

STANDING ORDER ON FINAL PRETRIAL CONFERENCES, EXHIBITS, AND JURY INSTRUCTIONS

This standing order shall apply in all civil and criminal cases.

A. FINAL PRETRIAL CONFERENCE

Unless the Court orders otherwise, the parties shall submit the following documents and motions not less than seven days before the final pretrial conference:

- (1) an agreed statement of the case;
- (2) witness lists (filed under seal in criminal cases);
- (3) exhibit lists, noting whether the exhibit will be admitted without objection, whether authentication is waived, or whether there is an objection to the exhibit;
- (4) a list of all demonstrative aids intended for use at trial;
- (5) stipulations;
- (6) one copy of proposed jury instructions containing the instructions on which the parties agree (for jury trials);
- (7) any additional jury instructions on which the parties have not agreed (for jury trials);
- (8) any non-routine proposed voir dire questions (for jury trials);

(9) any objections remaining in depositions that will be used at trial in lieu of live testimony; and

(10) any pretrial motions.

In civil cases, the above will be provided to the Court in the form of a proposed Final Pretrial Order that must also comply with CDIL-LR 16.1(F) (standard civil cases) or CDIL-LR 16.3(I) (pro se prisoner or detainee cases).

Unless the Court orders otherwise, objections to witnesses, exhibits, jury instructions, or voir dire questions and responses to pretrial motions must be made in writing, with citation to legal authority, three days prior to the final pretrial conference. The Court will address all objections and pretrial motions at the final pretrial conference.

If counsel amends the witness or exhibit list after the final pretrial conference, counsel must provide an amended list to the Court no later than the first day of trial.

In addition, the parties shall, if they have not previously done so, advise the Court in writing three days prior to the final pretrial conference, whether they will consent to the Magistrate Judge conducting jury impanelment.

B. EXHIBITS

1. Pursuant to District rules, always pre-mark your exhibits and exchange them with opposing counsel. Exhibits shall be brought to the final pretrial conference.

2. Each item in a group exhibit must be marked.

3. Always show exhibits to opposing counsel before showing them to a witness.

4. If counsel wishes to publish an exhibit to the jury, he or she should ask for the Court's permission. Exhibits may not be published before they are admitted into evidence. No questioning of a witness will occur until the exhibit is published.

5. Disputes over the admissibility of exhibits should be raised outside the presence of the jury, preferably in a motion in limine.

6. After an exhibit has been admitted and counsel has concluded examining the witness, counsel must return the marked exhibit to the courtroom deputy. The courtroom deputy will maintain the admitted exhibits throughout the trial. Counsel may request the exhibits when necessary. If exhibits are used during closing argument, counsel must return them to the courtroom deputy.

C. JURY INSTRUCTIONS

1. Jury instructions should be double-spaced and in Bookman Old Style typeface, size 16 font. Multi-page instructions must be paper-clipped together with page numbers. Pattern jury instructions must be used in criminal cases and are preferred in civil cases. Non-pattern instructions are discouraged in criminal cases unless necessity compels their use.

2. At the final pretrial conference, counsel must furnish the Court with one clean (no citations or page numbers) and one annotated copy of each instruction. Paper clip each annotated copy on top of the corresponding clean copy.

3. In pro se prisoner and detainee cases, the Court will provide the jury instructions to the parties. The parties may submit objections to the Court's instructions and submit additional or alternate instructions. Alternate instructions must be numbered to clearly identify the relevant Court's instruction. For example, a proposed alternate instruction by Defendant to Court's 12 would be labeled "Defendant's 12A, alternate to Court's 12."

January 24, 2018