

JURY TRIAL PROCEDURES

Four Day Trial Weeks: Most trial weeks are four days, Tuesday through Friday beginning at 9:30 a.m. and ending at 5:00 p.m. If the trial is longer than four days, the trial will recess Friday evening and will resume the following Tuesday at 9:30 a.m., unless otherwise ordered by the court. Multiple cases are set to begin each trial week. Counsel must be ready and appear the morning the case is for jury selection, even if you assume your case will not proceed because cases set ahead of yours have not settled or been continued. Emergencies come up requiring the court to continue cases set ahead of yours, and cases settle at the last minute, so always assume your case will be proceeding to trial. If your case is not reached for trial, the court will need to decide if the case will be re-set for calendar call or jury selection, depending on issues surrounding having witnesses available for the next trial date. If the case is “rolled over” for jury selection because the case is not reached (and not because a party obtained a continuance), the case will take priority over other previously set cases on the next time the case comes up for jury selection.

Exhibit Review: As required in the order setting trial procedure, counsel is required to meet face-to-face prior to jury selection and review the **final version of all trial exhibits** a party will seek to use during the trial. *Reviewing summaries or descriptions of the exhibits, or verbally conferring about what the exhibit will look like does not comply with the requirements of the order setting pretrial procedure.* There is a logical reason for the requirement: it avoids the objection at trial that the final version is not what the attorneys discussed or described and having the jury needlessly spend time in the jury room while the court rules on the objection.

Pre-Mark Trial Exhibits: As stated in the order setting trial procedure, counsel is required to have the Clerk of Court pre-mark exhibits **before the morning jury selection begins.**

Motions In Limine: Motions *In Limine* and other motions concerning how the trial is conducted will not be entertained during trial or on the day of jury selection unless the court is satisfied that with due diligence, the matter could not have been

heard pretrial. Judge Conner begins each morning of trial with the Pledge of Allegiance.

Trial Preparation: Judge Conner expects and requires compliance with the order setting trial procedure and the requirement of pretrial statements. Witnesses and exhibits not in compliance with the order setting trial procedure and the pretrial statements will not be permitted.

Placing Witnesses Under Oath: Judge Conner has the witness stand and face the jury a few feet away from the jury box when being sworn in by the clerk of court.

Jury Instructions: On the morning of jury selection, plaintiff's counsel shall provide the court with a printed version of the proposed final jury instructions (preliminary jury instructions need not be provided) and verdict form. The proposed final jury instructions should also be submitted on a CD and formatted in Word using 16 point Times Roman font. The jury instructions should be in narrative form, as they would be sent into the jury room. Please personalize the instruction by referring to the parties by their names and not as "Plaintiff" or "Defendant." The jury instructions should not be submitted one instruction per page, and the standard jury instruction number or citations of authority should not be included in the instruction. The instruction should not include the notation, "Given/Denied." A sample format for the final jury instructions is located on Judge Conner's webpage, which can be downloaded and modified for your submission to the court.

On the morning of jury selection, defendant's counsel shall submit a printed version and a CD version (formatted as directed above) of any instructions which the plaintiff has not included in the plaintiff's version.

Hint to the Wise: One of Judge Conner's biggest pet peeves is making a jury sit in the jury room while matters are being argued that could have been handled pretrial.