Civil Cases: Final Pretrial Conference, Final Pretrial Order, Jury Insructions, & Verdict Form

A. FINAL PRETRIAL CONFERENCE & FINAL PRETRIAL ORDER

The Court's phase two Scheduling Order, issued after the dispositive motion deadline and any decision on any dispositive motion(s), establishes a due date for the parties' **joint** Final Pretrial Order and the date of the Final Pretrial Conference. The parties' proposed Final Pretrial Order must be submitted through the document utilities function of CM/ECF on or before the deadline. The parties must bring at least three (3) copies to the Final Pretrial Conference. The parties shall follow the procedure outlined below to prepare for the Final Pretrial Conference and the Final Pretrial Order:

1. The parties must confer in person (face-to-face virtually or in person) at their earliest convenience to: (1) reach any possible stipulations narrowing the issues of law and fact; (2) deal with non-stipulated issues in the manner stated in this paragraph; and (3) exchange documents that will be offered into evidence at trial. It shall be the plaintiff's duty to initiate the meeting and the defendant's duty to respond and offer full cooperation and assistance. If, after reasonable effort, any party cannot obtain the cooperation of the other side, it shall be his or her duty to relay this information to the Court via the Case Manager. The Final Pretrial Order shall fulfill the parties' disclosure obligations under Federal Rule of Civil Procedure 26(a)(3), unless the Court orders otherwise. All objections specified in Rule 26(a)(3) shall be made in this order. The plaintiff is responsible for preparing a draft Final Pretrial Order and submitting it to the other side, after which all parties will submit a joint proposed order. The Final Pretrial Order should provide for the signature of the Court, which when signed will become an Order of the Court.
2. The proposed Final Pretrial Order shall strictly comply with the requirements of Local Rule 16.2, except as this Court may otherwise provide. All witnesses must be listed in the Final Pretrial Order. Witnesses not identified on a party's witness list may only be added to the Final Pretrial Order by stipulation of the parties or leave of Court. The parties are cautioned not to reiterate the long list of witnesses from their earlier submitted witness lists, and to list only those witnesses reasonably expected to be called.
3. The following persons must personally attend the Final Pretrial Conference:
    1. Trial counsel for each party;
    2. All parties who are natural persons;
    3. A representative on behalf of any other party; and
    4. A representative of any insurance carrier that has undertaken the prosecution or defense of the case and has contractually reserved to itself the ability to settle the action

Representatives must possess full authority to engage in settlement discussions and to agree upon a full and final settlement. **"Personal attendance"** by each party is not satisfied by (1) trial counsel professing to have full authority on behalf of the client, or (2) a party being available by telephone.

B. JURY INSTRUCTIONS AND VERDICT FORM

Prior to the Final Pretrial Conference, the Court will send the parties its standard preliminary and final jury instructions. **On or before the date of the Final Pretrial Conference**, the parties shall submit jointly-proposed modifications to the instructions via email to the Court's

Case Manager. With this submission, the parties also must include joint proposed instructions for all instructions related to their specific claims or defenses, and special instructions relating to evidence. If the parties are unable to reach agreement on any particular instruction(s), they shall submit separate proposed instruction(s) with the parties' joint submission. **All submitted instructions must be in Word format.**

On or before the date of the Final Pretrial Conference, the parties also must submit their proposed jury verdict form via email to the Case Manager.