PREPARATION FOR CIVIL TRIALS
before the Hon. Martha Vázquez

GENERAL INSTRUCTIONS

- Trial will begin promptly at 9:00 a.m. Counsel must appear no later than 8:30 a.m. if counsel wish to bring matters to the attention of the Court and out of the presence of the jury. Before raising preliminary matters with the Court, counsel must confer with opposing counsel.

- Trial will recess at 5:00 p.m. Counsel must be prepared to exceed this time if necessary to complete the trial as scheduled.

- Counsel must stand when addressing the Court, other counsel, a witness, or the jury. Do not refer to any party or attorney by their first name.

- Counsel must not argue with opposing counsel in the presence of the jury.

- During opening statements, counsel must not argue the facts or discuss the law. Present a concise summary of the facts. Do not describe in detail what particular witnesses will say. Unless the case is unusually complex, counsel will be limited to fifteen minutes for opening statements.

- Counsel must remain at the podium when questioning witnesses and must not turn his or her back to the Court, the jury, or a witness when speaking.

- Counsel must have all exhibits immediately available and in the proper order when questioning a witness. A copy of the exhibits should also be available for the witness stand.

- When an objection is made in the presence of the jury, counsel must state the rule and make no argument. If the Court needs argument, counsel will be instructed to approach the bench. Do not argue the Court's ruling in the presence of the jury.

- Counsel must not move for a mistrial in the presence of the jury.

VOIR DIRE & STATEMENT OF CASE

- Deadlines for the submission of topics for voir dire, the statement of the case, and any objections thereto are stated in the "Pretrial Deadlines for Civil Cases" attached to the Trial Notice.

- Except for a few preliminary questions by the Court, voir dire will be conducted by counsel. Any objections to proposed voir dire must be filed in accordance with the deadline stated in the "Pretrial Deadlines for Civil Cases" attached to the Trial Notice. The objections will be addressed by the Court on the morning of jury selection before the commencement of trial.

- The parties' joint statement of the case should contain a clear statement of the factual and legal issues, not simply a conclusory description of the legal issues.

WITNESSES

- Deadlines for the submission of witness lists and any objections thereto are stated in the "Pretrial Deadlines for Civil Cases" attached to the Trial Notice.

- The witness lists must include the name of the witness, his or her title and relevance to the case, a brief summary of the witness's anticipated testimony and an estimate of time necessary for counsel to examine the witness.

- The witness list must also indicate whether a witness's testimony will be live or through deposition. Deadlines for the designation of deposition testimony, as well as objections thereto, are stated in the "Pretrial Deadlines for Civil Cases" attached to the Trial Notice. The Court prefers live testimony over deposition testimony.

- If a deposition is used in part, counsel must highlight the appropriate sections; the plaintiff in yellow ink and the defendant in blue ink. The Court's copy should also be highlighted.

- Counsel are responsible for ensuring that a sufficient number of witnesses is scheduled for each day of trial, and that all witnesses are on time and remain near (but outside) the courtroom.

EXHIBITS

- Deadlines for the submission of exhibits, exhibit lists, and any objections thereto are stated in the "Pretrial Deadlines for Civil Cases" attached to the Trial Notice.

- The consolidated exhibit list must be in a table format.

- Exhibits must be clearly marked and identified prior to trial, with the plaintiff's exhibits identified on yellow labels by number and the defendant's exhibits identified on blue labels by letter. Counsel must tab and submit all exhibits in a three-ring binder when providing copies to the Court and the opposing party.

- Where possible, the parties should stipulate to exhibits in advance of trial. Objections and stipulations regarding exhibits shall be filed with the Court in accordance with the deadlines and comments regarding exhibits stated in the "Pretrial Deadlines for Civil Cases" attached to the Trial Notice.

- Charts, diagrams, etc. must be clearly marked, indicating measurements, landmarks and other identifying factual material. Counsel should avoid having a witness draw or create an exhibit during the time used for examination of the witness.

  To the extent possible, counsel is encouraged to use the audio-visual equipment in the courtroom for the presentation of exhibits. The audio-visual system allows witnesses to mark exhibits while discussing them. If counsel is unfamiliar with the audio-visual system, he or she is encouraged to contact the Clerk's Office to schedule a time to practice using the system before trial. Counsel is discouraged from relying on courtroom personnel to assist in the use of the audio-visual system during trial.

JOINT JURY INSTRUCTIONS

- The deadline for filing proposed Joint Jury Instructions and any objections thereto is stated in the "Pretrial Deadlines for Civil Cases" attached to the Trial Notice. Additionally, by the filing deadline, the parties shall email a copy of the proposed Joint Jury Instructions to the Court at: vazquezchambers@nmd.uscourts.gov in a format compatible with Microsoft Word. The instructions must include no more than one instruction per page with citation to relevant legal authority. All instructions must be submitted in one document titled "Joint Jury Instructions." Do not submit each instruction as a separate computer file. The instructions should be carefully proofread for errors in spelling, grammar, punctuation, and citations.

- The parties shall file jointly one complete set of proposed Joint Jury Instructions. Any proposed jury instructions filed by a party separately will not be considered by the Court.

- The parties must discuss their proposed jury instructions in advance of the filing deadline so that agreement can be reached on as many instructions as possible. If there are particular instructions upon which the parties cannot agree, the objectionable instruction shall be included in the proposed Joint Jury Instructions, with the proponent's argument for inclusion of the instruction stated, and the opposing party's objection to the instruction stated. The parties' argument for and objection to inclusion of an instruction shall be stated in detail, with reference to a corresponding pattern instruction and/or applicable case law supporting their respective positions. If the opposing party proposes the inclusion of an alternate version of the objectionable instruction, the alternate version shall be identified as an alternate instruction and included in the proposed Joint Jury Instructions. The parties' argument for and objection to inclusion of the alternate instruction shall be stated in detail, with reference to a corresponding pattern instruction and/or applicable case law supporting their respective positions.

- The parties must also review this Court's Civil Stock Instructions found on the Court's webpage at: www.nmd.uscourts.gov. A Stock Instruction Index accompanies the Civil Stock Instructions and must be completed by the parties and filed with the proposed Joint Jury Instructions. The parties need not include in their proposed Joint Jury Instructions copies of each of the Court's Civil Stock Instructions, but must include the completed Stock Instruction Index. The Court will automatically give its Civil Stock Instructions unless a party objects to a stock instruction or an alternative version of the instruction has been filed by the parties.

FINDINGS OF FACT & CONCLUSIONS OF LAW

- In non-jury trials, the deadline for submission of findings of fact and conclusions of law is stated in the "Pretrial Deadlines for Civil Cases" attached to the Trial Notice.

MOTIONS IN LIMINE

- The deadlines for the submission of motions in limine, responses and replies are stated in the "Pretrial Deadlines for Civil Cases" attached to the Trial Notice.

- The Court will rule on motions in limine prior to the commencement of trial, if possible.

PRE-TRIAL CONFERENCE

- Counsel must be prepared to address the length of the trial (excluding jury selection), the number of witnesses, the number of exhibits, stipulations, objections to any exhibits or witnesses, motions in limine and any other pending motions.

JURY SELECTION/TRIAL

- Jury selection takes place at the Santiago E. Campos United States Courthouse in Santa Fe. If sufficient time is available, opening arguments and testimony will begin on the day of jury selection.

- Each party shall have the number of peremptory challenges designated in 28 U.S.C. §1870.

- Jurors are allowed to take notes during trial.

EQUIPMENT

- The parties must request permission at the pretrial conference and make prior arrangements to have special equipment installed prior to trial. The parties are encouraged to familiarize themselves with the audio-visual equipment used in the courtroom prior to trial. A party may contact the Clerk's Office in Santa Fe and schedule a date and time in advance of trial to practice using the audio-visual equipment before trial.