 "An attorney for the plaintiff cannot admit evidence into the court. He is either an attorney or a witness". (Trinsey v. Pagliaro [D.C.Pa](http://D.C.Pa" \t "https://mail.google.com/mail/u/0/" \l "inbox/_blank). 1964, 229 F. Supp. 647).  
  
"Care has been taken, however, in summoning witnesses to testify, to call no man whose character or whose word could be successfully impeached by any methods known to the law. And it is remarkable, we submit, that in a case of this magnitude, with every means and resource at their command, the complainants, after years of effort and search in near and in the most remote paths, and in every collateral by-way, now rest the charges of conspiracy and of gullibility against these witnesses, only upon the bare statements of counsel. The lives of all the witnesses are clean, their characters for truth and veracity un-assailed, and the evidence of any attempt to influence the memory or the impressions of any man called, cannot be successfully pointed out in this record." Telephone Cases. Dolbear v. American Bell Telephone Company, Molecular Telephone Company v. American Bell Telephone Company. American Bell Telephone Company v.. Molecular Telephone Company, Clay Commercial Telephone Company v. American Bell Telephone Company, People's Telephone Company v. American Bell Telephone Company, Overland Telephone Company v. American Bell Telephone Company,. (PART TWO OF THREE) (03/19/88) 126 U.S. 1, 31 L. Ed. 863, 8 S. Ct. 778.  
  
EYEWITNESS RULE is that, in absence of eye-witness, or of any obtainable direct evidence as to what deceased did or failed to do by way of pre-caution, at and immediately before injury, pre-sumption is that he, prompted by natural instinct, was in exercise of care for his own safety, obtains. Edwards v. Perley, 223 Iowa 1119, 274 N.W. 910, 915.  
  
"Factual statements or documents appearing only in briefs shall not be deemed to be a part of the record in the case, unless specifically permitted by the Court" – Oklahoma Court Rules and Procedure, Federal local rule 7.1(h).  
“Manifestly, [such statements] cannot be properly considered by us in the disposition of a case.” United States v. Lovasco. 431 U.S. 783, 97 S. Ct. 2044, 52 L. Ed. 2D 752 (06/09/77).  
"No instruction was asked, but, as we have said, the judge told the jury that they were to regard only the evidence admitted by him, not statements of counsel", Holt v. United States, (10/31/10) 218 U.S. 245, 54 L. Ed. 1021, 31 S. Ct. 2,  
Professional statements of litigants attorney are treated as affidavits, and attorney making statements may be cross-examined regarding substance of statement. Frunzar v. Allied Property and Casualty Ins. Co., (Iowa 1996)† 548 N.W.2d 880.  
  
Porter v. Porter, (N.D. 1979 ) 274 N.W.2d 235 ñ The practice of an attorney filing an affidavit on behalf of his client asserting the status of that client is not approved, inasmuch as not only does the affidavit become hearsay, but it places the attorney in a position of witness thus compromising his role as advocate.  
  
"Statements of counsel in brief or in argument are not facts before the court and are therefore insufficient for a motion to dismiss or for summary judgment." Trinsey v Pagliaro, [D.C.Pa](http://D.C.Pa" \t "https://mail.google.com/mail/u/0/" \l "inbox/_blank). 1964, 229 F.Supp. 647.; Jones Vs General Elec. Co., 87 F.3d 209,211 (7th Cir. 1996).  
  
"Statements of counsel in brief or in argument are not facts before the court and are therefore insufficient for a motion to dismiss or for summary judgment." Trinsey v Pagliaro, [D.C.Pa](http://D.C.Pa" \t "https://mail.google.com/mail/u/0/" \l "inbox/_blank). 1964, 229 F.Supp. 647.; Jones Vs General Elec. Co., 87 F.3d 209,211 (7th Cir. 1996).  
Pro Per and pro se litigants should therefore always remember that the majority of the time, the motion to dismiss a case is only argued by the opposing attorney, who is not allowed to testify on the facts of the case, the motion to dismiss is never argued by the real party in interest.  
  
Statutes forbidding administering of oath by attorney's in cases in which they may be engaged applies to affidavits as well. Deyo v. Detroit Creamery Co (Mich 1932) 241 N.W.2d 244.  
  
The practice of an attorney filing an affidavit on behalf of his client asserting the status of that client is not approved, in as much as not only does the affidavit become hearsay, but it places the attorney in a position of witness thus compromising his role as advocate. Porter v. Porter, (N.D. 1979 ) 274 N.W.2d 235 ñ.  
"The prosecutor is not a witness; and he should not be permitted to add to the record either by subtle or gross improprieties. Those who have experienced the full thrust of the power of government when leveled against them know that the only protection the citizen has is in the requirement for a fair trial." Donnelly v. Dechristoforo, 1974.SCT.41709 ¶ 56; 416 U.S. 637 (1974) Mr. Justice Douglas, dissenting.  
“The right to privacy includes an “individual interest in avoiding disclosure of personal matters.” Whalen v. Roe, 429 US 589 (1977).  
"Under no possible view, however, of the findings we are considering can they be held to constitute a compliance with the statute, since they merely embody conflicting statements of counsel concerning the facts as they suppose them to be and their appreciation of the law which they deem applicable, there being, therefore, no attempt whatever to state the ultimate facts by a consideration of which we would be able to conclude whether or not the judgment was warranted." Gonzales v. Buist. (04/01/12) 224 U.S. 126, 56 L. Ed. 693, 32 S. Ct. 463.  
"Where there are no depositions, admissions, or affidavits the court has no facts to rely on for a summary determination." Trinsey v. Pagliaro, D.C. Pa. 1964, 229 F. Supp. 647.