

LAKE SUPERIOR COURT

Civil Division Room One

Jury Trial Protocol

I. Pre-Trial Motions

Pre-trial motions, including Motions in Limine to exclude or restrict evidence, shall be filed and exchanged no later than ten days prior to the Final Pre-Trial Conference, at which time they shall be heard together with any other preliminary matters. Any matters arising after the Final Pre-Trial Conference shall be heard on the first morning of trial, with notice, including copies of any motions, provided to counsel not later than noon on the Friday before trial.

II. Jury Selection

Counsel will conduct the voir dire examination, subject to the rules applicable for appropriate voir dire. The time allotted for voir dire examination shall be in the Court's discretion, but should not normally exceed 30 minutes. Peremptory challenges shall be allowed as provided by Trial Rule 47(C).

Challenges for cause and peremptory challenges shall be exercised after all counsel have questioned the panel. At that time, counsel will be requested to approach the bench and tender challenges to the court in writing. If a party exercises no challenges, a writing so indicating shall be tendered to the court. Unless counsel shall otherwise stipulate pursuant to Trial Rule 48, the court shall seat six jurors and one alternate juror. The last juror selected shall be the alternate juror. Neither counsel nor the court shall disclose to the jury which of their members is the alternate until the time the jury is sent to deliberate. The alternate juror will be instructed to remain in the jury room while the jury deliberates and votes and will be instructed not to deliberate and not to vote.

III. Opening Statements

Each side will be allotted an equal amount of time to make an opening statement, the length of which shall be in the court's discretion, but should not normally exceed twenty minutes for each side. If there are multiple attorneys on one side, counsel may divide the time allocated as they see fit.

IV. Jury Instructions

Counsel shall jointly submit an agreed preliminary issues instruction and jointly submit the final instructions on which they agree, or, if counsel cannot agree, each shall submit their own proposed preliminary issues instruction, and submit their own proposed final instructions on those to which they cannot agree, and deliver a copy to the court, hard copy and on a WordPerfect or Microsoft Word for Windows compatible disk, no later than ten days before trial.

Disputed Final Instructions shall be argued in court on the record outside the presence of the jury after the close of evidence.

A set of Final Instructions shall be provided to each juror and counsel.

V. Video or Read Evidentiary Depositions

A transcript of the video or read evidentiary deposition shall be provided to the court before the testimony begins. Counsel shall advise the court of any objections made during the taking of the deposition that have been resolved and are to be excised from the presentation. All other objections shall be ruled upon by the court as they transpire as though the testimony were in person. When an evidentiary deposition is presented by video, deposing counsel shall control the playing of the video and shall pause the video after each objection and resume the video after the court rules on the objection.

VI. Exhibits

Exhibits shall be numbered by each party and will be sent to the jury room when the jury retires to deliberate. The Court will not permit an interruption in testimony for the passing of multiple exhibits through the hands of the jurors for review during testimony. If counsel desires the jury to review an exhibit during testimony, counsel shall provide either a blowup of the exhibit large enough for all the jury to see, use any other technological device such as an overhead projector, or distribute sufficient copies for jurors to review during testimony. Counsel shall also provide a copy of exhibits to the court.

VII. Trial Schedule

As a general rule, two jury trials shall be set each week. Jury selection shall commence at 8:30 a.m. on Monday morning for the first trial and at 10:30 a.m. on Monday for the second trial. The first trial shall commence 1:00 p.m. on Monday and the second trial shall commence at 8:30 a.m. on Thursday. Lengthier trials shall be scheduled based upon the time required. Subsequent trial days shall begin at 8:30 a.m. and the court shall adjourn at 4:00 p.m., except on the final day of trial, when the court will remain in session as long as is reasonably necessary to receive the jury's verdict.

JURY INSTRUCTIONS

I. PRELIMINARY INSTRUCTIONS

- 101 Duty of Jurors—Admonishment**
- 103 Personal Knowledge of a Juror**
- 105 Law to Court, Facts to Jury**
- 107 Instructions Considered as a Whole**
- 109 Issues for Trial, Burden of Proof (to be provided by counsel)**
- 111 Greater Weight of the Evidence (Preponderance of the Evidence)**
- 113 Clear and Convincing Evidence (if needed)**
- 115 Credibility of Witnesses—Weighing Evidence**
- 117 Exhibits/Court Rulings**
- 119 Juror Note Taking**
- 121 Juror Questions—Procedure**
- 123 Conduct of Trial**

II. GENERAL INSTRUCTIONS

- 501 Introduction to the Court's Final Instructions**
- 502 Sympathy, Bias, Prejudice**
- 503 Instructions Considered as a Whole**
- 505 Issues for Trial, Burden of Proof (same as 109)**
- 509 Greater Weight of the Evidence (Preponderance of the Evidence)**
- 511 Clear and Convincing Evidence (if needed)**
- 513 Direct Evidence & Circumstantial Evidence**
- 515 Credibility of Witnesses—Weighing Evidence**
- 517 Impeachment of Witness—Prior Inconsistent Acts, Statements, Testimony**
- 519 Impeachment of Witness—Proof of Conviction of Crime**
- 521 Opinion, Expert, Skilled Witness**
- 523 Agreed/Stipulated Facts (if needed)**
- 525 Depositions (if needed)**
- 527 Evidence Admitted for Limited Purpose (if needed)**
- 529 Inadmissible Evidence**
- 531 Collateral Source Evidence**
- 533 Insurance Not to Be Considered**

III. FINAL INSTRUCTIONS

(Case specific—to be provided by counsel Indiana Model Jury Instructions favored)

IV. DELIBERATION INSTRUCTIONS

- 543 Jury Deliberations**
- 545 Jury Management**
- 547 Duty of Alternate Juror**