Trials

Trials are conducted on Monday through Friday. Jury trials generally will begin on Tuesday. Counsel are expected to be present in court in advance of the start time on trial days. Subject to the Court's availability, after the first trial day trials normally commence at 8:00 a.m. and continue through approximately 2:00 p.m., with two 15- minute breaks. Occasionally, trial days may also consist of 8:30 a.m. to 12:30 p.m. and 1:45 p.m. to 5:00 p.m. sessions. The Court establishes the schedule for trials at the commencement of each trial week.

Side bar conferences may be conducted during trial, but counsel are encouraged to keep them to a minimum. An exhibit book should be delivered to the Court one day before the commencement of trial. Normal and typical customs relating to courtroom decorum apply. For example, counsel should stand when addressing the Court; witness interrogation should be conducted from the lectern; counsel should seek permission from the Court to approach a witness or the bench; witnesses and parties should be addressed by their surname and an appropriate honorific. Chewing gum is prohibited.

Jury Trials

a. **Civil Cases**

The parties are required to exchange proposed jury instructions before the final pretrial conference, and the attorneys must submit a stipulated set of instructions and proposed *voir dire* questions at least one week before the commencement of the trial. Boilerplate instructions should not be included. Counsel may contact the case manager for the Court's standard instructions and *voir dire* questions. The Court gives the jury preliminary instructions before final argument, and after final argument charges the jury with respect to the manner of their deliberations. If the parties are unable to stipulate to all proposed instructions, disagreements will be discussed and resolved by the Court at the charge conference. The joint instructions must be submitted together with a computer disk or flash drive compatible with the current version of Word. **All computer media submitted to Court must be certified as virus free**.

Civil Jury Instructions Boiler Plate

b. **Criminal Cases**

Proposed instructions and *voir dire* questions are to be submitted to Chambers (and not e-filed) in accordance with the deadline set at the final pretrial conference. Standard and boiler-plate instructions and *voir dire* should not be included. Counsel may contact the case manager for the Court's standard instructions and *voir dire* questions. Proposed jury instructions must be submitted together with a computer disk or flash drive compatible with the current version of Word. The Court encourages the parties to stipulate that alternate jurors will be identified at the conclusion of the trial at random (by lot). If such a stipulation is reached and made on the record, peremptory challenges normally limited to alternates may be exercised with respect to the entire jury panel. The Court gives the jury preliminary instructions before final argument, and after final argument charges the jury with respect to the manner of their deliberations.

Criminal Jury Instructions Boiler Plate

c. **All Cases**

Documents and photographic exhibits must be published electronically. The parties must prepare two sets of exhibits in hard copy --- one for the Court and one for the jury to reference during deliberations. Attorneys are encouraged to engage a technologically-literate assistant to display the exhibits during trial. All counsel (and their assistants) must contact the Case Manager to arrange for a joint technology tutorial with the Court's IT representative at lest one week before trial.

In all cases, written copies of the jury instructions are given to the jurors before the jury charge. The Court conducts the initial *voir dire* , based upon the Court's standard *voir dire* questions (available in advance from the case manager) supplemented by proposed *voir dire* questions submitted by the parties. In most cases, the Court will permit parties to conduct *voir dire* personally by addressing follow-up questions to the jurors that are designed to be probative, and not didactic. Challenges for cause are made on the record in open court, but attorneys may request a side bar conference to interpose a cause challenge. Peremptory challenges are allowed in accordance with Federal Rule of Criminal Procedure 24 and Federal Rule of Civil Procedure 47 (and 28 U.S.C. § 1870), and are exercised by alternating between the parties.

Trial briefs are optional in jury trials. If submitted, they must be exchanged no later than one week before the commencement of the trial. Trial briefs must include a synopsis of the facts, discussion of the controlling law, and discussion of any evidentiary issues likely to arise at trial.

The Court will discuss time limits on opening statements with counsel before trial begins. Keep opening statements brief, for the benefit of the jury. Any exhibits that will be used in opening statements must be shown in advance to opposing counsel.

The Court provides all jurors with a written copy of the final jury instructions so that they may follow along while he reads them and for the jurors' use during deliberations.

The Court requires that all evidentiary stipulations be in writing signed by counsel, and by the defendant in criminal cases, and expects the parties to stipulate to as many undisputed facts as possible. Testimony presented through deposition (video or by transcript) must be purged of objections well in advance of trial. The Court will establish time limitations for closing arguments. The Court limits closing statements to a reasonable amount of time upon which the parties have agreed in advance and that the Judge has approved.

Jurors are permitted to take notes. Jurors are not permitted to ask questions of witnesses.

Non-Jury Trials

Proposed findings of fact and conclusions of law are required to be submitted at least one week before trial. Each fact should be listed in a separate paragraph supported by a citation to an exhibit or a witness's testimony. The parties are required to provide the Court with a copy of proposed findings of fact and conclusions of law on a computer disk or flash drive compatible with the current version of Word.