

*Superior Court of the State of Washington  
For the County of King*

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**TRIAL PROCEDURES**

Counsel,

Welcome to Department 1. I am glad you are here. Please review these procedures. They are intended to help insure a smooth, efficient trial and to safeguard jurors.

A. Voir Dire  
(see voir dire procedures and court's general questions on voir dire)

B. Lower Bench  
Counsel and assistants will respect the lower bench working areas of the court Bailiff and Clerk and not physically invade their space and office without the court's permission.

Court equipment

The court has a limited amount of equipment (TV/DVD/VCR, Elmo) available for counsel and parties during trial. Please contact the bailiff for equipment questions or needs at least 5 days prior to your trial date. Please also advise whether you will require dimming of the court lights.

C. Witnesses

1. Plan for your witnesses to fill the entire court day (as much as you can control).
2. Advise your witnesses of orders in limine.
3. Witness examination is limited (absent extraordinary events) to direct, cross, redirect, and recross.

D. The Jury

1. Do not directly interact with or speak to the jury during the course of the trial (except during opening and closing) and advise your witnesses of this instruction. As you know, the appearance of fairness is, also, important.
2. If you wish to publish an exhibit inside the jury box, ask the court's permission before doing so. No permission is required to publish (viz, display) an admitted exhibit.
3. Do not show or ask your witness to show anything to the jury, whether a document, demonstrative piece of evidence or other object, unless it has been admitted as an exhibit.

- E. Trial Time  
Monday – Thursday, 9:00 a.m. – noon; 1:30 - 4:00 p.m. (two 15 minute breaks will be provided.) Confer upon assignment that Friday's are reserved for summary judgments and sentencing hearings.
- F. Court Orders  
If you believe that the “door has been opened” on a subject that has previously been ruled upon, raise the issue with the court outside the presence of the jury.
- G. Form of Objection
1. If possible please stand when you object and state the succinct basis of your objection, e.g., irrelevant, calls for hearsay, asked and answered, mischaracterizes the witness' prior testimony.
  2. Avoid “speaking” objection (during jury trials) you may ask for a sidebar.
  3. Wait for a ruling on an objection; if you agree with the objection, state that you will rephrase BEFORE doing so.
  4. Do not speak over opposing counsel, witnesses or the court. I want to hear you and the witness.
- H. Use of Courtroom
1. You may move around the courtroom when examining witnesses, but do not lean over a witness.
  2. When court recesses at lunch and at the end of the day, please exit the courtroom promptly. (Court staff cannot leave the courtroom unattended and have other non-trial responsibilities outside the courtroom)
- I. Exhibits
1. Address the admissibility of problematic exhibits pretrial (if predictable).
  2. Anything given to a witness must be marked as an exhibit.
  3. Anything shown to the jury must first be admitted as an exhibit.
  4. Absent counsels' stipulation, illustrative exhibits do not go to the jury room.
  5. Give opposing counsel an opportunity to view any readmitted items. (e.g. charts, photos) to be published during opening/closing.
  6. Any document referred to by the witness is to be identified.
- J. Closing Argument
1. You may argue based on your analysis of the evidence for any position or conclusion regarding these matters.
  2. As a reminder, do not allude to any matter that has not been admitted into evidence.

Being a trial attorney is not easy. Thank you for your cooperation and attention to these expectations.

*Judge Timothy A. Bradshaw*