

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA
SECTION "J"

JURY TRIALS

Unless otherwise ordered, counsel should prepare for a jury trial as follows:

(1) **All exhibits will be presented to the jury by electronic means.** Counsel may use a laptop or iPad to connect to the Court's electronic evidence system, either at counsel table or at the podium. There is also a document camera ("Elmo") contained in the podium.

(2) **Not less than five working days before trial at noon,** Plaintiff's counsel is to prepare and submit to the Court **one copy** of a single joint Bench Book of "Un-objected" exhibits, which should contain:

(a) An Index of all "un-objected to" exhibits, listing and numbering all exhibits sequentially and without reference to the offering party;

(b) All un-objected to exhibits are to be included in the single Bench Book (with multiple volumes if necessary) with each exhibit **tabbed, numbered, and paginated.**

Photographs of large exhibits and posters are to be included in the Bench Book. While oversized exhibits and posters may be used during trial, they will not be kept by the Case Manager.

(c) A second volume, containing the "objected to" exhibits shall also be filed. Separate, but brief memoranda stating the reason for the objections and responding to the objections of other counsel must be submitted to the court by the offering party **not less than five working days before trial at noon**; counsel should bring sufficient copies of any "objected to" exhibits on the day of trial to insert into the "un-objected to" book if they are admitted by the Court over the objections.

(d) Any discovery that will be used as an Exhibit must be specifically identified; for example, the exact Interrogatory and the corresponding Answer.

(e) Each page of the Bench Book should be individually and sequentially Bates labeled.

(f) Deposition transcripts should not be included as exhibits. Instead, the parties may simply offer a

deposition in lieu of a live witness appearing at trial.

(3) **Not less than five working days before trial at noon**, the parties are to submit a hard copy of the entire transcript of any deposition (including video and audio depositions) which will be used in lieu of live testimony at Trial. If the parties do not seek to introduce the entire deposition, they should designate which portions they seek to introduce in a letter to the Court. All colloquy and objections (which can be resolved among the parties) are to be removed in the transcripts, video, and audio (if applicable). Any objections which cannot be worked out by the parties must be highlighted in the subject transcript and brief memoranda addressing "why the objections should be sustained or not" must also be submitted to the Court **not less than five working days before trial at noon**. After the court rules on the objections, the parties are to have the video and audio depositions (if any) edited accordingly so that any references to "objections" are deleted, and there is no dead space in either the video or audio presentation to the jury. In the case of a stenographic deposition, the offering party should arrange for someone (not court staff) to take the stand and read the part of the witness, using a question and answer format. The transcript should be read verbatim, without ad-libbing or over-dramatization.

(4) **Not less than five working days before trial at noon,** the parties are to file their proposed Jury Instructions (which are unique to this case), suggested Special Interrogatories to the Jury (verdict form), and any requested *voir dire* questions. Judge Barbier does not require counsel to submit "boiler-plate" instructions, such as burden of proof, credibility of witnesses, etc. Typically, we will use the Fifth Circuit civil pattern charges, and add special instructions that pertain to the particular issues involved in the case.

(5) **Not less than five working days before trial at noon,** the parties are to file any motions in limine (excluding Daubert motions, which are due earlier in accordance with the scheduling order). If you intend to oppose a motion in limine, you should contact chambers to advise that you will file an opposition, and clarify the deadline for such.

(6) **Not less than five working days before trial at noon,** the parties are to file any trial memoranda, which are strictly optional. Such memoranda may set forth arguments regarding anticipated legal or evidentiary issues that may arise.

(7) **Not less than five working days before trial at noon,** the parties are to exchange **final "will call" witness lists** so that arrangements may be made for their presence at trial. The parties should, in good faith, advise the Court and opposing counsel of the identities of witnesses that will be called to testify live at trial.

(8) At the commencement of trial, counsel must provide the court's case manager with three copies of the final witness list.

(9) The Court's Case Manager is to be notified at least five working days prior to trial of any special equipment that will be needed by counsel during trial or if more than two tables will be needed to seat counsel. Additionally, it is **highly recommended** that counsel contact the Case Manager during the week prior to trial to **schedule a meeting during which the Case Manager can instruct counsel or their staff on the use of the Court's electronic trial equipment**. This equipment will be necessary for the electronic presentation of exhibits. The Court will not operate the equipment for counsel during trial and will not give instruction on the use of equipment on the morning of trial.

(10) Jury trials will commence at **8:30 a.m.** unless otherwise ordered. Counsel should be present at least 30 minutes prior to the start of the trial in order to arrange their seating, set up their equipment, etc. If counsel have any preliminary matters that need to be brought to the court's attention, they should do so prior to the 8:30 a.m. start time. Counsel should insure that their witnesses are present so that the Court is not required to recess the jury trial due to the absence of a witness. If counsel have an issue with respect to scheduling of an expert's testimony, they should discuss this with the Court prior to instructing the expert as to when to appear.

(11) Voir Dire and Jury Selection

Judge Barbier will discuss these matters with counsel at the final pretrial conference.