

# Magistrate Judge John Love

## Trial

### **Voir Dire**

The Court will conduct a general voir dire of the jury panel. Counsel will then be permitted to examine the panel on issues pertaining to the case for approximately ten to fifteen minutes. At the pre-trial conference, counsel may request more time to examine the panel. Voir Dire should not be used to argue the merits of the case.

### **Opening Statement**

The Court allows a full and complete opening statement, the length of which will be discussed at the pretrial conference

### **Time Limits**

Typically, in complex cases, the Court will request estimates from the parties concerning the length of time each party needs to try their case. The Court encourages parties to provide their time estimates with an eye toward using the jury and the Court's time efficiently. At the pre-trial conference, the Court will advise the parties as to the amount of time the parties have to try their case.

### **Witnesses and Witness Lists**

The Court prefers to swear in all witnesses available and in attendance at the beginning of an evidentiary hearing or trial. (For Bench and Jury Trials, this would occur after opening statements.) Witnesses are normally asked to step before the Courtroom Deputy's Bench, state their name for the record and be sworn.

On all Video Depositions, the video and the edited transcript of the proceedings should be filed with the Courtroom Deputy at the conclusion of the video deposition testimony. Counsel should designate their witnesses on their witness lists as follows:

- (A) Names of witnesses that will be called.
- (B) Names of witnesses that may be called; and
- (C) Names of witnesses that could be, but probably will not be called.

See *Witness List* under *SAMPLE FORMS*.

### **Exhibits and Exhibit Lists**

Each party should provide the Court with an original and one courtesy copies of exhibits and exhibit lists at the beginning of trial or evidentiary hearing. See *Exhibit List* under *SAMPLE FORMS*.

If exhibits are voluminous, original exhibits should be placed in folders properly labeled with

Exhibit Number in a standard-sized box with handles. The first page of each exhibit shall be labeled with the following information: Description of Plaintiff's or Defendant's Exhibit Number and Case Number. For example:

|   |   |
|---|---|
| <b>Plaintiff's Exhibit</b><br>Exhibit No. _____<br>Case No. _____ | <b>Defendant's Exhibit</b><br>Exhibit No. _____<br>Case No. _____ |
|---|---|

On the courtesy copy, parties are to provide only specific pages that pertain to the issues and the courtesy copy shall be placed in notebook binders for the Court's use.

All original exhibits that are agreed upon by the parties, should be tendered to the Courtroom Deputy at the beginning of the trial or hearing. Other exhibits admitted during trial or hearing should be tendered to the Courtroom Deputy immediately after admission.

### **Mediation**

Typically, the Court orders each case to mediation. At the scheduling conference, the Court expects to enter a mediation order appointing a mediator and setting a mediation schedule. The parties should attempt to agree on a mediator prior to the scheduling conference.

### **Settlement**

Counsel should notify the Court immediately of any settlement. When the Court has been advised that a case has settled, the Court will typically notify the parties that failure to file dismissal papers within forty-five days of the notice will result in the case being dismissed on the Court's own motion.