

IN THE DISTRICT COURT OF TETON COUNTY, WYOMING
NINTH JUDICIAL DISTRICT

*,)
) Civil Action No. *
Plaintiff,)
) TRIAL MANAGEMENT ORDER
vs.) (CIVIL – JURY)
)
*,)
)
)
Defendant.)

This matter came before the Court for a pretrial conference on the * day of *, 2015. * appeared for Plaintiff and * appeared for Defendant. The Court considered the pleadings and the time allotted for the proceedings set in this matter and finds that a Trial Management Order should issue.

IT IS ORDERED:

1. TRIAL. This matter is set for trial on *, 2015 at * .m. before a jury of *six/twelve (6/12) persons plus one (1) alternate. This case is the number * case for trial on that date. * days are set aside for the trial. Counsel are reminded that the last day of trial is not a full trial day for purposes of presenting evidence. The Court will manage the trial with the objective of concluding the evidence by mid-morning on the last day of trial, therefore allowing time for closing instructions and arguments and submitting the case to the jury for their deliberations at or near the lunch hour. The general trial hours will be from 9:00 a.m. to 5:00 p.m. with an hour and fifteen minutes for lunch and breaks as the Court deems appropriate in the morning and afternoon. The Court may choose to begin trial earlier as the case moves along as it may be deemed necessary and appropriate. Counsel should be prepared for brief conferences with the Court no less than fifteen minutes prior to the beginning time of the trial, or as otherwise directed by the Court. Counsel should be prepared to make themselves available for a series of informal instruction conferences at the end of the trial day as the case progresses. The Court anticipates 1 to 2 informal instruction conferences before the final and formal instruction conference on the record.

2. VOIR DIRE. At this time the Court anticipates allowing not more than forty-five (45) minutes voir dire for each Plaintiff and Defendant and encourages counsel to complete their voir dire in less time if possible. Counsel are reminded of the proper purpose of the examination of prospective jurors as set out in W.R.C.P 47, that such examination is under the supervision and control of the judge, and that the judge may intervene if the examination of prospective jurors is improper, including being too argumentative.

3. ARGUMENT. Each of the parties shall receive thirty (30) minutes for opening statements, thirty (30) to forty-five (45) minutes for closing arguments, and Plaintiff shall have ten (10) to fifteen (15) minutes for rebuttal. If the parties believe they need more time for argument, they must be granted approval by the Court before trial.

4. EXHIBITS.

a. Counsel shall resubmit their lists of exhibits on a form, in the format of the attached form, at least one (1) week prior to trial, if not previously provided in that format.

b. At least one (1) week prior to trial, counsel shall submit a list of stipulated exhibits to be admitted at trial and shall submit a copy of such exhibits, to the extent feasible, in the form of a notebook to be provided for the Court's use.

c. To the extent a party wishes to publish an exhibit to the jury, counsel shall be prepared to publish such exhibit to the jury members simultaneously, to the extent feasible, e.g. publishing a photograph or document or other exhibit capable of being shown to the jury simultaneously, either by overhead projection, or by providing a photocopy to each juror individually. The Court will avoid having the jury split their attention on an exhibit being passed around the jury box while testimony is being offered. Likewise, the Court will avoid, to the extent feasible, halting the presentation of testimony which such an exhibit is being passed around the jury box for individual inspection.

5. TECHNOLOGY. Any presentation by a party involving the use of courtroom technology shall be tested, and the court reporter consulted for assistance, no less than three (3) days prior to trial. The party using such technology is advised that any risk of failure associated with the use of courtroom technology is borne by the party seeking to use the same.

6. VIDEO TESTIMONY. It shall be the responsibility of the party seeking to introduce witness testimony by video conference to have prior permission of the Court and have the witness ready and available at a location that utilizes video conferencing protocol consistent

with that employed by the Video Court Network (VCN). The VCN uses a Tandberg IP (not ISDN) protocol. In that regard, such party shall immediately provide the Court with the location from which the witness will testify, including an IP address and telephone number, together with the name of the witness whose testimony is sought to be introduced by video conference. These advance procedures are necessary to enhance the probability that the use of video testimony at trial will not impede or delay or otherwise interfere with the orderly and efficient conduct of the trial. Failure to abide by the advance procedures set forth herein and as may otherwise be required by the Court will be cause for the Court to disallow presentation of video testimony. The parties utilizing video testimony, with the Court's permission, are advised that due to the possibility of transmission and technical problems generally, there is a risk that such testimony by video may be frustrated or futile. That risk must be borne by the party seeking to use video testimony in lieu of live testimony. Any exhibits that counsel wish to present to the witness at the hearing shall be furnished to the witness and opposing counsel at least 1 week prior to the hearing to ensure the witness has them available at the hearing. Failure to so provide any such exhibits may result in the preclusion of the exhibits for use with the witness.

7. JURY INSTRUCTIONS. Proposed jury instructions shall be filed at least four (4) weeks prior to trial, and in accordance with Rule 403 of the Uniform Rules for the District Courts of the State of Wyoming provided, however, that "clean copy" instructions without citation need not be submitted. The submission of proposed instructions shall be as follows:

a. Each party shall file with the Clerk of Court a set of proposed instructions, Plaintiff's numbered and Defendant's lettered, as appropriate, with citation. If not a Wyoming pattern instruction, citations to authority for the proposition of law proffered shall be pinpoint, and shall include an explanatory parenthetical stating the point of law supported by the case and stating the nature of the case. **Failure to so detail the authority for non-pattern instructions shall be considered caused for the Court to disallow the instruction.** The parties shall include a cover sheet which contains an index of the instructions by letter or number and the pattern jury instruction number if applicable or other authority, as well as a brief title for each instruction. The parties shall indentify in the index if the instruction is proposed as an opening instruction. Each party may submit a proposed instruction setting forth a brief (not more than 3 or 4 sentences) instruction of the parties' contentions in a non-argumentative manner for the Court to consider reading to the entire jury panel before beginning the voir dire examination.

The Court reserves the right to decide whether such contention instructions will be given. Each party shall submit a proposed instruction setting forth the burdens of proof of each of the parties, and a proposed verdict form with any special interrogatories. Each party shall provide a copy of the requested instructions to the Court at P.O. Box 1036, Jackson, WY 83001.

b. Counsel shall email to the Court at mdearing@courts.state.wy.us, their jury instructions in a Word format.

8. Counsel have/have not indicated they wish to use a juror notebook at trial. Pursuant to WRCP 39.1(b), counsel shall meet and confer in advance of trial in an attempt to agree to the contents of the juror notebook. No juror notebook will be permitted for use that has not been approved in advance by the Court. The juror notebook shall be presented to the Court for review and consideration for approval not less than one week in advance of trial, together with any objections to its contents.

9. MEDIATION. Counsel shall forthwith confer and shall agree on a mediator for this case, and shall further and in a timely manner notify the Court if they cannot agree on a mediator. On or before *, counsel and the parties shall make themselves available for mediation and shall make a good-faith effort to settle the case. Each party shall have a representative at the mediation who has full and complete authority to represent them and to settle the case, pursuant to W.R.C.P. 40(b)(2).

10. FINAL PRETRIAL/STATUS HEARING. A final pretrial conference and status hearing will be held in this matter on the ____ day of _____, 2015 at ____m. in the District Courtroom of the Teton County Courthouse, Jackson, Wyoming. One-half hour is set aside. The parties shall be present at the hearing along with their attorneys.

DATED the _____ day of _____, 2015.

Timothy C. Day
District Judge