

AFTERNOON TRIALS

Jury trials will be conducted in afternoons only, 1:30 to no later than 4:30 (with a mid-afternoon break), Monday through Friday. They will proceed continuously until completed. Jury deliberations, however, will typically be both mornings and afternoons. Counsel should be prepared for verdicts or jury inquiries during mornings.

Court trials may be more flexibly scheduled, both as to starting late mornings (when available) and as to possible breaks in continuity.

MANDATORY MEET-AND-CONFERENCE BEFORE TRIAL

At least four court days before a Friday trial call, counsel are required to meet and confer on at least the following topics.

- Preparation of a joint statement of the case to be read to the jury at the start of voir dire.
- Preparation of a list of potential witnesses, or other involved persons, to be read to the jury during voir dire.
- All stipulations possible, which must be reduced to writing.
- Motions in limine. Counsel must identify which ones are genuinely disputed, and seek to compromise to the maximum extent possible.
- Realistic identification of witnesses to be called, with best estimates of length and any known scheduling issues.
- Identification of those portions of videotaped testimony or depositions to be presented to the jury.
- Identification of interrogatory or RFA responses, or other discovery materials, to be presented to the jury.
- Whether the trial will be reported (including the voir dire).
- Identification and marking of exhibits.
 - Marking must be in proper court format.
 - The Court expects the parties to stipulate to admissibility to the maximum extent possible. Objections for lack of authentication or the like will be frowned on if there is no genuine dispute as to authenticity.
 - If there are more than a small number of exhibits, the sides are to put all exhibits into one or more binders with appropriate tabs. Besides copies for counsel, you must prepare three for the court: the official set for the clerk, a bench set for the judge, and a set for the witnesses.
- Jury instructions.
 - Preparation of a single, agreed set of instructions, as far as agreement is possible.
 - If there are disagreements as to particular instructions, they should be identified for the Court's decision.
 - If there are instructions that cannot be decided on until the evidence comes in, they should be flagged for consideration.
 - NOTE: Counsel must keep in mind that, by the end of the trial, we will need a comprehensive set of instructions with a physical copy ready for the jury.
- AV equipment. If both sides intend to use any electronic means of presentation, they should arrange for a single set of equipment to be used jointly.

FRIDAY TRIAL CALL

Jury trials, and court trials of a full day or longer, will be set for initial trial call at 10:00 a.m. on a Friday. The actual trial (including jury selection) will commence the following Monday afternoon. The Court will do its best to notify counsel, during the week before a Friday trial call, if there is an existing trial that will not be finished in time.

If there remains any possibility for settlement (complete or partial), the Court will be happy to give the parties time to discuss the matter. If the parties believe that the Court can be of assistance (through settlement mentors or otherwise), they should request such participation in time for it to be arranged.

The parties must be prepared to discuss at least the following topics:

- Expected length of trial. The Court will be giving the jurors a firm outside date for completion of the trial, including deliberations. If we give the jurors a date and the trial runs longer, you can expect a mistrial.
- Motions in limine. It is very helpful if these are gathered in a binder, each motion together with the opposition (if any) to it. Unless the Court has had the opportunity to review and consider the motions before the trial call, they will probably be reviewed on Friday or over the weekend, with a further hearing set sometime Monday morning for argument and decision.
- Any rulings required on instructions.
- An agreed set of the start-of-trial instructions to be given after the jury is sworn.

Also, if either or both sides intend to use any form of visual or audio equipment, whether for presentation of evidence or for arguments, the equipment **MUST BE BROUGHT TO COURT** on Friday morning for hookup and live field testing after the trial call.