

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
\_\_\_\_\_ DIVISION**

_____ ,	)	
	)	
Plaintiff(s),	)	Case No. _____
	)	
v.	)	<b>ORDER</b>
	)	
_____ ,	)	By: James P. Jones
	)	United States District Judge
Defendant(s).	)	

The trial of this case is scheduled to begin on \_\_\_\_\_. In order to administer the trial of this case in a manner that is fair, just, and efficient, it is **ORDERED** as follows:

1. Judge Jones has standard preliminary and final jury instructions, a copy of which may be obtained from his chambers or from the court's Web site, [www.vawd.uscourts.gov](http://www.vawd.uscourts.gov). Other proposed jury instructions must be submitted to the court prior to trial as set forth in the scheduling order, with copies provided to opposing counsel. Each instruction must be set forth on a separate page, numbered and identified appropriately by the party submitting it, and bearing a citation of authority in support of the instruction. The proposed instructions must be filed as a group together with a cover sheet in pleading form and with a certificate of service.

2. The jury will consist of 7 persons. The jury is selected immediately prior to trial using the "struck jury" method and all members of the jury venire called for the trial—usually

about 20 persons—are subjected to voir dire. A list of the jurors to be called for the case is sent to counsel by the clerk approximately a week prior to trial. The attorneys are permitted to conduct voir dire after preliminary questions from Judge Jones. The Judge’s voir dire will solicit any requests from jurors to be excused from jury duty on the ground of hardship, and Judge Jones will determine such requests before turning voir dire over to the attorneys. Attorneys’ voir dire is expected to be limited to relevant questions and not consist of disguised argument on the merits of the case. Following voir dire, any party having any challenge for cause should make known to the court that a matter outside of the presence of the jury is to be taken up, in which case the challenges will be determined by the court. Thereafter, the parties will take alternate written strikes on a single jury list. The number of strikes will depend on the remaining members of the panel, but will be at least 3 per side as required by law. In the normal case, no alternates will be used. In the usual case, jury selection is expected to take no more than two hours. After the jury is sworn, preliminary instructions are given by Judge Jones. Jurors are told that they will be permitted to take notes. Questions by jurors are not permitted.

3. Opening statements must summarize objectively the key facts, without argument. In most cases, an opening statement should not exceed ten or fifteen minutes. If there may be a dispute as to admissibility of any evidence or exhibit, counsel must omit it from the opening statement or advise opposing counsel of the intent to refer to such evidence or exhibit, so that opposing counsel may seek a ruling from the court.

4. It will be assumed that all exhibits have been previously disclosed and that there

is no objection to an exhibit unless promptly made. Counsel must provide a list of witnesses and exhibits to the court reporter and courtroom deputy clerk. Counsel must provide an extra copy of each exhibit for Judge Jones in jury trials. If the courtroom is so equipped, the use of the evidence display device is required, so that witnesses need not be handed exhibits, provided that no evidence is to be displayed to the jury until it has been admitted if there is any question as to its admissibility. Questions to witnesses and argument to the court must be made from the lectern. Counsel may approach the witness without leave of court if necessary to hand the witness a document or exhibit, but must promptly return to the lectern.

5. Requests for exclusion of witnesses from the courtroom should be made before opening statements. Although the exclusion does not prevent counsel from talking with excluded witnesses during recesses about their expected testimony, there must be no disclosure of courtroom testimony given to the excluded witnesses by any person. Witnesses should be released from further attendance as soon as they are no longer needed. After testifying, a witness is deemed released unless counsel or the court promptly indicates that the witness is not so excused. Cooperative witnesses not immediately needed may be placed "on call" but counsel remains responsible for having sufficiently available witnesses so that the trial may proceed without early adjournments or lengthy recesses. Plaintiff's counsel should keep defense counsel advised of the progress of the plaintiff's case so that the defense may be ready to proceed promptly following the conclusion of the plaintiff's case in chief. Exhibits are in the custody of the courtroom deputy clerk and must be returned to the clerk once examination of a witness is completed.

6. All objections and other remarks to the court must be made while standing. Objections must be succinct. If argument is needed, Judge Jones will so indicate. Side bar or bench conferences are discouraged and argument outside of the presence of the jury will normally take place only during regular recesses or before or after court sessions. Accordingly, counsel should anticipate any evidentiary questions or disputes and bring them to the attention of the court ahead of time. When there are multiple parties, counsel are responsible for coordination of cross-examination. Repetitive cross-examination is not permitted.

7. Normally, trials begin promptly at 9:00 a.m. and end at approximately 5:00 p.m. each day, with a one-hour lunch break and 15-minute breaks in the morning and afternoon. Matters to be taken up outside of the presence of the jury should be scheduled before or after the trial day or during the recesses. If there are such matters to be taken up, a request should be made to the courtroom deputy clerk or the bailiff, and notice given to opposing counsel.

8. Closing arguments are normally limited to 30 minutes to the side, unless unusual circumstances exist, and leave of court has been obtained. Prior to closing argument the Judge will conduct a charge conference and advise counsel of the substance of the jury charge. The charge is given after closing argument and before the jury begins deliberations. Counsel will be given an opportunity to make any objections to the charge on the record. In most cases, Judge Jones will send with the jury a written copy of his charge for the jury's reference during deliberations. The jury will be instructed that during deliberations it may request any or all of the exhibits. During jury deliberations, counsel will be expected to remain in the courthouse.

Following the trial, counsel may not discuss the case with jurors without leave of court.

ENTER: July 11, 2003

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United States District Judge