

IN THE CIRCUIT COURT OF THE
EIGHTEENTH JUDICIAL CIRCUIT
OF FLORIDA

ADMINISTRATIVE ORDER NO. :
09-06
SUPERSEDES 92-116

IN RE: COURTROOM DECORUM AND PROCEDURE

WHEREAS, some practitioners are unfamiliar with the traditions of the Courts of the Eighteenth Judicial Circuit, and

WHEREAS, certain basic principles of conduct and decorum enhance the dignity of the court, and

WHEREAS, the following provisions will improve the efficiency of court proceedings, it is therefore,

ORDERED:

1. When appearing in any Court of the Eighteenth Judicial Circuit, unless excused by the presiding judge, all counsel (including, where the context applies, all persons at counsel table) shall abide by the following:
 - a) Stand as Court is opened, recessed, or adjourned, unless directed to remain seated.
 - b) Stand when the jury enters or retires from the courtroom.
 - c) Stand when addressing, or being addressed by, the Court.
 - d) Counsel shall not suggest to the jury that individual voir dire may be requested without first obtaining permission of the court.
 - e) Stand at the lectern while examining any witness; except that counsel may approach the Clerk's desk or the witness for purposes of handling or tendering exhibits. It is not necessary to request permission to approach a witness unless the witness has been declared adverse or hostile.
 - f) Stand at the lectern while making opening statements or closing arguments except to show evidence to the jury.

- g) Address all remarks to the Court and not to opposing counsel.
- h) Avoid disparaging personal remarks or acrimony toward opposing counsel. Do not participate in, or accommodate any ill feeling between the litigants or witnesses, but remain wholly detached therefrom.
- i) Refer to all persons, including witnesses, other counsel and the parties by their surnames and not by their first or given names.
- j) 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.
- k) Counsel should request permission before approaching the bench.
- l) Any paper or exhibit should first be handed to opposing counsel and then to the Clerk to be marked for identification 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.
- m) Counsel should state only the legal grounds when making an objection and should withhold all further comment or argument unless elaboration is requested by the Court.
- n) Counsel shall not repeat or echo the answer given by the witness during questioning.
- o) Offers of, or requests for, a stipulation should be made privately, not within the hearing of the jury.
- p) 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 not in evidence, 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.
- q) Counsel shall inform 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, and may be the subject of contempt of court or other sanctions.
- r) Smoking, eating, and food are prohibited in the courtroom at any time. Counsel may have water available if the Court gives permission.
- s) Small children who are unable to behave are not admitted to the courtroom unless absolutely required

for the trial or hearing. Children under the age of 12 years are presumed to be too young to sit during court proceedings.

2. In all criminal proceedings unless excused by the presiding judge, all counsel and defendants shall abide by the following in addition to the requirements of Paragraph 1(a-s) above:
 - a) The prosecuting attorney shall present to the Court at the beginning of each jury trial a full and complete set of jury instructions and verdict forms. The jury instructions may be in electronic format if allowed by the Court. The jury instructions shall include all Category I lesser-included offenses. Defense counsel shall present to the Court at the beginning of each jury trial, any special instructions and Category II lesser-included offenses that will be requested and proposed verdict forms containing all lesser-included offenses.
 - b) All motions to suppress evidence shall be filed and heard prior to the trial week. Except for good cause shown, the Court will summarily deny any motion that is not timely filed pursuant to Fla. R. Crim. P. 3.060 and 3.190(h)(4).
 - c) Motions should contain specific reference to applicable legal authority that is relied upon by the movant in support of the motion. Rule 3.190(a), Fla. R. Crim. P. Copies of applicable statutes or controlling case law may be attached to the motion or a separate memorandum may be submitted. Pertinent portions of authorities may be underlined or highlighted.
 - d) Cases which will resolve themselves by way of plea should be promptly scheduled for hearing unless the plea is to take place at docket sounding or a pretrial or scheduling conference. It is the primary responsibility of counsel for the defense to see that a specific hearing time is scheduled for the plea.
 - e) Plea agreements should be used in all negotiated felony pleas. These forms should be fully completed and signed by all parties prior to the plea hearing.
 - f) Any disputes as to "score sheets" for sentencing shall be resolved prior to the sentencing hearing. Objections to a score sheet should be communicated to the prosecuting attorney prior to the sentencing hearing.
3. The requirements stated in this rule are minimal, not all-inclusive. They 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. Individual judges of the Court may, in any case, or generally, announce and enforce additional prohibitions or requirements; or may excuse compliance with any one or more of the provisions of this rule.

DONE and ORDERED this 21st day of January, 2009.

Clayton D. Simmons
CLAYTON D. SIMMONS
CHIEF JUDGE

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