

**IN THE UNITED STATES DISTRICT COURT FOR
THE SOUTHERN DISTRICT OF ALABAMA**

**NOTICE TO ALL ATTORNEYS
PRACTICING BEFORE THIS COURT**

In all cases which will be tried before Magistrate Judge Katherine P. Nelson, the following courtroom procedure will prevail:

COURTROOM PROCEDURE

1. The time fixed for opening of Court and all recesses shall be strictly adhered to.
2. Unless otherwise indicated by the Court, the Court will follow the custom that counsel stand at all times when addressing the Court or a witness, otherwise counsel will remain seated at counsel table. When interrogating a witness, counsel shall use the lectern and shall not approach the stand except with leave of Court. Exhibits shall be displayed to the witness through the use of the electronic document camera.
3. Any time counsel has requested leave to approach the bench for a side bar conference with the Court, opposing counsel must be invited to accompany counsel and the Court Reporter must be present. All such conferences shall be recorded unless the Court otherwise indicates.
4. In cases where more than one attorney represents a party, only the attorney who will interrogate the witness shall be permitted to make objections. All such objections shall be addressed to the Court and counsel shall not engage in argument with opposing counsel.
5. When objections are addressed at side bar, only one attorney for each party should approach the bench.
6. When making an objection in open court, counsel must state the legal basis (e.g., relevancy, hearsay, improper foundation) for their objections without elaboration or argument (unless invited), and the Court will rule on the objection without additional discussion except in the most doubtful or critical areas. For purposes of “protecting the record” and perhaps providing a basis for reconsideration, counsel will explain or amplify their objections on the record after the jury has been excused for a break, lunch or for the day. Counsel should bring anticipated evidentiary issues that may require argument to the Court’s attention in advance, and outside earshot of the jury, whenever possible, to minimize disruption in the flow of the trial.
7. When counsel interrogates a witness he/she shall not repeat or restate the answer given by the witness.

8. At all times during opening and closing arguments and while the jury is being charged, no one will be permitted to enter or leave the Courtroom. At all other times, the coming and going from the Courtroom will be held to a minimum so as not to distract the jury, the witness or counsel while the case is in progress.

9. In a jury trial when the “rule” has been invoked, the following instructions shall be strictly followed: Witnesses shall not discuss the case or their testimony with anyone except counsel, and then only on an individual basis and while not in the presence of other witnesses. No one, including counsel, shall discuss with a witness who has not testified, another witness’s testimony.

10. At the beginning of trial, counsel shall furnish in writing to the Clerk a list, in order, of the witnesses he/she will call to testify.

11. All exhibits must be marked and listed on the appropriate form prior to trial.

12. Counsel are reminded of the implications of Rule 403 of the Federal Rules of Evidence of the needless presentation of cumulative evidence, so that the repetitious and redundant examination or cross-examination of a witness is to be avoided.

13. The use of electronic devices (e.g. texting/instant messaging/emails) is not permitted during courtroom proceedings.

/s/ Katherine P. Nelson
UNITED STATES MAGISTRATE JUDGE

revised 9/22/14