

Trial Procedures/Trial Readiness

(Conducted on Date of Trial)

- (1) Courtesy from counsel is expected at all times and is to be shown to all persons in the courthouse. Please regularly inform your clients, their family and any witnesses that conduct in the presence of trial jurors, or anywhere that jurors might gather, is to be carefully monitored for appropriate content.
- (2) The purpose of the Trial Readiness Conference is to prepare everyone for trial. This is the time to raise evidentiary issues, expected instruction disputes, scheduling and witness problems. The jurors' time is precious and should not be taken unnecessarily with these matters.
- (3) The "six pack" method will be used for jury selection [12 jurors in the box and 6 in front of the box], allowing counsel to consider concurrently 6 additional jurors at all times. Alternate jurors will be selected and designated as such during voir dire and used if and as needed, during the trial.
- (4) A brief statement of the case agreed upon by counsel will be read to the jury during voir dire.
- (5) Pre-instruction, pre-conditioning and argument are not permitted by counsel. All challenges for cause shall be heard at sidebar. All juror hardship requests will be handed directly by the Court.
- (6) Speaking objections are not permitted. Counsel shall address all comments directly to the Court, not to each other.
- (7) The Court does not encourage jurors to ask questions, but if a juror wishes to inquire, he/she will be asked to place the question in writing and counsel will have ample opportunity to review the questions and present evidence answering the questions if appropriate in the opinion of the attorneys.
- (8) Do not offer a stipulation in front of the jury unless you have already secured opposing counsel's agreement. Stipulation should be put in writing and all parties sign off on the language of the stipulation.

- (9) Counsel are encouraged to agree upon matter that will enhance juror comprehension and interest in the case, such as for example, a glossary of terms, organizational charts of entities or parties, key contracts, photos, diagrams that will be referenced frequently, etc.
- (10) Counsel are to meet and confer at the end of each day. Counsel are expected to be prepared with enough witnesses to cover the entire court day, to cooperate with each other to call witnesses out of order if necessary and to disclose each evening the witness line-up for the following day. Counsel shall timely deposit with the Clerk the pertinent original or certified copy of the deposition of any witness expected to testify that day.
- (11) A joint trial exhibit is to be prepared using the attached template, with each exhibit uniquely described and each exhibit fully paginated. If multiple photos or diagrams appear on a single page, they should be internally sub-marked "A", "B", "C" etc. All exhibits should be tagged on the lower right corner of the facing page of the exhibit, using the attached tag printed on green paper. The exhibits should be housed in one set of binders containing the tagged "original" exhibits for the witness stand, and a second set of binders for the bench. **Trial exhibits should be moved into evidence at the time they become admissible not at the end of your case,** so as to avoid inadvertent error, when the critical witnesses have long left the courthouse and counsel seek the late admission of an exhibit. Counsel are encouraged to stipulate in advance of trial to the mass admission of all exhibits not otherwise contested. Once an exhibit is marked as identified in the oral trial record, it may not be taken from the courtroom under any circumstances.

Exhibits may not be published to the jury until "Received" into evidence. Each page of a multi-page document must have its own identifying page number (i.e. Bates stamped works best).

- (12) All jury instructions shall be read to the jury after closing arguments. Counsel are encouraged to use the verdict form(s) in closing argument to illustrate counsel's recommended result.
- (13) Jury and Court Reporter's fees are to be paid to the Clerk in the manner requested by the courtroom clerk (no exceptions). If not paid on time the jury will be excused.