IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF HAWAII

ORDER RE JURY TRIAL PROCEDURES
BEFORE UNITED STATES DISTRICT JUDGE HELEN GILLMOR

I. GUIDELINES FOR COURTROOM DECORUM DURING TRIALS BEFORE UNITED STATES DISTRICT JUDGE HELEN GILLMOR

The purpose of this order 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 section 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:

When appearing in this court, unless excused by the presiding judge, all counsel shall (including, where the context applies, all persons at counsel table):

(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, with permission of the court, may approach the Courtroom Manager's desk 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 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 shall not approach the bench unless invited to do so by the court; and any document counsel wish to have the court examine and/or provide to a witness should be handed to the Courtroom Manager.

(11) Any paper or exhibit not previously marked for identification should first be handed to the Courtroom Manager to be marked before it is tendered by the Courtroom Manager to a witness for his/her examination, along with a copy for the Court; and any exhibit offered in evidence should, at the time of such offer, be handed to opposing counsel.

(12) In examining a witness, counsel shall not repeat or echo the answer given by the witness, nor shall they comment on or thank the witness for the answer.

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

(14) 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.

(15) 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.

II. JURY TRIAL PROCEDURE

A. Trial Days

Trial sessions shall be held on Tuesday to Friday of each week. If a given Monday is a holiday, then trial sessions shall be held that week on Wednesday to Friday.

B. Procedure at Recesses and at the End of Each Session

When it appears there are matters to be taken care of out of the hearing of the jury, at the beginning of each recess or at the end of each trial session, all attorneys, parties, and spectators shall rise while the jury files out of the courtroom. Once the jury has left the courtroom, the Court will inquire whether there are any matters counsel wish to put on the record out of the hearing of the jury. All offers of proof, preservation of objections, motions to reconsider evidentiary rulings, and discussions of witness or trial scheduling shall occur at this time.

C. Objections

The following procedure will be followed in presenting an objection to the Court:

1. Counsel will rise. The Court will not recognize an objection until counsel rises.

2. Counsel will not state the objection until recognized by the Court.

3. Counsel will state the objection in five words or less. ("Objection - Hearsay", "Objection - Lack of Foundation", "Objection - Rules of Evidence 403", "Objection - business records")

4. The Court will either rule, ask opposing counsel for a short response, ask objecting counsel to explain the objection, or call a sidebar.

5. Counsel will not be allowed to make further arguments or explanations in the hearing of the jury. Counsel will reserve all such arguments, offers of proof and preservation of record for appeal purposes until the next recess when the Court will allow counsel to place all such matters on the record out of the hearing of the jury.

DATED: Honolulu, Hawaii, October 20, 2022.

Helen Gillmor
United States District Judge