

# **TRIAL PREPARATION**

## **CALL OF THE CALENDAR**

If trial counsel is unable to attend the call of the calendar personally, substitute counsel who is prepared to discuss and give information about the trial may attend.

The following matters will be discussed at the call of the calendar:

1. How long will it take to try the case?
2. What motions are pending and what motions, if any, do you anticipate filing before trial?
3. Are you ready to proceed to trial?
4. Do you have any scheduling conflicts?
5. What is the possibility of settlement?
6. Are there any anticipated problems that need to be resolved before commencement of trial?

After hearing from counsel on the above matters, Judge Parker will announce the date trial will commence.

## **GUIDELINES FOR TRIAL**

1. Be on time for each court session.
2. Witness lists, exhibit lists and requested voir dire questions are due five business days before jury selection, unless otherwise ordered. Plaintiff's exhibits must be marked numerically (Pl. Ex. 1, 2, 3...); Defendant's exhibits must be marked alphabetically (Def. Ex. A, B, C...).
3. In civil cases, the Pretrial Order governs the process of marking, exchanging and objecting to exhibits in advance of trial. In civil matters in which a Pretrial Order has not been entered, and in criminal cases, counsel and pro se parties must mark their exhibits and show them to opposing counsel at least 30 minutes prior to the beginning of the court session each day. If opposing counsel objects to any exhibit, bring this to the attention of a law clerk immediately. The marking of exhibits and hearings on objections to exhibits will not occur in the presence of the jury.
4. If you intend to use the audio/visual equipment in the courtroom, please inform

Debbie MacDonald, Judge Parker's judicial assistant, one week before trial. You must become familiar with the equipment prior to the day your trial begins.

5. In your opening statement to the jury, do not argue the case and do not discuss the law. Give a concise summary of the important facts. Do not describe in detail what particular witnesses will say.
6. Stand when questioning witnesses or addressing the Court, including when making objections. (Counsel and pro se parties with physical disabilities may be excused from this requirement).
7. Stand behind the podium, a respectful distance from the jury, while examining witnesses, unless Judge Parker permits you to leave the podium. Do not address the witness by his or her first name.
8. If you intend to question a witness about documentary exhibits, avoid delay by having photocopies of all documentary exhibits at the podium and place all of the documentary exhibits, stacked in the order you intend to discuss them, on the witness stand before beginning your examination.
9. When you object in the presence of the jury, make your objection short and to the point. Do not argue with the ruling of the Court in the presence of the jury. Do not make motions (e.g., a motion for mistrial) in the presence of the jury. Such motions may be raised either at a bench conference or at the first recess without waiving any rights by the delay in presenting the motions.
10. If you anticipate an evidentiary dispute to arise during a day of a jury trial, call the problem to the attention of Court staff in advance of that day's trial session to permit the Court time to conduct a hearing and to resolve the issue before the session starts.