Civil Trials (part 2/2)

Penalty: A party who does not abide by these provisions may be subject to sanctions, including preclusion of the introduction of exhibits at trial by the offending party.

JURY INSTRUCTIONS

The parties must meet and confer prior to trial to discuss jury instructions. By the deadline established in the Scheduling Order, the parties must submit directly to Chambers a single set of proposed, stipulated jury instructions. Counsel is responsible for submitting all instructions related to their specific claims or defenses, and special instructions relating to evidence.

All such instructions are to be submitted in typewritten form, double spaced, and on a USB drive compatible with either Microsoft Word; each instruction shall contain references to authority (e.g., "Devitt and Blackmar, Section 11.08"), and each instruction shall be on a separate page. In addition, each party must submit separately to Chambers all additional proposed instructions to which any other party objects. These should be submitted in the same form as proposed stipulated instructions. The parties must make a concerted, good faith effort to narrow the areas of dispute and to discuss each instruction with a view to reaching agreement as to an acceptable form. Disputes between plaintiff and defense counsel regarding proposed jury instructions are initially settled at a hearing on the record.

The Court has its own standard introductory and concluding instructions, and counsel is directed to concentrate on elements of the offense, the defense(s), etc. The jury is instructed after final argument, but upon a joint request by the parties, the Court will instruct the jury before final argument.

JURY SELECTION

The Court uses a "struck jury" system for jury selection.

The Court will conduct general voir dire, but counsel may conduct their own inquiries of prospective jurors with the Court's permission. All proposed voir dire questions must be submitted to the Court in writing at least three days before the start of voir dire.

NOTE TAKING AND JUROR INVOLVEMENT

Jurors will be permitted to take notes during trial. The Court specifically instructs the jury in advance on this issue. Jurors who choose to take notes will be instructed that such notes are not themselves evidence but are merely aids to the jurors' memory of the evidence presented at trial. The Court will consider, on a case-by-case basis, whether jurors will be permitted to question witnesses, either directly or through submission of questions to be asked by the Court.

PROPER USE OF JURY TIME

Although counsel is expected to raise foreseeable evidentiary issues by motions in limine before trial, if evidentiary problems arise during trial, counsel should raise them before or after the trial day, or during the break, to avoid jury down-time while such problems are solved.

VOLUNTARY CONSENT TO PROCEED BEFORE MAGISTRATE JUDGE

In accordance with 28 U.S.C. § 636(c) and pursuant to Rule 73(b) of the Federal Rules of Civil Procedure, the parties may consent to have a Magistrate Judge conduct all proceedings in their case,

including a bench or jury trial, and order the entry of final judgment.