

Preparation For Civil Trial
Before The Honorable M. Christina Armijo
United States District Judge

<u>Event</u>	<u>Deadline</u>	<u>Comment</u>
Joint Exhibit List	Ten (10) working days before trial.	Counsel shall complete a joint exhibit list using the Court's "Exhibit List" form, which can be downloaded from Judge Armijo's chambers website at www.nmcourt.fed.us . Counsel for Plaintiff shall: (1) identify the case name and number and counsel's name at the top of the form; (2) list Plaintiff's exhibits in number order in the "PltfNo." column; (3) indicate with a "Yes" or "No" in the "Objection" column whether either party objects to the exhibit; and (4) briefly describe the exhibit in the "Description of Exhibit" column. Once this is done, Plaintiff shall deliver the form to defense counsel who shall complete the Defendant's portion of the form in the same manner. Under the "Deft Ltr." column, list exhibits in letter order. The completed form shall then be e-filed with the Clerk, and a copy of the exhibit list in WordPerfect or rich.txt format shall be submitted via e-mail to mcaproposedtext@nmcourt.fed.us . Court staff will complete the remaining columns of the form as needed during trial.
Exhibit Binders	Five (5) working days before trial.	A hard copy of the trial exhibits that complies with the following requirements must be delivered to chambers: (1) There must be a numbered index to each set of exhibits which lists and identifies each exhibit; (2) There must be tabbed dividers between each exhibit in each set of exhibits; (3) Personal data identifiers (including dates of birth, Social Security numbers, tax identification numbers, and financial account numbers) must be redacted from each exhibit.
Redaction of Exhibits		The Court requires that all personal data identifiers (including dates of birth, Social Security numbers, tax identification numbers, and financial account numbers) must be redacted from each exhibit e-filed with the Court and introduced into evidence as required under the Court's amended privacy policy, available at www.nmcourt.fed.us . This policy implements Section 205(c)(3) of the E-Government Act of 2002, Pub. L. No. 107-347, § 205(c)(3), 116 Stat. 2899, 2914 (2002) (codified at 44 U.S.C. §3501 note, as amended 2004). To the extent that the redacted personal data identifiers are material to the issues presented, a reference list of those personal data identifiers must be e-filed under seal with an accompanying motion.
Daubert Motions	See, Scheduling Order(s)	Challenges pursuant to Daubert shall be made by no later than the dispositive motions deadline as set forth in the Scheduling Order(s); that is, <i>Daubert</i> motions are to be e-filed no later than the date designated as the dispositive motion deadline, and briefed in accordance with the deadline for responses and replies to dispositive motions.

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Motions in Limine and Other Motions Regarding Admissibility of Evidence	Ten (10) working days before trial. Responses due no later than 5 working days before trial	
Witness Identification	Twenty (20) calendar days before trial.	Witnesses shall be identified in accordance with the Pretrial Order, but in no event later than twenty (20) calendar days before trial.
Witness List	Five (5) working days before trial.	A complete list of witnesses to be called at trial shall be e-filed with the Clerk by the deadline. The order of witnesses is not binding but known witnesses not listed in accordance with this procedure will not be allowed to testify.
Expert Reports	In accordance with Rule 26(a)(2) of the Federal Rules of Civil Procedure.	When calling an expert witness, it is the responsibility of counsel to establish his/her qualifications to express an opinion under Rule 702 after which counsel must move for his/her acceptance by the Court as an expert. Counsel must inform the Court of the particular field in which counsel offers the witness as an expert. As in other areas, cumulative expert testimony will not be permitted. As noted above, <i>Daubert</i> motions must be e-filed before the dispositive motion deadline.
Depositions	Twenty (20) calendar days before trial.	Consistent with the Fed.R.Civ.P., depositions may be introduced into evidence. Notify opposing counsel and the Court of such intended use of depositions by the deadline. If a deposition is used in part, counsel shall mark the parts to be used for the Court and opposing counsel. Plaintiff will use a yellow marker and defendant a blue marker. This does not apply to cross-examination or rebuttal.
Deposition Objections	Ten (10) working days before trial.	Opposing counsel shall e-file with the Clerk objections to any material.
Trial Briefs	Five (5) working days before trial.	Trial briefs are mandatory in the case of bench trials. Trial briefs should be e-filed with the Clerk and outline the basic legal theories, anticipated evidence in support of such theories, and the legal basis of any anticipated evidentiary disputes with citations to the legal authority.
Non-Jury Trials: Findings of Fact and Conclusions of Law	Ten (10) working days before trial.	Findings of fact and conclusions of law shall be e-filed with the Clerk, with references to exhibits and proposed testimony. Each party shall also submit the proposed findings and conclusions via e-mail to mcaproposedtext@nmcourt.fed.us. in a Wordperfect or rich.txt format.

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Jury Trials: Joint Statement of the Case	Five (5) working days before jury selection.	The Court directs counsel to submit a joint statement of the case which briefly and objectively summarizes the nature of the case and the parties' contentions in one or two paragraphs, and which the Court may use to introduce potential jurors to the case during voir dire.
Voir Dire	Five (5) working days before jury selection.	The Court will conduct voir dire. Should the Court permit counsel to voir dire the venire panel, do not argue the case or cite legal principles in your voir dire. Requested voir dire shall be exchanged between counsel and e-filed with Clerk no less than five (5) working days before the case is scheduled for jury selection.
Objections to Voir Dire	Two (2) working days prior to jury selection.	
Jury Instructions	Five (5) working days before trial	Please refer to the "Preparation of Jury Instructions," section below.

II. PRETRIAL CONFERENCE

1. A pretrial conference will be held approximately one or two months before trial. Parties shall be prepared to discuss all pending motions at the pretrial conference. This means the Court may ask you questions about the merits of your pending motions.
2. At the pretrial conference, the parties should be prepared to state whether the case will be ready for trial, indicate whether they have any scheduling conflicts, estimate how long it will take to try the case, assess the possibility of settlement, and identify any anticipated problems that need to be resolved before commencement of trial.
3. If the parties perceive any conflicts between these trial preparation instructions and the pretrial order, they shall be prepared to address them at the pretrial conference.

III. CALL OF CALENDAR

1. A call of the calendar may be scheduled a few working days before trial or as specified in the notice of jury selection and trial. At the call of calendar, the parties shall be prepared to address any issues that remain pending after the pretrial conference. The parties shall be prepared to address stipulations, objections to exhibits, pending motions, and all other unresolved pretrial issues.
2. After hearing from counsel, Judge Armijo will announce the date your trial will commence on the trailing docket (unless the trial has been given a definite setting).

IV. PREPARATION OF JURY INSTRUCTIONS

The parties must prepare all proposed Jury Instructions in accordance with these directions:

1. Judge Armijo has approved and adopted a set of stock instructions for civil cases that is available on the chambers website (www.nmcourt.fed.us) or from the U.S. District Court Clerk's office. Please do not submit requested instructions which duplicate the Court's stock instructions. When requesting a stock instruction, you may simply refer to it by number and topic, without repeating the full text of the instruction.
2. Counsel must meet and confer prior to the deadline for submission of instructions and make a good faith effort to agree on the submission of all non-standard instructions (e.g., elements of the plaintiff's claims, special defenses, etc.). The parties must e-file one set of non-standard instructions upon which they agree by the submission deadline. Requested non-standard instructions upon which the parties cannot agree must be e-filed separately by each party by the submission deadline.
3. Parties must e-file an original set of mutually approved and individually proposed instructions (if any) *with citations*. The proposed instructions shall cite authority at the bottom of each instruction. The instructions e-filed with the Clerk must contain a certificate of service on opposing counsel.
4. In addition to the proposed jury instructions e-filed with the Clerk, the parties must submit a copy of their mutually approved and individually proposed jury instructions in WordPerfect or rich.txt format to the following e-mail address: **mcaproposedtext@nmcourt.fed.us**.
5. The parties must submit a proposed verdict form with their proposed instructions. If the parties agree on a proposed verdict form, they must submit it with their agreed non-standard instructions. If the parties do not agree, then they each must submit a proposed verdict form with their individually proposed instructions.
6. The parties must submit only one requested Jury Instruction per page. Instructions must be double spaced.
7. The parties must submit a cover sheet on all sets of proposed instructions.
8. The parties must carefully proofread each instruction for errors in spelling, grammar, punctuation, and citations. When a proposed instruction is based on a specific case, include both the page on which the source begins and the page on which the specific material appears.
9. If your proposed jury instructions and verdict form do not comply with the above, they may be refused.

V. DECORUM AND GENERAL INSTRUCTIONS

1. Be on time for each court session. Trial engagements take precedence over any other business. If you have matters in other courtrooms, make other arrangements in advance for the handling of such matters.

2. Court time may not be used for marking exhibits. This must be done in advance of the court session.
3. Under no circumstances are you to attempt to communicate in any manner with any member of the jury prior to or during trial. Your clients and witnesses should also be so instructed.
4. Do not argue the case or discuss law in your opening statement. Your opening statement should present a concise summary of the ultimate facts to be proved. Do not describe in detail what particular witnesses will say.
5. Each party will be responsible for securing the appearance of witnesses the party proposes to call.
6. Clients and witnesses are expected to be on time, and counsel should always have witnesses available to fill a full trial day (*i.e.*, 8:30 a.m. to 5:00 p.m.). Counsel who do not have a witness available may be penalized.
7. Please stand at the lectern when you question witnesses. Counsel with physical disabilities may be excused from this requirement.
8. The Court encourages counsel to utilize its Digital Evidence Presentation System. Training is provided by the Court. Contact Scott Ferguson at 348-2063 to schedule a training session. The length of the training session depends on each individual's needs; however, the average length of a session is 15 to 30 minutes.
9. If you intend to question a witness about a group of documents, avoid delay by having all the documents with you when you start the examination.
10. Commence your examination or cross-examination without unnecessary preliminary introduction.
11. Do not refer to any party or attorney by their first name. Always use surnames. (e.g., Mr. Smith, Ms. Jones.)
12. When you object in the presence of the jury, make your objections short and to the point. "Speaking" objections will not be allowed. Cite the Rule of Evidence or common designation for your objection (*e.g.*, "hearsay"). Do not argue the objection. Do not make substantive motions (*e.g.*, a motion for a mistrial or directed verdict) in the presence of the jury. Such matters may be raised at sidebar or, by request, at the first recess without waiving any rights by such delayed motion.
13. Do not argue with the ruling of the Court in the presence of the jury and refrain from thanking the Court following a ruling.
14. The jury's time is valuable. If you anticipate that oral argument will be required for an evidentiary ruling or to resolve some other issue during the trial, alert the Court as soon as possible so that the matter may be heard either before court or after court outside the presence of the jury.
15. The Court will instruct the jury before closing arguments. You may refer to specific instructions in your closing argument.