

Criminal Trial Order/Courtroom Instructions

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO**

UNITED STATES OF AMERICA)	CASE NO.
)	
)	
PLAINTIFF)	JUDGE PETER C. ECONOMUS
)	
v.)	
)	
)	CRIMINAL TRIAL ORDER
)	
)	
DEFENDANT)	

This case is set for trial on _____. Counsel shall report to the Court’s chambers no later than 8:30 a.m. on the first day of trial.

Pursuant to LR 17.1.1, counsel shall comply with the following schedule:

- A. Discovery shall be completed by_____;
- B. Pretrial motions shall be filed by_____;
- C. Responses to pretrial motions shall be filed by_____;

The Court shall conduct a final pretrial conference at_____ a.m. on_____.

THE FOLLOWING SHALL BE COMPLETED NO LATER THAN THE MORNING OF THE TRIAL:

A. PRELIMINARY STATEMENTS AND STIPULATIONS

Counsel shall prepare a joint statement describing the nature of the case for use by the Court during jury orientation and voir dire. This statement will be used to set the context of the trial for the jury.

B. VOIR DIRE

The Court will conduct the initial voir dire of prospective jurors. Counsel will be permitted a reasonable time to conduct supplemental voir dire following the questioning by the Court.

Proposed questions by counsel are to be submitted to the Court for review and approval. Counsel will be permitted to ask questions approved by the Court only, unless it develops during voir dire that additional questions on a particular point are necessary to insure impartiality of the jury.

C. EXHIBITS

Counsel shall file an index of exhibits along with a brief description of such exhibits in accordance with LR 23.2. Exhibits which have not been provided as required by this paragraph will not be received at trial.

D. JURY INSTRUCTIONS

Counsel shall file proposed jury instructions, verdict forms and interrogatories to the jury that are drafted to fit the facts of this case. Counsel should confer regarding their respective proposals in an effort to reach an agreement regarding as many jury instructions as possible. A joint submission shall be made indicating (1) agreed instructions; (2) instructions proposed by plaintiffs, but opposed by

defendants; and (3) instructions proposed by defendants, but opposed by plaintiffs. Objecting counsel must state in writing specific objections citing authorities and any alternative instruction counsel considers more appropriate.

During trial or at the close of all evidence, the parties may submit supplemental requests for instructions on matters not anticipated prior to trial.

Counsel may provide the agreed-upon jury instructions to the Court in writing and on a 5.25" or 3.5" computer diskette. The diskette should be formatted for an IBM compatible computer. The Court is equipped with WordPerfect 6.1 for Windows. When submitting the disk to the Court, to avoid accidental erasure, counsel are advised to alert the security guards and avoid the x-ray machine.

E. MOTIONS *in Limine*

Counsel shall submit a trial memorandum with citations in support of a request to exclude evidence.

The Court will not hold bench or chamber conferences during trial to consider legal issues including evidentiary rulings that could have been raised before trial without a showing that counsel could not, by the exercise of due diligence, have anticipated them in advance of trial.

F. COURTROOM CONDUCT AND PROCEDURE

- a. The Trial shall be conducted from 9:00 a.m. to 4:00 p.m., Monday through Friday
- b. When appearing in this Court, all counsel (including, where the context applies, all persons at counsel table) shall abide by the following:
 1. Stand as Court is opened, recessed or adjourned.
 2. Stand when the jury enters or retires from the courtroom.
 3. Stand when addressing the Court. When making an objection, state the legal basis only. If a response is necessary, be brief, without making a speech. If it is

critical to the case that counsel be heard in more detail, a bench conference may be called to explain the basis for an objection. Otherwise, bench conferences will not be permitted.

4. Stand at the lectern while examining any witness; except that counsel may approach the witness for purposes of handling or tendering exhibits.

5. Stand at the lectern while making opening statements or closing arguments.

6. Address all remarks to the Court, not to opposing counsel.

7. Avoid disparaging personal remarks or acrimony toward opposing counsel and remain wholly detached from any ill feeling between the litigants or witnesses.

8. Refer to all persons, including witnesses, other counsel and the parties by their surnames and not by their first or given names.

9. Only one attorney for each party shall examine, or cross examine each witness. The attorney stating objections, if any, during direct examination, shall be the attorney recognized for cross examination.

10. Prior to testifying, counsel shall place before the witness all exhibits to which he or she will testify; and, at the same time, copies of said exhibits shall be handed to opposing counsel.

11. Diagrams or exhibits should be drawn or marked by the witness before taking the stand.

12. Any witness testifying at the time of recess or adjournment must be back on the witness stand when the Court reconvenes. If a new witness is to be called, he/she must be standing in front of the witness box ready to be sworn.

13. In examining a witness, counsel shall not repeat or echo the answer given by the witness.

14. Gestures, facial expressions, audible comments, or the like, as manifestations of approval or disapproval during the testimony of witnesses, or at any other time, are absolutely prohibited.

One copy of all filings set forth in this Order shall be delivered to Chambers at the time of filing with

the Clerk.

IT IS SO ORDERED.

PETER C. ECONOMUS
UNITED STATES DISTRICT JUDGE