

EXHIBIT "A"
TENTH JUDICIAL DISTRICT COURT'S JURY TRIAL GROUND RULES

JURY TRIAL GROUND RULES

The Court expects counsel to follow the Jury Trial Ground Rules absent any modification requested in writing by counsel and approved by the Court.

- (1) Attorneys shall *immediately notify their witnesses*, in particular expert witnesses, of the trial date in order to alleviate any scheduling problems with the Court's ordered trial date.
- (2) Attorneys shall have a final conference with the Judge ½ hour prior to trial. Attorneys shall remain professional and courteous at all times during the trial.
- (3) Attorneys shall have stipulated in the Pre-Trial Order to those exhibits that will be admissible without objection. Copies of exhibits shall be provided for the bench. Attorneys shall see that all exhibits are pre-marked or marked during recesses. Plaintiffs shall be issued numbers and Defendants issued letters—unless the Court directs otherwise (i.e. in multiple party cases). No exhibits, charts, audio or visual aids shall be allowed in opening statements without prior Court approval.
- (4) Attorneys shall provide the Court and opposing counsel with jury instructions and verdict forms pursuant to the Scheduling Order or Omnibus Order, and any additions as soon thereafter as possible. Attorneys shall check the instructions to avoid duplicates. The new M.P.I. shall be used as the primary source and the instructions shall be printed on 8 ½ x 11 paper. Attorneys shall check their proposed instructions for errors in gender and as to whether parties are singular or plural.
- (5) Instructions shall be numbered Plaintiff's No. __ or Defendant's No. __ at bottom left corner of the page. Also, provide a signature line for Judge, 1" below instructions, as follows:

Given: _____
DISTRICT COURT JUDGE

Source:

Plaintiff's No. _____ Defendant's No. _____ GIV _____ REJ _____ WITH _____

Attorneys must provide the Court with an original of each instruction without citation of any authority at the bottom of the page, in addition to a copy with citation attached. The Court will provide attorneys with a pre-arranged Order of instructions to be given before final arguments.

- (6) At no time during the trial, except *voir dire*, may the attorneys ask questions or seek information from the jury. Attorneys shall not repeat in *voir dire* those matters which the Court has already covered in remarks to the jury. *Voir dire* is not to be utilized for purposes of legal arguments and opening statements to the jury are statements, not arguments to the jury.
- (7) Counsel is expected to stand to make objections and to question witnesses. Attorneys may stand at the rostrum or at counsel table while talking. Attorneys will ask to approach the bench or witness when necessary.
- (8) Don't stand between witnesses and the jury. Don't have witnesses go to the blackboard with back to Court Reporter. Remember, Court will go until at least 5:00 o'clock P.M., so don't get caught short by not having a witness ready to testify. Attorneys should advise their witnesses to "speak out" when testifying. On cross-examination, the questioning attorney may approach a witness only with permission of the Court.
- (9) On the examination of witnesses, only one attorney for each side will be permitted to examine, or cross examine the same witness, except by permission of the Court first asked and obtained. It is the responsibility of all attorneys to brief their witnesses on matters which are inadmissible, such as the mention of insurance, and matters which have been excluded by Court Order.
- (10) If exclusion of witnesses has been ordered, it is the responsibility of each attorney to instruct their witnesses not to discuss their testimony with awaiting witnesses. Attorneys have the responsibility of keeping themselves, their parties and witnesses apart from the jury at all times.
- (11) The use of electronic devices in the Court must be preceded by complete setup and testing of all equipment. If the parties intend to use any special equipment, such as video, slides, overhead projectors, DVD's, tape recorders, or laptops for PowerPoint presentations, the parties must make the appropriate arrangements at least five (5) business days prior to the date of the trial with the Clerk of District Court. Charts and photographs should be large enough to be seen across the courtroom, mounted on stiff backing and displayed from an easel during use. Both the attorney and the witness must be prepared to stand to the side of the

chart or photograph and to use a pointer during the trial.

- (12) The Judge needs time to make rulings on objections—questioning by attorneys will not proceed until the Judge rules. Attorneys may make arguments only with approval of the Judge and usually outside the presence of the jury. It is the responsibility of objecting counsel to interpose the objection before the witness begins answering, otherwise the objection is untimely. Offers of proof will be made, whenever possible, during recesses and outside the presence of the jury.
- (13) Attorneys are advised that opening and final arguments may be limited, as determined at pre-trial conference. During closing arguments, Plaintiff may elect to reserve time for rebuttal. Attorneys must stay a reasonable distance from the jury box during final arguments.
- (14) During jury deliberations, the attorneys from each side shall provide contact information and be reasonably available to the Court, unless otherwise directed by the Court.

Effective: December 2013