

Sample Protocol Form¹ Jury Trial Procedures

Pretrial Motions and Other Pretrial Matters

It is expected that all counsel will strictly adhere to all Rules of Procedure mandating times certain for the filing of any pretrial motions. “Boilerplate” motions are discouraged. [*Memoranda of law citing pertinent caselaw should accompany all motions.*]

General Procedure

Within ___ days of the scheduled trial date, counsel shall submit in writing (hard copy and also electronic, using Microsoft Word or WordPerfect) all complex [*define*] Motions in Limine with points and authorities, extraordinary *voir dire* questions, and any other matters requiring special attention. [*Provide examples, such as interpreters, handicapped accommodations for witnesses, writs for bringing in special witnesses from prisons, other counties, or states, etc.*]

Jury Selection

Prior to jury selection, counsel will meet briefly with the judge to determine the number of alternate jurors needed for the particular trial. Jury selection is conducted in the manner prescribed by the Rules of Criminal Procedure. [*Add any particulars where the nature of the case, number of defendants, etc. warrant modifications.*]

Trial Procedures

- Court opens at 9:00 A.M. Monday through Friday. Counsel should be prepared to begin their case at this time. [*If counsel is consistently tardy, the Court will impose sanctions.*] Court remains in session until 4:30 P.M. with modification when necessary to accommodate special circumstances. Counsel will be expected to present testimony until this time, even if a witness’ testimony may have to be bifurcated. Court will not recess early due to unavailability of witnesses, except in extraordinary circumstances. [*This is subject to modification to prevent trial error, such as abuse of discretion.*]
- Opening statements will be limited to fifteen to thirty minutes for the prosecution, and a relatively equal time for each defendant, with expanded flexibility when warranted. [*Counsel is respectfully reminded to not “try the case” in opening statements.*]
- Exhibits should be pre-marked prior to the opening of court. Counsel must cue in advance all approved videotape or audiotape presentations and test all equipment for sound, picture, etc. prior to presenting evidence contained therein. “Dry runs” are encouraged before coming to court and before court begins. Counsel are encouraged to have “back up” projector bulbs, batteries, and other equipment required to present evidence.
- Counsel should hand all exhibits to the court officer instead of the witness. Counsel may not approach a witness unless he or she requests permission of the court. [*This may or may not be your policy.*]
- Counsel should always stand when addressing the Court, including making objections, unless the court excuses counsel from doing so.
- Counsel may not make factual or legal arguments on objections in front of the jury. Counsel should address all objections to the Court, and refrain from “verbal sparring” or “exchanges” between counsel. If counsel makes an objection, and the Court requests a basis, the Court only wants a legal basis. The Court will hear argument on the objection, if needed, at sidebar, outside of the hearing of the jury. However, counsel should keep requests for sidebars to a minimum. If counsel would like a witness to testify from a location in the courtroom other than the witness stand, please ask permission of the Court.
- All proposed jury instructions must be in writing, hard copy and on electronic if possible.

¹Bracketed italic sentences are optional.