

UNITED STATES DISTRICT COURT
DISTRICT OF COLORADO
HONORABLE RICHARD P. MATSCH

Courtroom A, the Byron White United States Courthouse,
18th and Stout Streets, Denver, Colorado

TRIAL PROCEDURES

This is a summary of the procedures which I use in the trial of civil and criminal cases. If you will take the time to familiarize yourself with these few points, and follow the attached checklist, it will be of great assistance in helping me and my staff to provide you with a more effective and efficient opportunity to present your case.

The official record of all trials and proceedings will be taken by electronic sound (audiotape) recording. The advantages of this technology have been proven. It requires the lawyers to use microphones which are strategically placed in the courtroom. There is a single lectern from which you will address the court, witnesses and the jury. Microphones are on the counsel tables, which are arranged parallel with the bench, the plaintiff's table being on your right as you face the bench. **Please be sure to speak into the microphone when you stand to make your objections and address the court.**

The courtroom deputy clerk will present the exhibits to the witnesses. Instead of the traditional "I hand you what has been marked for identification as plaintiff's exhibit number...", you may simply say "Please look at exhibit number one..." and the exhibit will be placed before the witness. You need not move from the microphone at the lectern.

The courtroom deputy clerk working with me is Mr. Chris Smith and the official court recorder operator is Ms. Kathy Terasaki. Transcripts of all proceedings may be ordered from Ms. Kathy Terasaki in the Clerk's office at telephone number (303) 3352095. Copies of the Tapes and CDs may be ordered from her at a cost of \$26 per Tape or CD. Requests for daily copy must be made at least twenty (20) days before the trial date. Please take special note of paragraph 1 of the attached checklist to facilitate record taking in the courtroom.

On the first day of trial, counsel are expected to be present at 8:30 a.m. At that time, counsel will go over the attached checklist with the courtroom deputy clerk. Trials begin at 9:00 a.m.

If you have any questions, I suggest that you call my secretary, Ginger Wentz at (303) 844-4627. The law clerks working with me are instructed that they may speak to counsel only pursuant to my specific instructions. Please do not call the law clerks on procedural or scheduling matters. Thank you for your cooperation in working with each other and with us to try to achieve the common objective of a fair trial of the issues in your case.

CHECKLIST FOR TRIAL

1. There are a number of steps you can take to facilitate record taking in the courtroom (or conference room).
 - * Give your business card to the court recorder operator before the proceeding begins.
 - * Give the court recorder operator a complete list of the witnesses you will call during the proceeding.
 - * **If any of your witnesses will present testimony containing unusual or technical vocabulary, prepare a list of such correctly spelled names and terms for the court recorder operator.**
 - * Make certain that verbal responses are elicited from all witnesses or that some audible indication be made by you through the microphone.
 - * **SPEAK DIRECTLY INTO THE MICROPHONES.**
 - * Do not move from the lectern and be careful to make objections into the table microphones.
 - * You must speak directly into the sidebar microphone which is not connected to the amplifier system.
 - * Do not move or pick up microphones unless otherwise directed. They are expensive.
2. **EXHIBIT LISTS.** Please prepare an index of exhibits which you expect to offer, using the attached form. If you will provide an original and three copies of this form for the court and a copy for opposing counsel, there will be no requirement to offer exhibits in sequence.
3. **EXHIBITS.** Exhibit labels can be obtained from the Clerk's office before trial. Plaintiff's exhibits should be marked with the yellow labels, using numbers. Defendant's exhibits should be marked with the blue labels, using alphabetical letters. If there are more than twenty-six exhibits for the defendant, please mark them as A-1 through A-26, B-1 through B-26, etc. Do not use double or triple letters. The civil action number should also be placed on each of the exhibit stickers.
4. **COPIES OF EXHIBITS.** It is expected that copies of all exhibits will be provided to opposing counsel and that you will have copies of your exhibits. Exhibits should be placed, if possible, in 3-hole notebooks not more than 3" thick, tabbed appropriately. Exhibit notebooks should be provided for the witness and the court. These books should be given to the courtroom deputy the first day of trial.
5. **WITNESSES.** Please provide the court with an original and three copies of the list of your witnesses. One copy will be provided to the recorder operator.
6. **VOIR DIRE QUESTIONS AND PROPOSED INSTRUCTIONS. Two copies of reasonably anticipated jury instructions will be submitted to chambers five days before trial. COPIES MUST BE DOUBLE SPACED.** There will be an additional opportunity to submit proposed instructions during the trial. **Written instructions will not be given to the jury. Instructions will be read to the jury after closing arguments. Please number the copies of proposed instructions e.g., "Plaintiff's Instruction No. 1," to facilitate reference to them during the instructions conference. Sources should be shown on all copies. Requested voir dire questions should also be submitted with the proposed instructions, five days before trial.**

These submissions must be delivered on paper, original and one copy, directly to chambers. DO NOT USE ELECTRONIC FILING.

7. **WRITTEN CURRICULUM VITAE**. In trial to the court, a written curriculum vitae, marked as an exhibit will usually suffice for the qualification of expert witnesses.

8. **DEPOSITIONS**. Counsel are reminded that pursuant to Fed.R.Civ.P. 5(d), depositions, interrogatories, requests for admissions, and the answers and responses thereto are not filed with the Clerk unless on special order of the court. The original deposition transcripts should be in the possession of the party to whom they were delivered and must be brought to the trial. If you are going to use deposition testimony, you should advise opposing counsel of your proposed offer by page and line reference to enable the preparation of objections and the offer of additional portions of the transcript. In jury trials, you are also requested to provide a person (who may be co-counsel) to read answers. **In trials to the court, depositions will not be read in open court. The court will read them in chambers in any sequence which is requested.** The preferred practice is to provide the court with a copy of the transcript with the plaintiff's designations highlighted in yellow and the defendant's designations highlighted in blue and objections marked and identified in red in the columns.

9. **VIDEOTAPE DEPOSITIONS**. If videotaped deposition testimony is to be used, the court must be given at least ten (10) days advance notice, with objections marked on a copy of the written transcript. Objections will be ruled on before trial and excluded material must then be removed from the tape.

10. **SPECIAL EQUIPMENT**. If you intend to bring any special equipment to use such as models, videotapes, movies, slides or tape recorders, or if any necessary Americans with Disabilities Act accommodations need to be made, you are asked to call Mr. Smith at (303) 335-2112 a week before trial to make arrangements for set-up.