

TRIAL POLICIES

Voir Dire

The following matters, if applicable to the case, shall be discussed at the pre-trial conference:

- The nature and content of any unusual matters or questions.
- Whether the insurance question is to be asked; the matter of putting the question; and what procedure to follow in the event of an affirmative response.
- Which attorneys will conduct voir dire in multi-attorney cases, and how to avoid repetition.
- Any time limits on voir dire.
- Whether individual voir dire or side bar conferences with certain venire persons will be allowed.
- How to handle any hardship based on length of trial.
- How many alternates will be selected.
- Any other procedures that should be clarified based on the nature of the case.

The following are general rules on conducting voir dire in Division 11:

- The case should not be argued in any manner.
- Counsel may not engage by conduct or verbally in efforts to curry favor with the jury.
- Counsel may not seek commitments to any particular point of view or verdict from a prospective juror or jurors.

- Questions should be asked collectively of the assembled venire persons unless otherwise authorized by the court. Follow up questions after response to a general questions are permissible.

The chronology of voir dire will be as follows unless otherwise directed by the Court:

- The Court will ask preliminary questions.
- The Plaintiff will inquire of the panel.
- The Defendant will inquire of the panel.
- The Plaintiff and the Defendant will be allowed to ask individual questions of the persons on the panel. Questions which are repetitious or which cover information contained in juror questionnaires will not be permitted.
- The panel will be excused at which time the Court will hear strikes for cause.
- The Plaintiff will first make peremptory strikes and the Defendant will follow.

Opening Statements

The Court generally imposes no time limit on opening statements. This rule is subject to the Court's prerogative to impose a time restriction or order counsel to conclude the opening statement under circumstances deemed appropriate by the Court.

Witness and Exhibit Lists

An Exhibit List and a Witness List from each litigant will be provided to the Court and opposing counsel as put forth in the Case Management Order. In the absence of a Case Management Order, such list shall be provided to the opposing counsel no later than 24 hours before trial is scheduled to start and to the Court prior to the beginning of voir dire in a jury trial or before evidence begins in a court tried case.

Exhibits

All exhibits shall be pre-numbered consecutively. The Plaintiff and the Defendant shall consult on the expected number of exhibits for each side. The Defendant(s) shall begin numbering their exhibits with a reasonable number gap between the parties to allow for unexpected additional exhibits.

All exhibits which a party intends to offer at a jury trial shall be shown to opposing counsel at least one week prior to trial so that, to the extent possible, objections can be taken up pre-trial to avoid undue delay and waste of jurors time.

The Court provides a drop down screen for use in displaying exhibits. All overhead transparencies are to be brought with counsel. The Court's copy machine will not be available for use of counsel. If other equipment is needed for exhibits, the Court must be notified at least 10 days before trial so that appropriate arrangements can be made for the use of Court provided equipment (which is very limited) or for the set up of equipment provided by counsel.

Deposition Use at Trial

If any depositions or portion thereof is to be used at trial, this shall be brought to the attention of the Court and provided to Counsel at least 10 days prior to trial to allow objections to be taken up pre-trial to avoid undue delay and waste of trial time.

Instructions

In the absence of a scheduling order or other direction of the Court, proposed jury instructions from all parties shall be submitted to the Court prior to the beginning of voir dire. All proposed jury instructions must be submitted on disk or sent electronically to the Division 11 law clerk in Microsoft Word format.

Closing Arguments

The time allowed for closing arguments shall be taken up and determined at the time of the instruction conference.