

1 The **Trial Brief** is not a substitute for the Pretrial Order and
2 shall contain:

3 1. A list of the witnesses in order of appearance and a
4 concise, one-sentence statement of the subject matter of their
5 testimony. (E.g., Juan González; he is an eyewitness to the accident
6 and will testify as to what he saw that night.)

7 Witnesses whose testimony at trial will be introduced by way of
8 deposition shall also appear in the list with an indication next to
9 their names to this effect.

10 2. A list of the expert witnesses, indicating their area of
11 expertise, accompanied by their curriculum vitae.

12 3. A brief statement of the legal issues likely to occur
13 during the course of the trial followed by no more than two citations
14 relied upon by a party. [E.g., whether the records of the ABC Mfg.
15 Co. are admissible into evidence. Plaintiff contends they are. See
16 Fed. R. Evid. 803(6); Jones v. Kelly, ____ F.2d ____ (7th Cir.
17 1981).]

18 The **Proposed Jury Instructions** must be numbered and bear the
19 name of the party submitting it. Each instruction shall be on a
20 **separate** sheet of paper and contain the citation and/or source of the
21 instruction. The so-called "boiler plate" instructions shall not be
22 included.

23 Failure to file the **Proposed Jury Instructions** and **Voir Dire** as
24 directed may result in penalties or fines, including but not limited
25 to the waiver of the right to submit same and/or sanctions against
26 counsel personally.

SETTLEMENT AFTER JURY SUMMONED

1
2 Unless otherwise determined by the undersigned for good cause
3 shown and in the interest of justice, the dismissal, settlement or
4 other disposition of the case after a jury has been called shall
5 require the parties to bear the cost of said jury panel, in
6 accordance with Rule 323 of the Local Rules of this Court.

EXHIBITS

7
8 1. All exhibits shall be **pre-marked** by the courtroom deputy
9 clerk at least **three** days prior to trial. It shall be the
10 responsibility of counsel to make appropriate arrangements to meet
11 with the courtroom deputy clerk prior to trial in order to comply
12 with this requirement.

13 Failure to mark the exhibits before trial will result in
14 sanctions, including but not limited to a waiver of introducing or
15 presenting unmarked exhibits and/or personal sanctions against the
16 attorney.

17 Additionally, a courtesy copy of all exhibits each party intends
18 to use at trial shall be furnished to the undersigned no less than
19 three working days before commencement of trial.

20 2. If there is no objection to an exhibit, it shall be marked
21 into evidence; otherwise, it shall be marked with an identification
22 exhibit tag.

23 3. If there is an objection to an exhibit, the party making
24 the objection shall set forth the reasons for the objection, together
25 with a short, concise, one-sentence statement, with the citation of
26 the applicable rule of evidence and the citation of case law or other

1 authority in support thereof. Failure to include the nature and
2 grounds for the objection may result in its waiver and/or sanctions
3 against counsel personally.

4 USE OF DEPOSITION(S) AT TRIAL

5 Unless previously effected as part of the Pretrial Order, each
6 party shall file a motion designating those portions of deposition
7 transcripts to be utilized in lieu of testimony with particular
8 reference to page(s) and line(s) to be read at trial and with copy of
9 the pertinent transcript pages properly marked² at least 10 calendar
10 days prior to trial. Counter-designations by any other party shall
11 comply with the same requirements³ and must be submitted at least
12 five calendar days prior to trial together with any specific
13 objections to designations previously filed. Objections must include
14 the pertinent legal grounds therefor. Evidentiary objections to the
15 counter-designations shall be filed at least two calendar days prior
16 to trial.

17 USE OF CHARTS, SUMMARIES, DRAWINGS, ETC.

18 Any party wishing to use charts, documents, summaries drawings
19 or other material during Opening or Closing Statements shall request
20 written authorization from the Court by motion to be filed no later
21 than 10:00 a.m. two days before its intended use; opposition thereto
22 must be filed no later than 12:00 noon on the day before its intended
23 use.

24 _____
25 ² The proponent's designations shall be marked by underlining the
pertinent transcript portions.

26 ³ The particular counterdesignations shall appear marked in
brackets [].

CONDUCT AT TRIAL

1
2 In deference to the dignity of the Court and to avoid needless
3 delay and insure fairness in the proceedings, the following rules
4 shall be observed:

5 1. Attorneys shall stand at a respectful distance from the
6 jury at all times.

7 2. In the opening statements to the jury, counsel shall **not**
8 argue the case and shall **not** discuss the law.

9 3. Counsel shall confine his/herself to a concise summary of
10 the important facts and/or the witnesses through which counsel
11 intends to present these facts.

12 4. Unless the case is unusually complex, each party will be
13 limited to **no more than fifteen minutes** in their opening and closing
14 statements.

15 5. Attorneys shall **stand** when addressing the Court, including
16 those instances when making objections and questioning witnesses.
17 Counsel with physical disabilities will, of course, be excused from
18 this requirement.

19 6. When interrogating witnesses, counsel shall do so from the
20 podium provided for this purpose and avoid wandering about in the
21 well.

22 7. Counsel shall **never** question a witness with his/her back to
23 him or her.

24 8. If counsel intends to question a witness about a group of
25 documents, counsel shall have all documents readily available at the
26 start of the examination.

1 9. Before showing to a witness a document or item which is not
2 yet in evidence, counsel shall offer to show it first to opposing
3 counsel.

4 10. Counsel shall **not** greet or introduce him/herself to the
5 witness, the Court or the jury, but rather shall commence the
6 examination without preliminaries.

7 11. Counsel shall **not** face or otherwise appear to address him/
8 herself to the jury, i.e. "play to the jury" when questioning a
9 witness.

10 12. Examination and cross-examination of witnesses shall be
11 limited to actual questions addressed to each witness. Counsel shall
12 refrain from making extraneous remarks or gratuitous comments
13 concerning the testimony or credibility of witnesses. Counsel are
14 particularly admonished to refrain from manifesting approval or
15 disapproval of witnesses' testimony or opposing counsel's arguments
16 by means of facial expressions or "body language". Further, counsel
17 shall refrain from making inappropriate comments designed to
18 influence the jury.

19 OBJECTIONS

20 1. Objections, particularly when in the presence of the jury,
21 shall be short, to the point, and shall **not** include argument. (E.g.,
22 "Objection, hearsay": proper; "I object to the question because it's
23 hearsay in that Mr. Jones was in Connecticut when Mr. Pérez said
24 that, etc.": improper.)

25 2. If the Court deems it advisable to hear argument, it will
26 call counsel to side bar in a jury trial, or ask for further

elaboration in a non-jury trial. Side bar conferences are to be kept to a minimum since they are unnecessarily time consuming and distracting. See Standard 5.9, ABA Advisory Committee on the Judge's Function, 1972.

3. The jury shall hear the instructions on the law of the case from the Court, an impartial source. Counsel is to refrain from instructing the jury as to the law.

4. Counsel are admonished to avoid interrupting opposing attorneys during opening and closing statements unless the latter's statements are outrageous. Any objections intended to preserve for appeal issues previously ruled upon by the Court, shall be made for the record at the completion of the Opening Statement.

PROPOSED FINDINGS OF FACT AND CONCLUSIONS OF LAW
(NON-JURY TRIAL)

In non-jury trials, the parties shall submit to the Court proposed findings of fact and conclusions of law within three days after the conclusion of the trial.

SANCTIONS

Failure to abide by any of the terms of this Order shall result in the imposition of sanctions, including but not limited to sanctions as provided by Rule 37, Fed. R. Civ. P.

This Order sets aside the previous Standing Order entered by the undersigned on January 1, 1992.

IT IS SO ORDERED.

San Juan, Puerto Rico, this 10th day of February, 1994.



RAYMOND L. ACOSTA
United States District Judge

