

United States District Court for the District of Colorado

Magistrate Judge Kathryn A. Starnella

## Practice Standards

**As Amended October 13, 2023**

### **I. Purpose and Relation to Other Rules**

- A. These practice standards facilitate “the just, speedy, and inexpensive determination of every action and proceeding,” as contemplated by Fed. R. Civ. P. 1.
- B. In direct assignment cases and consent cases, these practice standards govern cases before this Magistrate Judge.
- C. These standards supplement the Federal Rules of Civil Procedure, the Local Rules of Practice for the District of Colorado, and the Practice Standards of the presiding District Judge in referred matters. Where these practice standards conflict, the presiding District Judge’s practice standards govern.

### **II. The Court’s Mission & Court Decorum**

- A. The U.S. District Court for the District of Colorado’s mission is “to serve the public by providing a fair and impartial forum that ensures equal access to justice in accordance with the rule of law, protects rights and liberties of all persons, and resolves cases in a timely and efficient manner.” The Court’s mission is best served when litigants treat each other with civility, and counsel treat each other with courtesy and respect. The Court expects nothing less.
- B. To further the Court’s Mission, the Court expects the following from counsel and pro se parties:
  - 1. Be prompt and prepared for any conference, hearing, or other setting.
  - 2. Dress appropriately for the court proceeding, including proceedings by video.
  - 3. Cooperate with each other in providing available dates for hearings and depositions.
  - 4. Promptly and courteously respond to each other’s correspondence and phone calls.

5. Promptly supplement disclosures and discovery responses.
  6. Avoid making demeaning or abusive comments to counsel, litigants, or deponents. If the conduct is not permitted before the Court in person, it is not permitted in depositions.
  7. Fully confer about discovery disputes before bringing them to the attention of the Court. While conferring, attorneys and *pro se* parties will disclose every reason for their position regarding each discovery dispute.
  8. Conduct conferrals by telephone, videoconference, or face-to-face, and not solely through email or written communication.
  9. Be fully prepared to make appropriate and thorough arguments at all hearings. Attorneys will be prepared to present legal authority supporting their position.
  10. Be courteous to the Court's staff at all times.
  11. Read and follow Court orders.
  12. Observe respectful courtroom decorum by rising to address the Court and by requesting permission to approach the bench and any witness.
- C. The Court reserves the right to impose measured, proportionate sanctions for inappropriate conduct. Such sanctions include in-court admonishment, award of costs for discovery violations, referral to the disciplinary system of the Colorado bar, dismissal of claims or defenses and monetary awards.
- D. If the Court takes a matter under advisement and has not issued a written ruling within thirty (30) calendar days, counsel and *pro se* parties may call (303) 335-2770 to politely inquire into the status of the Court's ruling.
- E. Counsel are encouraged to identify the applicable pronouns of counsel, litigants, and witnesses at the earliest possible opportunity. This may be done in an initial signature block, in person at a conference or hearing, or in a witness list.
- F. Because the proceedings are audio-recorded, speakers must utilize one of the provided microphones.

### **III. General Information and Procedures**

#### **A. Knowledge of applicable rules**

1. Counsel and *pro se* litigants must know and comply with:

- a. [The Federal Rules of Civil Procedure](#);
- b. [The Federal Rules of Evidence](#);
- c. [The U.S. District Court for the District of Colorado's Local Rules of Practice](#);
- d. The presiding District Judge's practice standards;
- e. These practice standards; and
- f. [The Electronic Case Filing Procedures](#).

2. **Non-compliance.** Failure to comply with these rules, procedures and practice standards may result in a filing being denied without prejudice or stricken or, in more significant breaches, an order or recommendation issued for the dismissal with or without prejudice of the lawsuit.

#### B. Communications with Chambers

1. **Ex parte communication with Chambers.** Except for settlement discussions or to obtain answers to administrative or logistical questions, ex parte communication is not permitted. Law clerks are not permitted to provide any type of legal advice, interpret orders or rules, grant oral requests over the telephone, or provide information about the progress of any pending motion, except for matters taken under advisement. Magistrate Judge Starnella's law clerks may be reached at 303-335-2770.
2. **Questions regarding courtroom proceedings or equipment.** Please contact Magistrate Judge Starnella's courtroom deputy, Laura Galera, at (303) 335-2104 or [Laura\\_Galera@cod.uscourts.gov](mailto:Laura_Galera@cod.uscourts.gov).
3. **Record of proceedings.** Magistrate Judges in this District are not assigned an official court reporter. Proceedings are thus normally audio recorded, but trials are transcribed by a court reporter. All proceedings are audio-recorded by the courtroom deputy, however. Audio recordings may be requested by contacting courtroom deputy Laura Galera. Transcripts may be ordered from Patterson Transcription Company at 303-755-4536 or AB Litigation Services at (303) 629-8534.
4. **Electronic filing questions.** For information about electronic filing, please contact the Clerk's Office at 303-335-2026. Pro se parties may contact the Pro Se Clinic at (303) 380-8786 regarding how to apply for authorization to e-file or see the instructions currently available through [Electronic Case Filing \(ECF\) | US District Court of Colorado \(uscourts.gov\)](#).

- C. **Remote Appearances.** Litigants and counsel whose offices are located outside the Denver metropolitan area or who cannot reasonably make a personal appearance at a court hearing may request to appear by telephone or by videoconference. Requests to appear by telephone or by videoconference must be made by motion setting forth good cause. The

motion shall be filed at least **five (5) business days** in advance of the date of appearance.

#### IV. Motions Practice

- A. **Meet and confer.** Parties must confer pursuant to D.C.COLO.LCivR 7.1 prior to filing a motion. Any motion that does not contain a certificate of compliance with D.C.COLO.LCivR 7.1(a) will be stricken or denied as a matter of course.
- B. **Title of briefs.** A response, reply, or objection shall identify by title and CM/ECF docket number the pleading to which it responds.
- C. **Briefing schedule.** For most motions, unless the Court sets a different briefing schedule, response briefs are due 21 days after service of the opening brief and reply briefs are due 14 days after service of the response brief. See D.C.COLO.LCivR 7.1(d) and 56.1(a). Rule 6 of the Federal Rules of Civil Procedure controls the computation of time. **No surreply or supplemental briefs will be filed absent the Court's leave.** For *opposed* motions for extension of time, including motions to amend deadlines in the scheduling order, response briefs are due three days after service of the opening brief. No reply briefs will be permitted, unless ordered by the Court.
- D. **Discovery dispute motions are prohibited.** Parties must first comply with the Court's [Discovery Dispute Hearing Procedures](#).
  - 1. This prohibition on discovery dispute motions does not apply to issues involving non-parties, such as motions to enforce, quash, or modify subpoenas issued pursuant to Federal Rule of Civil Procedure 45.
  - 2. This prohibition on discovery dispute motions also does not apply to incarcerated *pro se* litigants.
- E. **Page limitations and format in consent cases.** Motions and response briefs are limited to 20 pages, and reply briefs are limited to 10 pages. Page limitations do not include the case caption, signature block, certificate of service, or the Separate Statement of Facts table filed with summary judgment motions. See Section IV(L) (summary judgment motion practice standard). All papers submitted to the Court should be in 12-point Arial font and have one-inch margins.
- F. **Excess pages.** Any motion for leave to file excess pages should be filed at least one business day prior to the deadline for filing the at-issue brief.
- G. **Motions to Extend Deadlines or to Modify a Scheduling Order.** This Court will apply the presiding District Judge's practice standards and applicable law to analyze whether good cause for an extension has been shown.

1. **In direct assignment cases and consent cases**, motions for extension of time must be filed at least three business days prior to the operative deadline and include a statement reflecting how many other extensions have been granted in the case and whether the requested extension would affect any other currently set date.
2. Even in an unopposed motion, the movant must demonstrate that it has been diligent in its efforts during the allotted time.
3. Parties seeking to modify a scheduling order must also demonstrate diligence in their efforts during the allotted time.
4. Motions to extend deadlines or to modify a scheduling order must comply with Federal Rule of Civil Procedure 6 and D.C.COLO.LCivR 6.1 and 7.1(a).

#### **H. Motions to Amend.**

1. Parties must comply with the requirements of D.C.COLO.LCivR 15.1 when filing any amended pleading or motion for leave to amend or supplement a pleading. Also, in addition to filing a strike-through version of the proposed amended pleading as an exhibit, parties must file a clean version of the proposed amended pleading as another exhibit.

#### **I. Motions for a Continuance.**

1. Motions to continue, including motions to vacate or reset, hearings and trials must comply with D.C.COLO.LCivR 6.1 and 7.1 and must demonstrate good cause.
2. The motion must be filed as far in advance of the hearing or trial as practicable.
3. Parties may not seek a continuance by stipulation; rather, they must file a joint or unopposed motion.

#### **J. Motions for a Protective Order and to Restrict Public Access.**

1. Public access to the courts is fundamental to our system of justice. The Court, however, recognizes that some cases may involve information that must be restricted. Motions to restrict—even if they are unopposed—must address the factors identified in D.C.COLO.LCivR 7.2. Non-compliant motions may be stricken and may result in public availability of the at-issue information or documents.

2. Counsel and pro se litigants must meaningfully confer about the need for a protective order and engage in best efforts to agree on the proposed order's language.
3. A joint or stipulated motion for a protective order must be filed with a proposed protective order attached as an exhibit to the motion.
4. If the parties cannot agree on the proposed order's language, their joint motion shall describe their meet and confer efforts and identify the disagreements. The parties should set forth in the protective order itself the competing language.

**K. Motions to Dismiss.**

1. For any motion to dismiss referred to this Court by a District Judge, the parties shall comply with that District Judge's practice standards.
2. **In direct assignment cases and consent cases**, this Court discourages Federal Rule of Civil Procedure 12(b) motions if the alleged defect (*e.g.*, failure to plead fraud with specificity) is correctable by the filing of an amended pleading.
3. Absent a sufficient legal reason and leave of Court, all parties represented by the same counsel are limited to a consolidated motion that adheres to the applicable page limits.

**L. Motions for Summary Judgment.**

1. For any summary judgment motion referred to this Court by a District Judge, the parties shall comply with that District Judge's practice standards.
2. In direct assignment and consent cases, parties must comply with the following procedures:
  - a. A party may not file multiple summary judgment motions without prior permission from the Court. The Court anticipates that more than one summary judgment motion per side may be appropriate in limited circumstances where threshold defenses (*e.g.*, mandatory pre-filing exhaustion requirements) are at issue and should be resolved early.
  - b. Absent a sufficient legal reason and the Court's permission, all parties represented by the same counsel are limited to a consolidated motion that adheres to the applicable page limits.

- c. D.C.COLO.LCiv R 56.1 requires all summary judgment motions to include a statement of disputed facts. Legal argument is not permitted in the statement of disputed facts. Legal argument, including arguments about a fact's immateriality, must be reserved for the summary judgment briefs.
- i. Step 1: ***In cases with no pro se litigants***, the movant must identify the undisputed facts in a separate three-columned document, the Separate Statement of Facts, filed as an attachment to the summary judgment motion. In the first column, the movant must identify each material undisputed fact in a simple, declarative sentence supported by specific reference to evidence in the record establishing that fact. Each material undisputed fact shall be numbered sequentially and presented in a separate row of the document. The movant shall leave the second and third columns blank. In addition to filing the Separate Statement of Facts with the Court, the movant shall provide an editable, electronic version of the document to the non-movant for that party's use in preparing the updated Separate Statement of Facts to be filed with its opposition. ***In cases with at least one pro se litigant***, the movant must include a statement of undisputed facts in its opening brief, with each material undisputed fact set forth in a simple declarative sentence in a separately numbered paragraph. Each undisputed fact must be supported by a specific reference to evidence in the record establishing that fact.
- ii. Step 2: ***In cases with no pro se litigants***, the non-movant must file an updated version of the Separate Statement of Facts in a three-column format as an attachment to its opposition to the summary judgment motion. The first column shall consist of the exact information contained in the movant's statements of undisputed facts. In the second column, the non-movant must state whether each fact in the first column is "disputed" or "undisputed." If a fact is disputed, the non-movant must provide a short factual explanation of the reason(s) for the denial and a specific reference to material in the record supporting the denial. The non-movant must also set forth any additional disputed material fact (e.g., disputed facts concerning an affirmative defense) in simple, declarative sentences in the second column. Each declarative sentence must be supported by a specific reference to evidence in the record establishing that fact. Each additional material fact must be numbered sequentially and presented in a separate row following the movant's statement of material undisputed facts. The non-movant must leave the third column blank. In addition to filing the Separate Statement of

Facts with the Court, the non-movant shall provide an editable, electronic version of the document to the movant for use in preparing the updated Separate Statement of Facts to be filed with the movant's reply. ***In cases with at least one pro se litigant***, the non-movant shall include a separate section in its response brief admitting or denying each of the movant's undisputed facts. Each admission or denial shall be contained in a separately numbered paragraph corresponding to the movant's paragraph numbering. Each denial shall be accompanied by a brief factual explanation and a specific reference to evidence in the record supporting the denial. If the non-movant believes that there are additional material disputed facts that have not been addressed by the movant's statement, the party shall set forth each additional material fact in a separate section of the brief in separately numbered paragraphs. Each additional disputed fact must be set forth in a simple declarative sentence and supported by a specific reference to evidence in the record establishing that fact.

- iii. Step 3: ***In cases with no pro se litigants***, if the movant files a reply in support of its motion, it must file a further updated version of the Separate Statement of Facts in a three-column format as an attachment to its reply in support of the summary judgment motion. The first and second columns shall consist of the exact information contained in the Separate Statement of Facts attached to the non-movant's opposition. In the third column, directly adjacent to the non-movant's statement regarding whether the fact is "disputed" or "undisputed," the movant may include any factual reply regarding the non-movant's response. If the non-movant added additional material facts to the Separate Statement of Facts, the movant must state whether the additional facts are "disputed" or "undisputed" in the third column directly adjacent to the additional facts. To the extent a fact is disputed, immediately following the word "disputed" in the third column, the movant shall state the nature of the dispute and include a specific reference to evidence in the record establishing that the fact is in dispute. ***In cases with at least one pro se litigant***, if the movant files a reply in support of its motion, it shall contain: (1) a separate section containing any factual reply the movant wishes to make regarding the non-movant's response to the movant's statement of undisputed facts, made in separately numbered paragraphs corresponding to the movant's original paragraph numbering, and (2) a separate section admitting or denying the additional disputed facts set forth by the non-movant, which shall be presented in

the format prescribed above for the non-movant to respond to the movant's statement of undisputed facts.

- d. An example of the format for the Separate Statement of Facts is located [here](#).

**M. Motions to Exclude Expert Testimony.**

1. For any motion to exclude expert testimony referred to this Court by a District Judge, the parties shall comply with that District Judge's practice standards.
2. **In consent cases**, a party who wishes to challenge the admissibility of opinion testimony by an expert witness under Fed. R. Evid. 702 or based on a discovery violation shall file a written motion. An opponent's failure to bring such a motion does not relieve the proponent of its burden to show that the proffered testimony is admissible at trial.
  - a. Unless otherwise ordered, the deadline for filing a motion to exclude expert testimony shall coincide with the dispositive motion deadline.
  - b. The motion shall identify with specificity each opinion the moving party seeks to exclude and the specific grounds upon which that opinion is challenged (e.g., relevancy, sufficiency of facts, methodology).
  - c. The movant and non-movant shall state whether an evidentiary hearing is requested and, if so, explain why a hearing is necessary. If a hearing is set, the Court will notify the parties of its requirements concerning witnesses and exhibits in a separate order.

- N. Proposed Orders.** Unless otherwise ordered, movants need not submit proposed orders. If the parties seek a Court order which includes particular or specialized language, they may attach a proposed order on the electronic docket. Proposed orders should not be separately emailed to Chambers.

- O. Motions Hearings.** Generally, the Court decides motions without oral argument. If the Court determines that oral argument would be useful, the Court will set a hearing. As circumstances may require, the Court may order an expedited briefing schedule.

- P. Notices of Supplemental Authority. In consent cases** before this Court, or in cases where the motion has been referred by the District Judge, a notice of new, relevant authority may be filed if the supplemental authority was issued after briefing on a motion has closed. The notice must be limited to the case title, citation, date of decision, and a brief reference to the relevant issue (including a citation to the location in previously filed briefing where the issue

has been raised). The notice may not contain any analysis. No response will be permitted absent the Court's leave.

## V. Settlement Conferences

- A. **Party Attendance.** Unless otherwise ordered, counsel shall have all parties attend the settlement conference in person, including all individually named parties and a representative of each named entity. In certain circumstances, the appearance of a party or representative by video or telephone may be approved in advance of the settlement conference. The Court does not permit counsel to appear by telephone or video unless the entire conference is being conducted by videoconference due to extraordinary circumstances.
- B. **Full Authority.** No person is ever required to settle a case on any particular terms or amounts. All parties, however, must participate in the settlement conference in good faith, pursuant to Federal Rule of Civil Procedure 16(f). If any party or party representative attends the settlement conference without full authority, fails to attend the proceeding without prior Court approval, or fails to participate in the proceeding in good faith, and the case fails to settle, the party may be ordered to pay the attorneys' fees and costs for the other side.
- C. **Settlement Statements.** Counsel shall prepare and submit two statements: one to be submitted to the other party or parties, and the other to be submitted by email only to this Court, no later than five business days prior to the date of the settlement conference. When the Court schedules a settlement conference, it will issue its Instructions for Settlement Conferences and Preparation of Confidential Settlement Statements.

## VI. Trial Procedures in Consent Cases

- A. **Final Pretrial Conference. In consent cases,** the Court will typically combine the Final Pretrial Conference (FPC) with the Final Trial Preparation Conference (FTPC). Parties must use the Proposed Final Pretrial Order template posted on the Court's website at: <http://www.cod.uscourts.gov/CourtOperations/RulesProcedures/Forms.aspx#Civil>, with the following change: sections 6(a)(3) and (b)(3) must be modified to include a statement about proposed use of *videotaped* and non-videotaped deposition testimony. The parties must file via CM/ECF the Proposed Final Pretrial Order no later than seven days before the FPC/FTPC. The Court will set dates for the combined FPC/FTPC at the Scheduling Conference. If the parties request a trial longer than five days, they are expected to present argument to the Court for why a trial of that length is necessary.
- B. **Motions in Limine.** The Court permits motions in limine. Motions in limine shall be filed no later than 21 days before the combined FPC/FTPC.

Responses to motions in limine shall be filed 7 days before the FPC/FTPC. Replies in support of motions in limine are not permitted. Each party may file a single motion in limine, with each discrete evidentiary dispute separately numbered.

- C. **Deposition Designations.** No later than 21 days prior to the FPC/FTPC, counsel shall exchange their designation of anticipated deposition and videotape deposition testimony. No later than 14 days prior to the FPC/FTPC, counsel shall exchange their counter-designations, if any. Plaintiff's designations shall be highlighted in yellow and defendant's designations shall be highlighted in blue. Seven days before the FPC/FTPC, the parties shall file a chart identifying their designations and counter-designations by page and line number and any objections and replies to the objections. Objections must state the rule and a short statement of the basis for the objection. A template chart is available [here](#).
- D. **Trial Briefs.** Trial briefs are not permitted for jury trials. For bench trials, parties may file trial briefs, which discuss substantive legal issues, not evidentiary issues. Trial briefs must be filed no later than 10 days before the FPC/FTPC. Trial briefs are limited to 20 pages.

E. **Jury Instructions and Verdict Forms.**

1. **Form instructions; plain language.** For claims arising under Colorado state substantive law, the Court prefers to use the Colorado Jury Instructions – Civil. For employment claims arising under federal law, the Court prefers to use the Faculty of Federal Advocates Model Employment Law Jury Instructions. For other claims arising under federal law, the Court prefers to use the Federal Jury Practice and Instructions – Civil. For introductory and general instructions, counsel are encouraged to use [these template instructions](#). Counsel are also encouraged to tailor any form instruction to the facts and circumstances of the particular case and to edit the form instructions to use plain language.
2. **Categories of Jury Instructions.** The Court contemplates three categories of jury instructions: (a) “Stipulated Instructions”; (b) “Competing Instructions”; and (c) “Non-Stipulated Instructions.” At the bottom of each instruction (immediately preceding the legal authority), the instruction should be identified as “Stipulated,” “Competing,” or “Non-Stipulated,” and, in the case of competing or non-stipulated instructions, should also identify the party tendering the instruction (e.g., “Plaintiff’s Competing Instruction,” “Defendant’s Non-Stipulated Instruction.”)
  - a. **“Stipulated Instructions”:** Stipulated instructions are those instructions about which the parties agree after conferral.

- b. **“Competing Instructions”**: Competing instructions are those instructions about which all parties agree that an instruction is necessary, but disagree about the content of that instruction.
  - c. **“Non-Stipulated Instructions”**: Non-stipulated instructions are those instructions requested by a party (or parties) to which any other party objects, but does not request/tender a competing instruction.
- 3. Each proposed competing or non-stipulated instruction should contain, at the bottom of the instruction, one paragraph of argument from each side, including citations to legal authority, explaining why the instruction is tendered or opposed.

#### 4. **Format of Proposed Jury Instructions.**

- a. Proposed instructions should not be numbered. Each proposed instruction should contain a title, which shall be centered in bold, all caps typeface on the top page corresponding to the instruction.
- b. If the parties edit a form or pattern instruction, the parties shall either redline/track such changes or specifically describe them at the bottom of the instruction.
- c. Proposed instructions should be submitted with “hard page breaks,” not hard returns, between each instruction.

#### 5. **Stylistic Conventions.**

- a. When referring to this Court in the body of the instructions, always capitalize the word, “Court.” Additionally, do not use articles when referring to the parties, but capitalize the parties’ names or designation (e.g., “Plaintiff Smith” or “ABC Corp.”).

#### 6. **Deadlines.**

- a. At least 30 days prior to the combined FPC/FTPC, the parties shall begin conferring about proposed jury instructions and verdict form(s).
  - 1. The parties are encouraged to stipulate to the verdict form and as many proposed jury instructions as possible, including the statement of the case. Only true conflict or uncertainty in binding substantive law should prevent agreement.
  - 2. The parties are also encouraged to stipulate to a reasonable number of facts.

- b. At least 14 days prior to the combined FPC/FTPC, the parties must jointly file the proposed jury instructions and verdict form(s) as separate documents utilizing the CM/ECF filing system. The parties must also submit the documents in Microsoft Word format via email ([Starnella Chambers@cod.uscourts.gov](mailto:Starnella_Chambers@cod.uscourts.gov)).

**F. Joint Exhibit and Witness Lists.**

1. At least 14 days before the combined FPC/FTPC, the parties shall file via CM/ECF **joint** proposed witness and exhibit lists. The estimate for each witness's length of testimony should include estimated time required for cross-examination. The joint witness list must identify "will call" and "may call" witnesses. The parties shall submit a single, joint list of exhibits listed numerically and consecutively using the exhibit list form.
2. The Court's preferred formats for exhibit lists and witness lists are available [here](#).
3. The parties must stipulate to the authenticity and admissibility of as many exhibits as possible. If the parties are unable to reach a stipulation as to any exhibit(s), the party opposing the admission of the exhibit(s) must set forth their objections, specifying the supporting legal authority for their opposition. The proponent of the exhibits shall set forth their response to the objection in the next column.
4. The parties must pre-mark all exhibits that will be used or identified for the record. The case number must appear on each exhibit sticker or label.

**G. Voir Dire Questions.** At least seven days before the combined FPC/FTPC, the parties shall file any proposed voir dire questions that they wish the Court to ask the venire, as well as any proposed voir dire questions they wish to ask. After potential jurors are seated in the courtroom, the Court will give them a brief statement of the case and conduct initial voir dire. After the Court concludes its voir dire examination, each side is generally limited to 15 minutes of voir dire examination consisting of court-approved questions and reasonable follow-up.

**H. Trial Schedule.** Trials generally will begin at 9:00 a.m. and continue until 5:00 p.m., with mid-morning and mid-afternoon breaks of approximately fifteen minutes and a lunch break of approximately 60 minutes. On the first day of a jury trial, counsel and *pro se* parties shall report to the court no later than 8:30 a.m. and jury selection will commence at 9:00 a.m. Thereafter, counsel and all *pro se* parties shall be present no later than 8:30 a.m. each day during trial to discuss any last-minute trial matters.

- I. **Jury Selection.** The jury in civil cases will generally consist of nine jurors. Pursuant to Federal Rule of Civil Procedure 47(b) and 28 U.S.C. § 1870, each **side** will be permitted three peremptory challenges. *Batson* challenges are to be made at the conclusion of the exercise of peremptory challenges, immediately prior to the jury being seated and sworn. A party that wants to preserve a *Batson* challenge should ask the Court not to release any jurors subject to the challenge. Jurors will be permitted to take notes during trial.
- J. **Timing of Giving Jury Instructions.** Once the jury is selected and sworn, and before the commencement of opening statements, the Court will read the statement of the case and the preliminary instructions to the jurors. After the close of evidence but before closing argument, the Court will read the jury instructions to the jurors. Each juror will be given a copy of the jury instructions for use during deliberations.
- K. **Charging Conference.** The Court will hold a charging conference at the close of evidence to provide counsel the opportunity to add or modify instructions and the verdict form based on the evidence. At the trial's conclusion, the Court will read all instructions to the jurors before they are sent to deliberate.
- L. **Trials to the Court.** At least five business days before the FPC/FTPC, the parties must file proposed findings of fact and conclusions of law via CM/ECF and must email a copy in Microsoft Word format to chambers ([Starnella Chambers@cod.uscourts.gov](mailto:Starnella_Chambers@cod.uscourts.gov)). The parties should list the proposed findings of fact in the same order as their anticipated order of proof at trial. The parties should tailor their closing arguments to the proposed findings of fact and conclusions of law. A resume or curriculum vitae, marked as an exhibit, generally will suffice to evidence the qualifications of an expert witness. Within 14 calendar days after the bench trial transcript's preparation, the parties must file amended proposed findings of fact, with references to the trial transcript and admitted exhibits.
- M. **Glossary.** At least five business days before commencement of a hearing, a bench trial, a jury trial, or any other proceeding, counsel and any pro se party may file and provide the Court and opposing counsel with a glossary of any scientific or technical words, terms, and phrases.
- N. **One USB flash drive and three exhibit notebooks.** Parties must prepare one USB flash drive, as well as three exhibit notebooks (one for the witness stand and two for the Court). Jurors will not receive individual exhibit binders; instead, they will view exhibits published on monitors during trial. During deliberations, jurors will use a thumb drive of admitted exhibits. The parties will prepare the thumb drive of admitted exhibits and provide the same to the courtroom deputy before deliberations begin. All exhibits must be in numerical sequence.

1. **Witness notebook.** The witness stand notebook must contain *original* exhibits, properly marked and tabbed, with pages of each exhibit numbered for the witness.
  2. **Notebooks for the Court.** Parties must prepare two notebooks for the Court with *copies* of exhibits, properly marked and tabbed, with pages of each exhibit numbered.
  3. **Cover of each notebook.** The cover of each notebook must contain the following information: (i) caption; (ii) nature of the proceeding; (iii) scheduled date and time; and (iv) “original” or “copy.”
  4. **Delivery of notebooks.** The witness’s exhibit notebook and the Court’s exhibit notebook must be delivered to the courtroom no later than the Friday prior to the commencement of trial.
- O. **Final witness and exhibit lists.** Three copies of the joint witness list *and* three copies of the joint exhibit list must be provided to the courtroom deputy no later than the Friday prior to the commencement of trial.
- P. **Witness salutations.** At trial, all parties and witnesses must be addressed as “Mr.,” “Mrs.,” “Ms.,” “Dr.,” etc. Informal references are not permitted except when children are testifying.
- Q. **Special accommodations.** Counsel must notify Magistrate Judge Starnella’s courtroom deputy of any need for special accommodations for any attorney, party, or witness, and any need for technological videoconferencing or electronic presentation of evidence no later than 30 days before trial. Requests for technology training or testing should be directed to the courtroom deputy, Laura Galera, at 303-335-2104, no later than 14 days prior to the first day of trial.
- R. **Settlement.** Pursuant to D.C.COLO.LCivR 54.2, counsel must notify Clerk of Court and Magistrate Judge Starnella’s chambers of a settlement before noon on the last court business day before the scheduled trial date. Jury costs may be assessed as a consequence for noncompliance with this instruction.

## VII. **Efforts to Support the Development of the Next Generation of Lawyers**

The Court strongly supports the development of the next generation of litigators. The Court encourages parties and senior attorneys to allow less experienced attorneys the opportunity to argue motions and examine witnesses. Where appropriate, the Court may permit more experienced counsel of record to provide assistance to the less experienced attorney who is arguing the motion.