

Standing Order Regarding Pretrial & Trial Procedures

**U.S. Magistrate Judge Maritza Dominguez Braswell
United States District Court
District of Colorado**

**Colorado Springs Courthouse
212 N. Wahsatch Ave., Suite 100
Colorado Springs, CO 80903
Ph: 719-575-0328
Braswell_Chambers@cod.uscourts.gov**

I. Intro

The Court appreciates the stress and work of trial for all involved. Therefore, it strives to make the process as streamlined as possible, where it can. At the end of trial, the parties are encouraged to offer suggestions on how the Court can improve and/or clarify any of its pretrial and trial processes. Candid feedback is appreciated.

II. Communications with Chambers regarding Trial Preparation

Inquiries to Chambers regarding these procedures and standards may be made by email to **Braswell_chambers@cod.uscourts.gov**. The party reaching out to Chambers must cc all counsel and pro se parties.

III. Courtroom Procedures and Recording of Proceedings

For information concerning the courtroom and available technology, the parties may contact the Courtroom Deputy, Elizabeth Lopez Vaughan at Elizabeth_LopezVaughan@cod.uscourts.gov. The courtroom is equipped with HDMI and VGA plug-ins for displaying exhibits. There are monitors at each counsel table, the witness stand, and in front of the Judge and her clerks. Additionally, there are large screens for juror viewing in the courtroom.

The Court maintains a recording of all proceedings, but no court reporter shall be assigned to the trial unless the parties expressly request that one be assigned. The Court cannot guarantee that a court reporter will be assigned for the entirety of the trial, particularly where a trial lasts longer than four (4) days. If the parties would like certainty with respect to a live trial transcript, they can arrange for a reporter themselves. However, the parties should note that a transcript generated by a privately hired reporter is not part of the official record. For an official transcript of recorded proceedings, the parties will need to order a transcript from one of the two court approved transcription companies.

IV. Motions in Limine

Unless the Court sets a specific deadline and page requirement for motions in limine, all motions in limine shall be filed via CM/ECF no later than ten (10) days in advance of the Final Pretrial Conference (FPTC), with responses due three (3) days before the FPTC deadline. Absent leave of Court, each motion shall be limited to five (5) pages, and the response limited to three (3) pages. No replies are permitted. Prior to filing a motion in limine, the parties shall confer with one another, attempt to resolve the contested issues, and obviate the need for the motion.

V. Motions to Bifurcate Trial

Unless otherwise ordered by the Court, any motion to bifurcate trial must be filed no later

than twenty-one (21) days before the FPTO is due.

VI. Final Pretrial Conference (“FPTC”)

At least seven (7) days before the scheduled FPTC, the parties shall file a proposed Final Pretrial Order (“FPTO”), but only after meaningful conferral with one another regarding the same.

The proposed FPTO shall be filed on the docket, and an editable Word version emailed to Chambers at Braswell_chambers@cod.uscourts.gov.

The parties should be prepared to do the following during the FPTC:

- Provide the Court with a meaningful overview of any pending issues that need to be resolved ahead of trial, along with proposals for resolving those issues.
- Discuss exhibit and witness lists and confirm the parties have begun to meaningfully confer over authenticity and admissibility of exhibits. If the parties are aware of any major objections that require resolution before trial, they should confer with respect to the same and be prepared to discuss them with the Court.
- Confirm the number of days necessary for trial. If either party is requesting more than five (5) days, be prepared to articulate why.
- Let the Court know if either party needs to offer exhibits in a non-electronic format (the Court’s preference is electronic).
- Discuss whether any Rule 1006 charts will be necessary or could be helpful.
- Discuss the parties’ intent to offer deposition designations, if any.
- Discuss the jury selection process and address whether a jury questionnaire¹ would be useful.
- Conduct oral argument on motions in limine.
- Discuss whether pre- or post-trial briefs will be necessary, and secure deadlines for same.
- Ask questions, if any, regarding courtroom technology and logistics. The parties are encouraged to use the same vendor to reduce the number of people that need to test tech, and to streamline trial presentation. However, use of the same vendor is not required.
- Update the Court on the parties’ efforts to resolve the matter and indicate whether resolution ahead of trial is likely.
- Ask for a TPC date, if one has not already been set.

VII. Pretrial Submissions & Deadlines

A. Exhibit List & Exhibits

¹ A written set of high-level questions that asks potential jurors for basic information and helps streamline voir dire.

1. The parties must confer and use the form in **Appendix A** to prepare their joint Exhibit List.
2. The parties must confer and stipulate as to authenticity and admissibility wherever possible. The Court expects objections to authenticity only in rare circumstances.
3. A final joint Exhibit List, in the form of **Appendix A**, must be filed via CM/ECF no later than four (4) days before the TPC.
4. One USB flash drive containing all pre-marked exhibits shall be provided to the Courtroom Deputy on the first day of trial. Each exhibit shall be marked with an exhibit number that indicates whether it is a Plaintiff or Defendant exhibit.

B. Witness Lists

1. The parties must confer and use the form in **Appendix B** to prepare their joint Witness List.
2. Any disagreements regarding witness testimony will be addressed during the TPC.
3. The joint Witness List, in the form of **Appendix B**, must be filed via CM/ECF no later than four (4) days before the TPC.

C. Deposition Designations

1. If any party intends to offer deposition testimony in lieu of a live witness at trial, the parties shall confer over the same in advance of the FPTC.
2. During the FPTC, the party seeking to designate deposition testimony shall set forth its reasons and provide a high-level overview of the testimony it seeks to designate. The opposing party shall have an opportunity to respond, and the Court will provide guidance to the parties.
3. Based on the Court's guidance during the FPTC, the parties shall confer, exchange designations, and attempt to agree on the same. Unless otherwise ordered by the Court, the parties shall—no later than four (4) days before the TPC—submit to Chambers by email, a joint Deposition Designation Chart in the form attached as **Appendix C**, as well as a hard copy of the deponent's transcript, highlighted as follows in a two-party case: (1) the proponent's designations shall be highlighted in yellow, (2) the counter designations shall be highlighted in green. In a case with more than two parties, the parties shall—during the FPTC—propose an organized approach for multi-party designations.

D. Joint Case Statements

The parties shall confer and prepare two (2) joint case statements to be submitted to Chambers by email four (4) days before the TPC:

1. The first joint statement (Joint Case Statement #1) shall be a short and high-level description of the case for potential jurors.

2. The second joint statement (Joint Case Statement #2) shall be a description of the case and a set of uncontested facts that the Court will read to the jury as part of its preliminary remarks to the jury (“Preliminary Jury Instructions”).

Neither party will offer evidence in either joint statement.

E. Proposed Jury Instructions

The parties shall confer and submit joint jury instructions (“Proposed Jury Instructions”) to Chambers four (4) days before the TPC. The parties are directed and guided as follows:

1. The Proposed Jury Instructions shall be submitted to Chambers by email as a Word document.
2. The Court encourages the use of model instructions and the use of special interrogatory verdict forms that provide a series of questions/roadmap for each claim. However, counsel should review everything with a layperson in mind, and ensure the language is not overly “lawyerly”.
3. The parties shall stipulate to as many instructions as possible. Where the parties disagree, the Plaintiff shall offer its instruction, and the challenging party shall state the basis for its objection(s) and provide a competing instruction. The competing instruction and the basis for the challenge, shall be set forth immediately below the proposed instruction, in underlined font.
4. During the TPC, the Court will offer preliminary views on the Proposed Jury Instructions so that counsel have a roadmap to follow during opening and trial. However, the Court will examine the Proposed Jury Instructions again during the charging conference. At that time, the parties will have an opportunity to request changes and state their objections on the record, before the Court rules on the Final Jury Instructions.
5. The Final Jury Instructions will be read to the jury just before closing argument, and each juror will be given a copy of the Final Jury Instructions before deliberation.

F. Jury Verdict Form

The parties shall confer and attempt to agree on a Proposed Jury Verdict Form to submit to Chambers by email four (4) days before the TPC. If the parties cannot agree on a joint Proposed Jury Verdict Form, they shall submit competing Proposed Jury Verdict Forms for the Court to consider and address during the TPC.

VIII. Trial Preparation Conference (“TPC”)

The following items will be addressed during the TPC:

- Final Exhibit List (joint)
- Final Witness List (joint), and length of testimony for each witness
- Deposition Designation Chart (joint)

- Joint Case Statements (two, both joint)
- Proposed Jury Instructions (joint)
- Proposed Jury Verdict Form(s) (joint if possible, separate if no agreement)
- Proposed Voir Dire Questions (separate)
- Court's Preliminary Jury Instructions (see **Appendix E**)

IX. Special Issues for Jury Trials

A. Start and Finish Time

Unless otherwise ordered, the first day will begin at 8am. Every other day, counsel will be present at 8:30am, and the jury will be called in at 9am. The Court will strive to dismiss the jury at 4:30 each day, leaving ½ hour at the end of the day for housekeeping and next-day planning.

B. Juror Materials

Jurors will be allowed a pen and paper for notes during trial, a hard copy of the Final Jury Instructions during deliberation, and a computer that has exhibits electronically loaded for easy access during deliberation. Juror notes will be destroyed after the jury is discharged.

C. Number of Jurors

In a civil trial the Court will impanel 8 jurors, to include one alternate. The alternate will be excused prior to deliberations.

D. Voir Dire

1. To streamline matters, the Court will conduct initial voir dire of prospective jurors.
2. After that, and unless otherwise ordered by the Court, each side will conduct their own voir dire, limited to 15 minutes per side.
3. The parties shall be limited to pre-approved questions and appropriate follow-up questions to the same and any question asked by the Court or opposing counsel.
4. Four (4) days before the TPC, each party shall email Chambers a set of proposed voir dire questions ("Proposed Voir Dire Questions").
5. If a party seeks to have certain of their Proposed Voir Dire Questions asked by the Court (to avoid using up their 15 minutes on general inquiries, or for any other reason), the party must so indicate by underlining the questions it would prefer to have the Court ask. The Court will consider the request and make a determination before trial begins.
6. Counsel are cautioned against improper questions during voir dire, including but not limited to questions that:

- a. Concern personal matters that are irrelevant to the case, such as inquiry into a prospective juror's political affiliations.
- b. Overreach on family members. If inquiring about family members, questions must be limited to immediate family or people living in the same household.
- c. Would force a potential juror to prejudge or weigh specific evidence in the case.
- d. Seek to elicit a decision on a set of specific hypothetical facts.
- e. Are intended to plant seeds about inadmissible matters (e.g., how would you feel if you knew that another jury found that this defendant had to pay \$1 million in a similar case).

E. Impaneling the Jury

1. After voir dire, the Court will hear cause challenges. No challenges for cause, or statements that the current panel is acceptable, shall be made in front of prospective jurors. All such discussion will occur at sidebar.
2. If a juror(s) is excused for cause, replacement juror(s) will be called to the jury box and the Court will conduct brief questioning then give counsel an opportunity for brief follow up.
3. After all cause challenges have been resolved, each side will be allowed to make 3 peremptory strikes. The Court will provide the parties with a Court-prepared strike list.
4. Any *Batson* challenges must be made at the conclusion of all preemptory strikes, and immediately before the jury is seated and sworn.
5. Once the jury is impaneled, the Courtroom Deputy will administer the oath and the Court will read the Preliminary Jury Instructions (see **Appendix E**). These remarks will instruct the jury as to their obligations, outline ground rules during trial, describe the case, and inform them of any fact stipulations submitted by the parties in the form of Joint Case Statement #2, described above.
6. The Courtroom Deputy will then escort the jury to the jury room and distribute the Juror Code of Conduct, as well as pen and paper for use during trial.
7. A rough script and outline of the Court's approach to impaneling the jury is attached as **Appendix E**.

- F. Local Civil Rule 47.2. allows the Court to issue an order authorizing counsel to communicate with members of the jury at the conclusion of the trial. Any such motion must be made prior to the last day of trial, and outside the presence of the jury. If the Court grants the motion, the intent of any such order will be to provide counsel with a learning opportunity to improve their trial skills for future cases. Any such order is not intended to allow counsel to test the validity or consistency of the jury's verdict. Communications with the jury pursuant to any such order will occur off the record, in the courtroom, with the Judge present. Jurors will be asked if they would like to stay, but they will not be required to stay.

X. Special Issues for Bench Trials

- A. In trials to the Court, the parties shall—no later than seven (7) days before the FPTC—file via CM/ECF (with a Word version to Chambers) preliminary proposed findings of fact and conclusions of law, as follows:
1. Proposed Findings of Fact (Joint). To the extent possible, the parties shall stipulate to the material facts. If the parties cannot agree on a particular fact, the proponent of a fact shall offer its proposed material fact, and the challenging party shall set forth its challenge immediately below the proposed fact in underlined font. The challenging party shall identify itself and the basis for the challenge.
 2. Proposed Conclusions of Law (Individual). The parties shall each submit proposed conclusions of law. The parties do not need to confer or agree on these. However, any facts relied upon in a party's Proposed Conclusions of Law, must be supported by a cite to the joint Proposed Findings of Fact.
- B. In trials to the Court, a resume and/or curriculum vitae, marked and introduced as an exhibit, generally will suffice for the determination of an expert witness's qualifications.
- C. No later than ten (10) days after the conclusion of a bench trial, the parties shall file via CM/ECF, and submit a Word version by email to Chambers, a revised version of their joint Proposed Findings of Fact, as well as each of their Proposed Conclusions of Law. Additionally, each party shall attach a Proposed Order and/or Judgment to their Proposed Conclusions of Law.

XI. Trial

- A. Absent leave of Court, opening is limited to 25 minutes, and closing is limited to 35 minutes. However, the Court encourages and appreciates shorter openings and closings where possible.
- B. Pre-trial rulings are not self-executing. Counsel must make their objection(s) at trial for the Court to enforce a pretrial ruling that excludes certain evidence. Such objection(s) must be made unless and until the Court directs the objecting party that no further objections on that particular issue will be necessary to preserve the record.
- C. At the end of each day, counsel shall confer with each other and the Courtroom Deputy, to ensure the record is clear on which exhibits were admitted that day.
- D. All parties, counsel, and witnesses must speak directly into a microphone to ensure the record captures the statement. If a court reporter is present, please be mindful of the reporter's inability to capture speech that is too fast, too quiet, or interrupted.

E. As noted above, the Court will reserve time at the end of each day for next-day planning. Any motions to exclude witnesses under Rule 615, need to be made at that time.

F. Other

1. All parties and counsel will stand when the jury leaves the courtroom and when the jury returns.
2. The Court views its staff, the U.S. Marshals, and courtroom security officers, as an extension of the Court during trial. It expects all parties, counsel, and witnesses to treat everyone with dignity and respect. Our Colorado Springs courtroom is small and does not offer the same comforts of other courtrooms. Grace and patience are appreciated.
3. A small courtroom means every side conversation and movement in the courtroom has the potential to be loud and disruptive. Everyone should do their best to move about and communicate with each other in a way that causes the least amount of disruption while a witness is on the stand or a party is making an argument.
4. All mobile devices must be turned off or on silent.
5. The Court has accommodated requests for “war rooms” by offering clerk offices during trial. They are small, but allow counsel, parties, and witnesses a private space for breaks and/or lunch orders. If counsel would like access to these offices, they must make their request during the TPC.

APPENDIX A – Exhibit List Template

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. XX-cv-XXXXX-MDB

XXX YYY,
Plaintiff,

v.

XXX YYY,
Defendant.

JOINT EXHIBIT LIST

EX. NO.	PROPONENT	DESCRIPTION OF EXHIBIT	STIPULATED AUTHENTIC?	STIPULATED ADMISSIBLE?	OBJECTION (IF ANY)
P_001	Plaintiff		Yes/No	Yes/No	
P_002	Plaintiff		Yes/No	Yes/No	
P_003	Plaintiff		Yes/No	Yes/No	
D_001	Defendant		Yes/No	Yes/No	
D_002	Defendant		Yes/No	Yes/No	

Submitted this XX day of XX, 2025.

[Signature Blocks]

APPENDIX B – Witness List Template

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. XX-cv-XXXXX-MDB

XXX YYY,
Plaintiff,

v.

XXX YYY,
Defendant.

JOINT WITNESS LIST

WITNESS	PARTY CALLING WITNESS	ESTIMATED TIME ON DIRECT	ESTIMATED TIME ON CROSS
Witness 1	Plaintiff	30 minutes	30 minutes
Witness 2	Plaintiff	2 hours	1 hour
Witness 3	Defendant	15 minutes	5 minutes
Witness 4	Defendant	3 hours	1 hour

Submitted this XX day of XX, 2025.

[Signature Blocks]

APPENDIX C – Deposition Designation Chart

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. XX-cv-XXXXX-MDB

XXX YYY,
Plaintiff,

v.

XXX YYY,
Defendant.

JOINT DEPOSITION DESIGNATION CHART

PROPONENT	WITNESS	PAGE & LINE	OBJECTION (if any)	COUNTER PAGE AND LINE (if any)
Plaintiff	Witness 1	XX:YY–ZZ		
Plaintiff	Witness 2	XX:YY–ZZ		
Plaintiff	Witness 3	XX:YY–ZZ		
Defendant	Witness 4	XX:YY–ZZ		

Submitted this XX day of XX, 2025.

[Signature Blocks]

Appendix D - Summary of Required Submissions

Item	Deadline	Form of Submission
Motion to Bifurcate Trial	21 days before FPTO deadline	CM/ECF
Motions in Limine	10 days before FPTC (response due 3 days before FPTC, no reply)	CM/ECF
FPTO (Joint)	7 days before FPTC	PDF via CM/ECF and Word version to Chambers Email
Exhibit List (Joint)	4 days before TPC	CM/ECF
Witness List (Joint)	4 days before TPC	CM/ECF
Joint Case Statement #1 (Joint)	4 days before TPC	Word via Chambers Email
Joint Case Statement #2 (Joint)	4 days before TPC	Word via Chambers Email
Proposed Jury Instructions (Joint)	4 days before TPC	Word via Chambers Email
Proposed Jury Verdict Form (Joint, if possible)	4 days before TPC	Word via Chambers Email
Proposed Voir Dire Questions (Separate)	4 days before TPC	Word via Chambers Email
Computer w/ exhibits that were entered during trial (Joint)	Before deliberations	Physical submission to Courtroom Deputy
Pre-Marked Exhibits Loaded onto USB Flash Drive (Joint)	1 st Day of Trial	Physical submission to Courtroom Deputy

**APPENDIX E– Draft Script
Intro, Voir Dire, & Preliminary Jury Instructions
(Civil)**

Note to Parties/Counsel: The following is a draft script subject to modification at any time. The Court shares this draft to give counsel and the parties a better sense of the proceedings and an opportunity to anticipate how their pretrial submissions will be used during the first day of trial. However, the Court may adjust at any time based on the facts and circumstances surrounding a case, and while the Court will do its best to give counsel advance notice, that may not always be possible.

I. Introductory Remarks to Potential Jurors

Good Morning. This is the United States District Court for the District of Colorado. I'm USMJ MDB and I'm the judge assigned to preside over this case.

Serving on a jury is a critical part of the justice system. As citizens of the United States, we have a responsibility and duty to make the sacrifices necessary to sustain this truly remarkable system. Your appearance here today represents an important commitment to our system of justice. It takes all of us—the working and retired, people of all ages, those with children and those without, corporate executives and students with entry level positions. This system cannot survive if it depends only on those who have the time and an inclination to serve as jurors.

For many of you this may be your first experience with jury duty, and some of you may be nervous and anxious as a result. I want you to know that I'm going to do my very best to make this experience as painless as possible. If you are selected to serve, I think you'll walk away from trial feeling it has been one of the most interesting and challenging experiences you've had.

Your service as a juror is an opportunity to make a difference. During your deliberations you'll have the opportunity to exercise an extraordinary amount of power and authority. Whatever you decide will have real world consequences for real life parties.

The case here is a civil case, not a criminal case. No one in this case has been charged with a crime. This is a lawsuit filed by [insert Joint Case Statement #1, subject to modifications].

The Court will give each attorney an opportunity to introduce themselves and their respective clients and it will introduce CRD, clerks, CSOs, etc

II. Explanation of Process

I want to briefly explain the method we will use to select the jury that will hear and decide this case.

Fourteen members of the panel will be called into the jury box. After the first fourteen members of the panel are in the jury box, each of you, regardless of whether you have been called forward to sit in the jury box, will take an oath that you will carefully consider and truthfully respond to all questions you are asked about your ability to serve as a juror in this case.

After the oath is administered, I and the attorneys will ask you questions about your ability to be fair and impartial jurors. If you are in the box, you should answer carefully and fully. And if you're not in the box with the first group called, please listen closely to all that is said because you may be asked to sit in

the jury box before jury selection is completed, and I will ask you if you have anything to share based on previous questions.

After the questioning has been completed, each side will excuse three members of the panel without stating a reason. This leaves a jury of eight to try the case. Do not be embarrassed or consider it a reflection on you if you are one of those excused. It is simply part of the process.

First 14 will be called to the box and oath administered.

III. Court's Questions to Potential Jurors

I'm going to ask the entire group of you a series of questions that can be answered yes or no. If your answer to a question is "NO" you don't need to do or say anything. However, if your answer to a question is "YES," please raise your hand. My questions are not designed to offend or embarrass; if they do, I apologize in advance.

My questions will be directed to the panel of 14 jurors sitting in the jury box, but remember, those in the gallery should also listen closely and take notes of anything you think the Court should know if you are called into the box.

For the 14 in the box, if you wish to modify or supplement a previous response you made, please speak up. If you wish to respond to a previous question that passed you by without giving a response, please speak up. If the question applies to you, and you have something to say about it, but you feel the matter is too personal to disclose to the whole room, just let me know and you may come to the bench, where only the lawyers and I will hear what you have to say. If you're in the jury box and you do not raise your hand, I will assume your answer to a particular question is "NO."

Remember you have taken an oath to answer each question truthfully and completely.

Hardship Questions

The first question is whether this trial will present an undue hardship for you. And I emphasize that adjective—undue. Excuses based on grounds of undue hardship are very limited & granted only in exceptional instances.

This trial is set for days, meaning this trial is expected to conclude . The hours for trial will be 8:45 a.m. until about 4:30 p.m. or bit thereafter. We will take mid-morning and mid-afternoon breaks of about 15 minutes each, in addition to a lunch break. Recognizing that I will not and indeed, cannot, excuse you simply because it is an inconvenience for you to be here:

1. Is there anyone who is asking to be excused on the grounds of undue hardship? [explain]
2. Do any of you have any physical limitations that might hamper your ability to serve as a juror, such as impaired hearing or eyesight, or back or other problem that would make it difficult to remain seated for up to 2 hours at a time?
3. Since we will be starting each trial day promptly at 9, I need and expect all jurors to be present in the jury deliberation room and ready to go no later than 8:45. Do any of you live at such a distance from the courthouse that being in the jury room each day by 8:45 will present a significant problem?

General Questions

Remember, raise your hand if your answer is "YES." Do nothing if your answer is "NO":

1. Do any of you know or have you had any interaction with the Plaintiff [or any member of family/company/etc]?
2. Do any of you know or have you had any interaction with the attorneys for Plaintiff, their assistants, or any member of their staff or families?
3. Do any of you know or have you had any interaction with the Defendant [or any member of family/company/etc]?
4. Do any of you know or have you had any interaction with any of the attorneys for the Defendants, their assistant, or any member of their staffs or families?
5. Have any of you ever been employed by [company, if any]?
6. In addition to the people I've already asked you about, you may hear testimony from some or all of the following people during the course of this trial. Please listen carefully and please raise your hand after I'm done listing the names if you know any of these possible witnesses or a member of their families, either socially or professionally: [Read from the joint Witness List]
7. Are there any life experiences, personal beliefs, or moral practices that I should know about that could impact the Plaintiff's case or the Defendant's case from starting out on equal ground?

Specific Questions

This section will be based on the Court's own assessment of important questions, and will incorporate some or all of the parties' requested questions as underlined in each of their Proposed Voir Dire Questions

IV. Voir Dire – 15 minutes per side

Unless otherwise ordered, each side will have 15 minutes for voir dire, based on pre-approved questions submitted in their Proposed Voir Dire Questions

V. Challenges for Cause

Court will invite counsel to the bench, make determinations, then excuse challenged jurors.

VI. Court Questions for Replacement Jurors

1. Do you have an extreme and undue hardship which would preclude you from serving as a juror in this case?
2. I assume you heard and paid close attention to the questions the lawyers and I have asked so far. Were there any questions as to which you would have raised your hand? [Explain]
3. Have you ever served on a jury in a prior case?
4. Have you ever been a plaintiff or defendant in a civil suit, or a defendant in a criminal case?
5. Is there anything about your life experiences, or your deep-felt views and opinions, which might prevent you from being fair & impartial to both sides in this case?

6. Is there something about you which in fairness you believe one or both of the parties should know, so they can fully assess whether you can be a fair and impartial juror in this case?

VII. Explanation of Peremptory Challenges

By law each side may excuse a prescribed number of prospective jurors without stating a reason. These excuses are called peremptory challenges. This process has long been an important part of our American system of justice and is fair to both sides. If you are excused, please do not feel offended or feel that your honesty or integrity is being questioned in any way.

At this time, I will ask Ms. Vaughan to pass the Strike List to counsel.

After Strike List is complete, counsel will provide same to CRD.

If I read your name, that means you will be serving on the jury for this matter and you should remain seated.

Court will read 8 names.

If you did not hear your name called, that means you will not be serving on this jury. For the six persons in the jury box whom I did not name, as well as the remaining folks in the gallery, thank you for your attendance here today. Even though you're being excused, your willingness to serve on our jury plays a critical role in our system of justice.

VIII. Oath, Obligations, & Preliminary Jury Instructions

- A. At this time, I would like the remaining jurors to please stand.

CRD administers oath

- B. Obligations & Limitations

1. Your job will be to decide this case based solely on the evidence presented during the trial and the instructions I will give you.
2. You will not be investigators or researchers, so do not attempt to gather any information about this case on your own.
 - a. Do not read or do research about this case or the issues in the case from any other source, including the internet. You may not use Google, Bing, Yahoo, TikTok, FB, Instagram, Snapchat, ChatGPT, or any other search tool to learn about any person, place, or thing that is involved in this case.
 - b. Do not read about this case in newspapers, magazines, or any other publications.
 - c. Do not listen to any podcasts or television or radio broadcasts about the trial.
 - d. Do not consult dictionaries; medical, scientific, or technical publications; religious books or materials; or law books.
 - e. You are free to use the internet, but only for purposes unrelated to this case. Do not search for or receive any information about the parties, the lawyers, the witnesses, the judge, the evidence, or any place or location mentioned. Do not research the law.

Do not look up the meaning of any words or scientific or technical terms used. If necessary, I will give you definitions of words or terms.

3. If you were to violate this rule by receiving outside information about the case, it could force me to declare a mistrial, meaning that the trial would have to start over, and all of the parties' work, my work, and your work on this case would be wasted. Therefore, it is very important that you not receive outside information about this case, whether it comes from other people or the internet.
4. You are also not allowed to visit any place involved in this case. If you normally travel through such a place, you should try to take a different route until I tell you that your jury service is completed. If you cannot take a different route, you must not stop or attempt to gather any information from that location.
5. Until I tell you that your jury service is complete, do not communicate about the case with anyone, including family and friends, whether in person or by telephone, cell phone, smart phone, computer, internet, or any internet service. This means you must not email, text, instant message, tweet, blog, or post information about this case, or about your experience as a juror on this case, on any social media, website, listserv, chat room, or blog.
6. When Court is not in session, you may communicate about anything other than this case. You may tell others that you are on jury duty and that you cannot talk about this duty until your service is completed, and you may tell them the estimated schedule of your jury duty, but do not tell them anything else about the case.
7. If anyone tries to communicate with you about anything concerning the case, you must stop the communication immediately and report it to the Courtroom Security Officers, who will notify me.

C. Preliminary Jury Instructions

I will now read you some of the instructions that may apply in this case. These are preliminary instructions about the law and may not be exactly the same as the final instructions about the law which I will give you at the end of the case to use in your deliberations. If there is any difference between the preliminary and final instructions, you must follow and be governed by the final instructions in deciding the case.

Burden of Proof and Preponderance of Evidence—Defined

1. The plaintiff has the burden of proving its claims by a preponderance of the evidence.
2. The defendant has the burden of proving its affirmative defenses by a preponderance of the evidence.
3. To prove something by a "preponderance of the evidence" means to prove that it is more probably true than not.
4. "Burden of proof" means the obligation a party has to prove its claims or defenses by a preponderance of the evidence. The party with the burden of proof can use evidence produced by any party to persuade you.
5. If a party fails to meet its burden of proof as to any claim or defense or if the evidence weighs so evenly that you are unable to say that there is a preponderance on either side, you must reject that claim or defense.

Evidence in the Case

6. The evidence in the case consists of the sworn testimony of all the witnesses, all exhibits which have been received in evidence, all facts which have been admitted or agreed to, and all facts and events which have been judicially noticed.
7. When the Court declares it has taken judicial notice of some fact or event, a jury must accept that fact or event as proved.
8. In deciding the facts, you must consider only the evidence actually received during trial.
9. Evidence offered at trial and rejected or stricken by the Court must not be considered by you.
10. Statements, remarks, arguments, and objections by counsel and remarks of the Court not directed to you are not evidence.
11. You may draw reasonable inferences from the evidence received at trial. An inference is a conclusion that follows, as a matter of reason and common sense, from the evidence.
12. Evidence may be either direct or circumstantial. Circumstantial evidence is the proof of facts or circumstances from which the existence or nonexistence of other facts may reasonably be inferred. All other evidence is direct evidence. The law makes no distinction between the effect of direct evidence and circumstantial evidence.
13. The weight of evidence is not necessarily determined by the number of witnesses testifying to a particular fact.
14. Certain testimony may be summarized and read, video recorded and introduced, and/or audio recorded and introduced into evidence from a deposition. A deposition is testimony taken under oath before the trial. You are to consider that testimony or summary of testimony as if it had been given by the witness from the witness stand.
15. The lawyers may highlight certain parts of some documents/exhibits. However, it is for you to determine the significance of the highlighted parts.

Sympathy and Prejudice

16. You must not be influenced by sympathy, bias, or prejudice for or against any party in this case.

Expert Testimony

17. A witness qualified as an expert by education, training, or experience may state opinions. You should judge expert testimony just as you would judge any other testimony. You may accept it or reject it, in whole or in part. You should give the testimony the importance you think it deserves, considering the witness's qualifications, the reasons for the opinions, and all of the other evidence in the case.

Determining Credibility of Witnesses

18. You are the sole judges of the credibility of the witnesses and the weight to be given their testimony.

19. You should take into consideration their means of knowledge, strength of memory, and opportunities for observation; the reasonableness or unreasonableness of their testimony; the consistency or lack of consistency in their testimony; their motives; whether their testimony has been contradicted or supported by other evidence; their bias, prejudice, or interest, if any; their manner or demeanor upon the witness stand; and all other facts and circumstances shown by the evidence which affect the credibility of the witnesses.
20. Based on these considerations, you may believe all, part, or none of the testimony of a witness.

Fact Stipulations

21. The parties agree to the following factual stipulations which you should take as a given during this case: [insert from Joint Statement #2]

IX. Retreat to Jury Room

We'll now take a recess so Ms. Vaughan can take you back to the jury room and discuss the logistics of your time with the Court. She'll distribute the Juror Code of Conduct and pens and paper for notetaking during the trial. The attorneys and parties are not allowed to talk with you. Please do not consider them impolite if they pass you in the hallway and do not engage.

X. Instruction for Recess

Some form of this instruction will be given to the jury each time they retreat to the jury room or leave for the day.

1. When you retreat to the jury room you may discuss the case. However, any discussion must:
 - a. Occur in the jury room only.
 - b. Occur with every juror present. You cannot discuss the case while one or more jurors are out of the juror room.
 - c. Be a discussion amongst yourselves, only. You may not discuss it with court staff or anyone else present.
 - d. And last, but most important, you cannot form or express an opinion on the outcome until all the evidence is closed and I have asked you to begin deliberations.

For end of day: reminder not to discuss case with anyone, or read, view, or listen to info re: case on the internet, social media, etc., and do not visit locations.