

Trials

Trials are scheduled for dates certain. The Court makes every effort to conduct trials expeditiously. Motions *in limine* will be decided in advance of the first day of trial whenever possible. The Court will also attempt to resolve all exhibit disputes at the Final Pretrial Conference. Thus, counsel must appear for trial promptly, set to begin jury selection at 9:00 a.m. on the first day of trial. The Court will not engage in settlement discussions once trial has commenced.

On the first day of trial, counsel must furnish trial briefs and all exhibits marked, to opposing counsel and the Court.

Sufficient copies of exhibits must be provided by counsel for the jurors.

a. Non-Jury Trials

The parties must file proposed findings of fact and conclusions of law two days before trial is to begin, along with trial briefs. Proposed findings and conclusions can be supplemented or amended at the conclusion of trial. These are to be submitted on discs compatible with WordPerfect 8.1.

b. Jury Trials

The Court conducts *voir dire*, but allows counsel to conduct follow-up *voir dire*. A modified strike method is used for jury selection. The process is as follows. Once all challenges for cause are made, the Court will have 16 potential jurors seated for civil trials. Then, outside of the jurors' presence, the parties can exercise their peremptory challenges. The court will conduct four rounds of strikes. Each side gets four strikes.

Eight jurors will consider the evidence, and all will deliberate.

In criminal cases, the Court will seat 32 potential jurors after challenges for cause. Then, outside of their presence, counsel will engage in six rounds of strikes. The Government will get seven peremptory strikes and the defendant will get 11. Fourteen jurors will consider the evidence, and 12 will deliberate.

In civil cases only, jurors are allowed to submit written questions to the Court, which will be reviewed with counsel. If appropriate, the questions will be read to the witnesses. In all cases, jurors are allowed to take notes, and to take their notes and jury instructions into the jury room.

Proposed jury instructions, voir dire questions and verdict forms, both in hard copy and saved on computer diskettes, must be submitted as part of the Joint Final Pretrial Order in civil cases, and three days before trial in criminal cases.

The Court generally will charge the jury before counsel deliver their closing arguments.

The trial schedule will vary from case to case, but generally the Court will start between 8:30 and 9:00 a.m., and go until 4:00 to 5:00 p.m. An hour is provided for lunch, and several breaks are held during the course of the day. The Court will provide a written schedule of the time and days set aside for trial, on the first day. Since a written schedule is provided, the Court expects that counsel will plan the availability of their witnesses accordingly, so that the trial can move expeditiously.

Matters to be taken up outside of the presence of the jury will not be taken up during the written schedule, so as to avoid bench conferences and other interruptions. Thus, counsel is cautioned to alert the Court of matters that should be addressed before or after the trial day, or over lunch breaks.

c. Miscellaneous

At the Initial Status Conference in civil cases, the Court furnishes the parties with a "Notice of Availability of A United States Magistrate Judge to Exercise Jurisdiction". With the consent of all parties, all proceedings in the case, including the trial, can be handled by the Magistrate Judge assigned to the case. If this is done, all appeals from a judgment by a Magistrate Judge, are taken directly to the Sixth Circuit, in the same manner as an appeal from a judgment of this Court.