

228th DISTRICT COURT
RULES FOR CONDUCT OF
COUNSEL WHILE IN TRIAL

A. GENERAL

1. Be on time for court.
2. Make your objections briefly and on legal grounds (no testifying objections or speeches).
3. Stand to object or address the Court.
4. Do not make sidebar remarks, either directly or indirectly. Try the lawsuit, not opposing counsel.
5. Do not respond to opposing counsel's objection unless asked by the Court to do so.
6. Do not argue with the Court.
7. Do not talk at the same time as the Court, opposing counsel, or a witness.
8. Do not use racist, sexist, obscene or profane language or take God's name in vain in court (unless, of course, eliciting or quoting facts of the case.)
9. Submit to the Court suggested jury issues for charge before testimony begins.
10. Dress appropriately/professional.
11. Do not sit or stand on tables without permission from the Court.
12. Examining witnesses will consist of direct/cross, redirect/recross. That's it.
13. Once a case is set for trial a lawyer will not be permitted to withdrawal. Any decision to withdraw must be done before the case is set for trial. Lawyers that substitute in on a case that is set for trial will not be granted a continuance on the basis that they need additional time to prepare. If you sign on for a trial, be prepare to try the case on the date set.
14. Lead counsel and co-counsel are permitted to sit at counsel table in trial, additional lawyers may sit on the bench inside the bar.

B. VOIR DIRE

1. Stay in time limit (30 minutes a side unless otherwise advised).
2. Do not bring jurors to the bench to make a challenge.
3. Challenges for cause will be done during voir dire by requesting a "Motion for Cause".
4. "Motion for Cause" made after voir dire may be denied as (untimely and contrary to court rules)
5. If trying a case with co-counsel, only one lawyer may conduct voir dire, which includes discussion with Court regarding challenges for cause.

C. TESTIMONY

1. Have all exhibits marked and logged in with the court reporter before trial begins. Mark exhibits on front only.
2. The Rule will always be invoked unless both attorneys agree and approach the bench.
3. Have your witnesses ready to testify when needed. Do not expect a recess for a witness to appear.
4. Address witnesses as “Mr.,” “Mrs.,” “Miss,” “Dr.,” etc. No first names except for children.
5. Do not make editorial comments after a witness answer.
6. Do not ask repetitive questions. Do not repeat the answer of a witness.
7. Do not request a bench conference except under extraordinary circumstances. Jurors don’t like them.
8. Do not point firearms, loaded or unloaded, in the direction of jurors, witnesses or any other persons in the court.
9. Ask leave of the Court to approach a witness on the stand.
10. Have charts and drawing on chalkboard drawn prior to trial.
11. Show witness statements to opposing counsel before trial.
12. Have hearsay deleted from exhibits prior to trial. The court reporter is not responsible for redacting information from exhibits.
13. Rebuttal witnesses can only be called to rebut evidence presented by defense. It is not a chance to re-open the State’s case.
14. Bill of Exception/Offers of Proof will be made at the end of trial prior to the charge being read to the jury in accordance with Rule 103, unless otherwise instructed by the Court.

D. OTHER

1. When there is co-counsel only the attorney examining or cross-examining the witness will be allowed to make objections.
2. Do not ask for a recess in front of the jury.
3. Special legal questions of law: submit authority to the Court prior to the trial.
4. Have interpreter present as needed.
Lawyer is responsible for making the appropriate request to the coordinator.
5. As soon as the jury begins deliberation, sign agreement (if you agree) to let answers to notes be sent to jury in writing.
6. All motions for investigator and expert fees must be signed by me.
7. You must be professional and courteous to the Court, court staff, jurors, witnesses (which includes police officers), and defendants.
8. **DRINKS:** Court allows water and coffee in trial they must be in cups / no bottles or straws.

MARC CARTER, JUDGE
228TH District Court
Harris County, Texas

This document is provided to counsel as a guideline for trying cases in the 228th, but lawyers must be professional and courteous at all times. If there are any rules you do not understand or have problems with, I’ll be glad to discuss them with you in chambers with opposing counsel before trial.