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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

ABC CORPORATION,

Plaintiff,

v.

XYZ CORPORATION,

Defendant.

No. CXX-XXXX RAJ

ORDER REGARDING CIVIL
JURY TRIAL PROCEDURES

In order to administer the trial of the above-captioned case in a manner that is fair and just to the parties and is consistent with the goal of completing the trial of this case in the most efficient manner, it is hereby

ORDERED that counsel and pro se litigants shall comply with each of the following procedures and requirements:

1. **SCHEDULE.** On _____ at _____ a.m., the court will meet with counsel for the parties for a final pretrial conference to resolve all remaining pretrial matters and any remaining motions *in limine*.

Trial is scheduled to commence on _____ at 9:00 a.m. Jury selection will begin promptly at 9:00 a.m. Counsel should be present to discuss any preliminary matters by 8:30 a.m. Counsel should be prepared to deliver their opening statements immediately after the jury has been impaneled and preliminarily instructed by the court.

1 2. **JURY SELECTION.** See instructions for civil jury
2 impanelment by visiting the court’s website at:

3 www.wawd.uscourts.gov/JudgesInfo/JudgeJonesGeneral.htm

4 3. **EVIDENCE PRESENTATION TECHNOLOGY.** If the courtroom
5 technology will be used at trial, you are responsible for participating in the training
6 program offered by the court prior to the commencement of trial. Training is
7 offered the 1st and 3rd Wednesday of every month at 3:00 p.m. in Courtroom 18A of
8 the Seattle courthouse. No reservation is necessary to attend the training.

9 4. **PUNCTUALITY.** The jury portion of the trial will be conducted
10 from 9:00 a.m. to 12:00 p.m. and from 1:30 p.m. to 4:30 p.m., Monday through
11 Thursday, unless otherwise directed by the court. The court will also take a morning
12 recess from 10:30 a.m. to 10:45 a.m. and an afternoon recess from 2:45 p.m. to
13 3:00 p.m.

14 Trial will convene promptly at the designated time on each trial day and the
15 jury will not be kept waiting. Counsel shall be available in the courtroom and seated
16 at their respective counsel tables at least five minutes before court is scheduled to
17 begin or resume after a recess.

18 5. **GENERAL COURTROOM RULES.** The court expects counsel to
19 exercise civility at all times towards each other and towards everyone involved in the
20 case or working with the court.

21 A. Unless leave is otherwise given, counsel shall question
22 witnesses and make opening statements and closing arguments
23 from the lectern and shall speak into the microphone.

24 B. Only one attorney from each side may inquire of a particular
25 witness. That same attorney is responsible for making and
26 responding to objections regarding that witness.

 C. Counsel shall obtain permission from the court before
 approaching a witness or the bench.

- 1 D. Counsel are reminded that the traditional rules regarding
2 opening statements and closing arguments will be enforced by
3 the court.
- 4 E. Counsel shall provide for inspection by opposing counsel any
5 charts or diagrams they intend to use during opening statements
6 or closing arguments. Any objections should be raised with the
7 court sufficiently in advance so the court may consider the
8 objections without wasting the time of the jury.
- 9 F. Counsel shall stand when addressing the court. All objections
10 or other statements by counsel, no matter how brief, shall be
11 made while standing.
- 12 G. All statements by counsel should be directed to the court and
13 not to opposing counsel.
- 14 H. Counsel are reminded that their own opinions regarding facts or
15 issues in a case are irrelevant and should not be communicated
16 to the jury (*e.g.*, “I think . . .” or “We believe . . .”)
- 17 I. Counsel are reminded to seek leave from the court before
18 posing questions or engaging in procedures in the presence of
19 the jury that carry a risk of undue prejudice, or that by law or
20 customary procedures require leave of the court.
- 21 J. Unless otherwise permitted by the court, counsel shall refer to
22 all witnesses over the age of 18, including their clients, as “Mr.”
23 or “Ms.” or by their official title (*e.g.*, “Captain” or “Dr.”) All
24 witnesses are to be addressed in a respectful and polite manner.

25 6. **OBJECTIONS AND EVIDENTIARY MATTERS.** In an effort to
26 resolve any objections, any legal matters or other evidentiary issues that will arise
during the course of the trial and have not been the subject of a motion in limine or
pretrial motion should be discussed between counsel no later than the night before

1 the witness or exhibit is to be offered. If there is no resolution, the proponent of the
2 objection or evidence shall email or fax to Chambers that evening or, in any case, **no**
3 **later than 7:00 a.m.** the next morning, in succinct terms, a statement of the
4 evidentiary issue or objection and their position, together with legal authority. The
5 opposing party shall email or fax to Chambers **no later than 8:30 a.m.** the contrary
6 position, with legal authority. The court will hear from the parties and make its
7 determination during the time for preliminary matters each morning. This way, the
8 jury will not be kept waiting while legal issues are discussed and resolved.

9 7. **VOIR DIRE AND JURY INSTRUCTIONS.** Counsel are reminded
10 to promptly provide electronic copies in Word format of any proposed voir dire and
11 proposed jury instructions to the court by email at jonesorders@wawd.uscourts.gov.
12 Counsel shall also submit by email their proposed verdict forms, including (where
13 appropriate) any special interrogatories. To the extent possible, counsel are
14 encouraged to agree upon a verdict form, indicating areas of disagreement as
15 appropriate.

16 8. **OBJECTIONS AT TRIAL.** Counsel who make objections during
17 trial must state the legal basis for their objections without elaboration or argument
18 (unless invited), (*e.g.*, “Objection, hearsay,” “Objection, lack of foundation.”) The
19 court generally will rule on the objection without additional discussion except in the
20 most critical areas. For purposes of “protecting the record” and assisting appellate
21 review, counsel may explain or amplify their objections on the record after the jury
22 has been excused for a break, for lunch, or for the day.

23 9. **SIDEBAR CONFERENCES.** Sidebar conferences are discouraged.
24 Counsel may seek to convene a sidebar conference if counsel is about to engage in a
25 line of inquiry on direct or cross-examination that reasonably necessitates leave of
26 the court, *e.g.*, potentially inflammatory areas of inquiry.

10. **WITNESS LISTS.** Counsel shall exchange a list of witnesses on or
before _____.

1 At the close of each trial day, counsel shall provide to opposing counsel a list
2 of the witnesses to be called the following day. Counsel will not be absolutely
3 bound by the list in calling its witnesses because on occasion, in good faith, they
4 must change an intended order of proof or find it necessary to call a witness out of
5 order, etc.

6 **11. WITNESSES.** Except for the parties, their authorized
7 representatives, and experts as permitted under Rule 615 of the Federal Rules of
8 Evidence, all witnesses shall remain outside the courtroom except while actually
9 testifying. Unless permission for a witness to remain in the courtroom is expressly
10 sought and granted, the rule on witnesses is always in effect, even during voir dire
11 and opening statements. Counsel shall instruct witnesses not to discuss their
12 testimony with others during or after they have completed their testimony.

13 **12. WITNESSES ON CALL.** Once the trial begins, witnesses shall be
14 put on call at the peril of the calling party. The trial will not be recessed because a
15 witness on call is unavailable, except in extraordinary circumstances. The court will
16 endeavor to accommodate out-of-town and expert witnesses if counsel alerts the
17 court in advance. The party calling a witness shall arrange for that witness' presence
18 until cross-examination is completed, including the following trial day, if necessary.
19 The failure to have a witness present for cross-examination following direct
20 examination is grounds to strike the witness' testimony.

21 **13. PRESENCE OF COUNSEL.** Once court is in session, lead counsel
22 shall not leave the courtroom without the court's express permission. Failure of
23 counsel to be present and on time may result in sanctions.

24 **14. SUA SPONTE JURY INSTRUCTIONS.** Any necessary *sua sponte*
25 jury instructions shall be written out by counsel requesting them and shall be given
26 to the court in a form in which the court might read the instructions to the jury.
Failure to do so shall be deemed a waiver of any such request. In the event that the
instructions are given, it shall be counsel's responsibility to remind the court of the

1 necessity for the inclusion of any *sua sponte* instructions in its final charge by 4:00
2 p.m. on the date *prior to* the date on which the final charge is to be given by the
3 court to the jury.

4 15. **VERBAL OR FACIAL CONTACT WITH THE JURY.** Counsel,
5 the parties, and witnesses shall not make any verbal comments, facial expressions, or
6 have other contact with the jury which could be interpreted as conveying a comment
7 one way or the other with respect to the testimony, argument or event that may occur
8 during trial. Nor shall any such persons offer gratuitous comments or asides about
9 witnesses' testimony or opposing counsel.

10 **Counsel and the parties shall remain in the courtroom or their assigned**
11 **witness rooms while the jurors are arriving and departing from breaks and**
12 **recesses during the voir dire process and during the trial itself.**

13 16. **DIRECT AND CROSS-EXAMINATION.** On direct or cross-
14 examination of a witness, counsel shall not:

- 15 A. Testify by improperly incorporating facts into their questions so
16 as to put before the jury information that has not been received
17 in evidence;
- 18 B. Use an objection as an opportunity to argue or make a speech in
19 the presence of the jury; and
- 20 C. Show the jury a document or anything else that has not yet been
21 received in evidence without leave of the court. If counsel is
22 using electronic equipment to display documents to the jury and
23 the court, counsel shall make sure that the document has been
24 admitted in evidence before it is shown to the jury.

25 If any party intends to use a deposition to refresh a witness' recollection,
26 impeach a witness, or for any other reason, counsel shall provide a copy of the
deposition to the Court.

1 **17. CLOSING ARGUMENTS AND INSTRUCTIONS.** The court will
2 deliver the bulk of the jury instructions before closing argument, reserving only
3 housekeeping matters until later. In making closing arguments, counsel shall be
4 limited by the evidence presented during trial and are reminded of the prohibition
5 against appealing to the jurors’ prejudices. Moreover, during closing argument and
6 throughout the trial, counsel shall not:

- 7 A. Make statements of personal belief to the jury;
8 B. Make personal attacks on opposing counsel;
9 C. Appeal to the self-interest of the jurors; or
10 E. Make potentially inflammatory racial, ethnic, political or
11 religious comments.

12 With regard to both opening statements and closing arguments, counsel are
13 admonished not to make statements or arguments that will draw objections. The
14 court will intervene *sua sponte* and not wait for objections if it observes the failure to
15 adhere to basic legal principles and standards of civility.

16 Pro se litigants are reminded by the Court that they are held to the same
17 standard as counsel, and that all procedures set forth herein apply equally.

18 Failure to abide by these rules may result in sanctions.

19 DATED this _____ day of _____, 20____.

20 /s/ Richard A. Jones
21 HON. RICHARD A. JONES
22 United States District Judge
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