546.11 ORDER OF TRIAL.

In a civil case when the jury is completed and sworn, the trial shall proceed in the following order, unless for special reasons the court shall otherwise direct:

(1) the plaintiff, after stating the issue, shall produce the plaintiff's evidence;

(2) the defendant may then open the defense, and produce evidence in support thereof;

(3) the parties may then respectively offer rebutting evidence only, unless the court, in furtherance of justice, shall permit either to introduce evidence upon each's original case;

(4) when the evidence is concluded, unless the case be submitted by one side or both without argument, the defendant shall open and the plaintiff close the argument to the jury; provided, that if the defendant have the affirmative of the issue to be tried the foregoing order of trial shall be reversed;

(5) if several defendants, having separate defenses, appear by different counsel, the court shall determine their relative order in respect to both evidence and argument;

(6) when the argument is closed the court may charge the jury.

History: *(9295) RL s 4171; 1979 c 233 s 21; 1986 c 444*