

courtesy copy is to be walked up to court room 23-C no later than seven (7) days before the trial.

1. **Trial Briefs**

Trial briefs are required in all cases and must be filed with the Court no later than seven (7) days before the trial. Trial briefs shall include:

- (a) statement of the facts;
- (b) a discussion of the controlling law with particular emphasis on those legal issues which might justify a complete or partial motion under Civil Rule 50 of the Rules of Civil Procedure;
- (c) a list of proposed witnesses along with a description of the subject matter of the testimony of each witness;
- (d) an index of all proposed exhibits containing a brief description of each exhibit; and
- (e) a discussion of any evidentiary issues likely to arise at trial. Copies of all documents and photo exhibits will be marked and copies provided to opposing counsel five (5) days prior to trial or face exclusion.

Motions in *Limine* shall be filed on the same date as the trial brief, unless the Court sets other dates. Responses to Motions in *Limine* shall be filed no later than three (3) days prior to the final pretrial.

In non-jury trials, proposed Findings of Fact and Conclusions of Law shall be incorporated into the trial brief. Proposed Findings of Fact and Conclusions of Law shall be consecutively numbered with each stated in a separate paragraph. The proposed Findings of Fact shall cite the particular witness(es) or exhibit(s) upon which each suggested finding is based. Proposed Conclusions of Law shall cite legal authority.

In a jury case, trial briefs also shall include any proposed subjects for *voir dire* examination.

Counsel are required to exchange their trial briefs with opposing counsel. If a witness is not listed in the trial brief, the witness shall not testify, absent a showing of good cause. This rule applies to lay witnesses as well as to expert witnesses. Exhibits not listed in the trial brief copies and provided to opposing counsel shall not be introduced at trial, absent a showing of good cause.

2. **Voir Dire**

The Court will conduct initial *voir dire* of the panel and of individual panel members. The Court may thereafter allow one counsel for each party to question *briefly* individual panel members. The Court will discontinue questioning by counsel if questioning seeks to instruct the jury on the law or accomplish anything other than to elicit information regarding the panel member=s background, biases, or suitability for service.

Any proposed questions for the Court=s *voir dire* are to be submitted the day before trial.

3. **Proposed Jury Instructions**

Counsel for the various parties are **required** to confer with one another regarding complete proposed jury instructions.

Complete proposed jury instructions shall be filed in the trial brief of the parties. Counsel shall submit Proposed Jury Instructions with applicable O.J.I. or case citations. Trial beliefs also shall include any unique or sensitive proposed *voir dire* questions (Traditional or boilerplate *voir dire* questions need not be provided.) The instructions agreed upon by all counsel shall be identified. Disputed instructions shall also be identified, along with separate citations to legal authority for each instruction.

No proposed jury instructions will be considered by the Court unless they have been submitted in compliance with these provisions, except that requests for instructions that could not *reasonably* have been anticipated may be submitted during trial. **All proposed jury instructions must be complete.**

4. ***Preliminary Statements and Stipulations***

Counsel shall prepare a joint statement describing the case in an impartial, easily understood and concise manner for use by the Court either during *voir dire* or at the time the jury is impaneled. This statement will be used to set the context of the trial for the jury and **must be submitted** at the same time the trial brief is submitted.

Stipulations of Fact, if any, shall be submitted at the same time as part of the same document.

5. ***Exhibits***

One (1) copy of all exhibits shall be furnished to the Court on the day of trial. There is no need to file the exhibits with the Clerk of Courts. Counsel shall exchange copies of all exhibits no later than five (5) working days before the date on the trial notice.

Exhibits shall be marked **before trial** with exhibit stickers. The plaintiff shall mark exhibits with numbers and the defendant shall mark exhibits with letters. Both sides are to indicate the case number on the bottom portion of the exhibit sticker. If there are multiple parties, the parties' last names should precede the number of letter (*i.e.*, ASmith-1@ or AGreen-A@). If the parties have a joint exhibit, it shall be marked as AJt. Ex. 1@ or AJt. Ex. 2,@ etc. If the defendant has more than twenty-six (26) exhibits, double letters shall be used (*i.e.*, AAA,@ ABB,@ ACC,@ etc.).

6. ***Deposition Testimony (Videotape and Written)***

Whenever depositions (videotape and written) are intended to be used as evidence at trial, counsel proposing to use such deposition shall notify opposing counsel at least seven (7) days before the final pretrial. Any objections to portions of the deposition **must** be filed in writing with the Court at least three (3) days prior to the final pretrial. The list of objections should provide the Court with the page and line number, along with the basis for the objection. The Court must be provided with a complete written transcript of videotape depositions.

7. ***Continuances***

No party shall be granted a continuance of a trial or hearing without a written motion from the party or counsel stating the reason for the continuance **endorsed in writing with the signature of the client** and his or her lead counsel of record. The Court will not consider any motion for a continuance due to a conflict of trial assignment dates unless a copy of the conflicting assignment is attached thereto. The motion shall be filed within fifteen (15) days of counsel becoming aware of the conflict and not less than thirty (30) days prior to trial.

8. ***Proposed Findings of Fact and Conclusions of Law in Non-Jury Trials***

In all non-jury cases, counsel for each of the parties shall prepare proposed Findings of Fact and Conclusions of Law, which shall be filed with the Court and served upon opposing counsel not later than ten (10) days **before** the date set for trial. Plaintiff's Conclusions of Law shall include a statement of the applicable statute conferring jurisdiction upon the Court.

9. ***Settlement***

The parties are requested to notify the Court at the earliest possible time if a settlement is reached in the case. Notification must be to a member of the Court's staff. Voice-mail messages may not be acceptable as proper notification. The duty to inform the Court of settlement shall be borne equally by all counsel.

10. ***Trial Conduct***

To prevent unnecessary delay and to ensure all counsel are able to fully participate in all stages of the trial, counsel are to remain available and in the proximity of the Courtroom during jury deliberations. If counsel needs to leave the immediate area, they must notify the Court's Bailiff as to where they can be located.

11. ***Objective of this Court***

It is the goal of this Court to bring all civil controversies to a conclusion as soon as practically possible. Litigants have a right to have their cases heard and disposed of promptly so as not to unnecessarily interfere with the litigants' lives and business. Our community is the beneficiary of an efficient civil justice system. This Court intends to resolve the lawsuits assigned to it within a year of the filing date.

In conclusion, this Court requests and expects the complete and enthusiastic cooperation of all counsel toward the resolution of litigation.

IT IS SO ORDERED.

Date _____ 2005

EILEEN T. GALLAGHER, JUDGE

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(Rev. 04-7-05)