while examining any witness, except that counsel may, with leave of Court, approach the witness, for the purpose of handling or tendering exhibits.

4. Remain seated while opposing counsel is making opening statements or closing arguments.

5. Address all remarks to the Court, not to the opposing counsel.

6. Avoid disparaging personal remarks or acrimony toward opposing counsel and remain wholly detached from any ill feeling between the litigants or witnesses.

7. Refer to all persons, including witnesses, other counsel, and the parties, by their surnames, not by their first or given names.

8. 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.

9. Counsel should request permission before approaching the bench. Any papers or exhibits that are to be examined by the Court should be handed to the Administrator, Court Reporter, or deputy who, in turn, will pass them up to the judge.

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

11. Any exhibits that do not reveal strategy and are not objectional shall be agreed to and admitted before trial.

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. Any arguments on objections shall be made by counsel while standing at the table.

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

13. Counsel shall admonish all persons at counsel table or present in the courtroom 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.

**IT IS FURTHER ORDERED** that, when appropriate, the above-enumerated rules of Courtroom Decorum shall be applicable to other persons seated at counsel table.

**IT IS FURTHER ORDERED** that:

A. For purposes of the excusal of witnesses, any witness called by a party is deemed to be under the control of that party, and the witness may be excused if the said calling party so desires and announces. Should other counsel desire the witness to be available for later use, said counsel must so state and shall be responsible for such subsequent attendance of the said witness.

B. Right of counsel to confer with witnesses: Counsel who calls a witness for direct examination may confer with said witness during recesses of the Court so long as that witness remains under direct examination. Counsel may not confer with his witness during cross-examination but may again confer with said witness during re-direct examination. This provision is not applicable to a Party who testifies and such a Party so testifying shall be free to confer with his attorney at any time.

C. Counsel and parties shall adhere strictly to Court trial schedules and shall be present promptly at the time set for the beginning of trial each day

D. Should “the Rule” relating to the presence of witnesses in the Courtroom be invoked, all parties shall assist the Court, the Deputy (s), in keeping any witnesses who are expected to testify outside the Courtroom during trial. Failure of counsel to notify the Court, the appropriate Deputy of the unauthorized presence in the Courtroom of such a witness after "the Rule" is invoked will result in prompt and appropriate remedial action by the Court toward the offending counsel or party.

E. No in and out during closing summations.

F. Non-attorneys shall remain behind the bar.

G. No Ex Parte communications except allowed by law.

**SIGNED** this 5th day of October, 2022.

***/s/ Thomas. C. West***
**THOMAS C. WEST,**
**19TH JUDICIAL DISTRICT JUDGE**

***/s/ Susan Kelly***
**SUSAN KELLY,**
**54TH JUDICIAL DISTRICT JUDGE**