

HON. JAMES A. HAYNES
District Judge

Twenty-first Judicial District
Ravalli County Courthouse
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MONTANA FOURTH JUDICIAL DISTRICT COURT, ^{Missoula} ~~RAVALLI~~ COUNTY

THE STATE OF MONTANA,

Plaintiff,

vs.

WILLIAM M. WINDSOR,

Defendant

Cause No. DC 2014-509
Department No. 3

**CRIMINAL JURY TRIAL
PREPARATION ORDER**

It appearing to the Court that this cause remains unresolved and ready for trial,

IT IS ORDERED that the following scheduling deadlines are hereby established and shall supersede any prior scheduling orders herein:

Friday, May 22, 2015: On this date at **1:30 p.m.**, the Court will hold a preliminary pretrial conference at the Missoula County Courthouse. Defendant shall be available for consultation at that time in the Missoula County Courthouse unless his presence is excused by the Court. Proposed jury instructions and exhibit/witness binders shall be presented and exchanged at that time under the guidelines hereinafter set forth.

THIS MATTER IS HEREBY SET FOR JURY TRIAL ON THE FOLLOWING DAYS:

Monday, Tuesday and Wednesday, June 22, 23 & 24, 2015, at 9:30 a.m., 1st SETTING,

WITH A JURY OF **twelve (12)** PERSONS, AT THE MISSOULA COUNTY COURTHOUSE, MISSOULA, MONTANA. Trial time is limited not to exceed **three (3)** days, and the Court reserves the power to set time limits on jury selection, opening and closing statements, and presentation of testimony, as may be necessary to not exceed the allotted time allowed.

There shall be no modifications to this order absent further order of this Court upon showing of good cause. Any motion for continuance or postponement shall be submitted in writing, supported by affidavit, and bear the signature of counsel and must be received by the Court no later than five (5) business days before commencement of trial.

TRIAL GUIDELINES

On the first day of trial, counsel are expected to be present in chambers no later than **8:30 a.m.** for **final** pretrial conference. At that time the Court will be available for any unresolved preliminary matters and to determine which exhibits may be preadmitted into evidence without foundation. The first trial day will begin at 9:30 a.m., with the luncheon recess at 12:00 noon. Trial will resume at 1:30 p.m. and will run to 5:00 p.m. Trial will resume at either 8:30 a.m. or 9:00 a.m. as the Court may direct on any subsequent trial days. There will ordinarily be a twenty minute mid-morning recess and a twenty minute mid-afternoon recess each trial day.

Requests for special Court services should be made well in advance of the trial date. If you have any questions, call the District Court Administrator, Becky Knutson, at 375-6790.

Thank you for your cooperation in working with each other to achieve the common objective of a fair trial.

CHECKLIST FOR PRETRIAL CONFERENCES AND TRIAL

- A. **Exhibit Lists:** Each party shall prepare an index of exhibits which they expect to offer, using the attached form. Original and three (3) copies of Exhibits shall be provided at the preliminary pretrial conference as follows:

- 1) Original for the Court/Clerk;
- 2) Copy for the Court/Judge;
- 3) Copy for opposing counsel;
- 4) Copy for use at the witness stand.

(There is no requirement to offer exhibits in sequence.)

A Notice of Filing Exhibit List with attached exhibit list should be filed with the Clerk of Court's office. A copy of the notice and exhibit list should be included in each binder and presented at the preliminary pretrial conference.

- B. Exhibits:** Counsel shall affix printed exhibit labels to their exhibits, legibly marked with the exhibit number or letter and the cause number. Plaintiff's exhibits should be marked in numerical sequence; Defendant's exhibits in alphabetical sequence. If there are more than twenty-six exhibits for the Defendant, mark them "AA", "BB", etc. Counsel shall keep in mind exhibits that may be grouped together for easy reference. Oversize exhibits must be detachable from any mounting for storage by the Clerk of Court following the trial. Photographs should be submitted in clear plastic sleeves and each should be individually identified by label, for example, Exhibit 2-A, 2-B, etc.
- C. Exhibit Books:**
- (1) It is expected that pre-labeled and marked documentary exhibits, bound as hereinafter set forth, shall be deposited with the Court at or before the preliminary pretrial conference. These shall be the official exhibits used by witnesses during the trial and made part of the official trial record for appeal purposes.
 - (2) It is further expected that photocopies of each pre-labeled documentary exhibits, bound as hereinafter set forth shall be provided to each opposing counsel, any unrepresented party, and to the presiding judge at the same time. These will be for the personal use and note taking by each of those individuals during trial.
 - (3) The official exhibits and all copy sets shall be punched and bound in ring binders and index-tabbed by letter or number corresponding to each exhibit using the exhibit lists as a table of contents. Sensitive documents/photographs not susceptible to punching should be submitted in ring punched plastic sleeves.
 - (4) Counsel and unrepresented parties are expected to review all proposed exhibits prior to the date of trial and to be prepared to make a record of any stipulations to proposed exhibits at the time of the final pretrial conference immediately prior to the commencement of trial.
- D. Jury Instructions:** Prior to the preliminary pretrial conference the parties are directed to confer with one another regarding proposed jury instructions and verdict form. A "clean" copy shall refer to instructions without any reference source, or notation on. A "working" copy shall indicate the party on whose behalf it is requested, contain reference to the

source thereof, and a citation of authority, if any, supporting the statement of law contained therein. On or before the date of the preliminary pretrial conference counsel shall submit:

- 1) One "clean" set of joint jury instructions for the Court.
- 2) Two (2) "working" copies of joint jury instructions (opposing attorney/Judge)
- 3) One "clean" set of proposed instructions not agreed upon
- 4) Two (2) "working" sets of proposed instructions not agreed upon (opposing attorney/Judge)
- 5) **A disk or CD containing the jury instructions OR transmittal as an attachment in an email to the Court Administrator – in Word or WordPerfect format – NOT .PDF format.**

Brief written objections to the opposing party's supplemental proposed instructions containing citations to appropriate authority and legal arguments shall be submitted at or before the final pretrial conference on the morning of trial. Oral arguments regarding contested instructions shall be heard during final settlement of the instructions.

- E. **Witnesses:** Counsel shall provide the Court with three (3) copies of a list of their respective witnesses at the preliminary pretrial conference, using the attached form. One copy will be given to the Court Reporter to avoid asking the spelling of the witness' names. It is the obligation of counsel to have their witnesses available to prevent any delay in the presentation of testimony or running out of witnesses before 5:00 p.m. on any trial day. If counsel has a problem in this regard, it should be promptly brought to the Court's attention as soon as possible.

A Notice of Filing Witness List with attached exhibit list should be filed with the Clerk of Court's office. A copy of the notice and witness list should be included in each binder at the preliminary pretrial conference.

- F. **Voir Dire:** Pursuant to Local Rule 13, the length and conduct of voir dire examination shall not exceed one (1) hour per side without prior leave of the Court.
- G. **Terminology:** Counsel shall prepare a glossary of any unusual or technical terminology and provide it to the Court Reporter prior to trial.
- H. **Depositions:** If deposition testimony will be used, counsel shall advise opposing counsel of such proposed offer by page and line reference to enable the preparation of objections and the offer of additional portions. Written objections and evidentiary grounds must be filed with the Court prior to the final pretrial conference. Counsel is also required to provide a person (co-counsel or someone other than Court staff) to read the answers.
- I. **Audio-Visual Equipment:** If you intend to use any special equipment, such as slides, overhead projectors, or tape recorders, you are requested to make the appropriate arrangements at least five (5) business days prior to the date of the trial and to advise the Clerk of District Court. The Court has a white dry erase board and an oversize video

monitor in the courtroom to display VHS video tapes, DVDs, or images from your laptop.

- J. **Pretrial Motions:** All motions must be fully briefed and set for hearing by arrangement with the Court Administrator at least ten (10) business days prior to trial. No pretrial motions will be heard on the morning of trial absent extraordinary circumstances.
- K. **Expert Witnesses:** Counsel shall furnish opposing counsel with any final reports of experts anticipated to testify at or prior to the final pretrial conference and in conjunction with the schedule as set forth in the Case Scheduling Order.
- L. **Oversize Exhibits:** If counsel intend to use oversize diagrams or large exhibits it is preferred that they be prepared before trial and placed on the display board or otherwise mounted for display in the courtroom during recesses to best utilize available time. File size copies of oversize exhibits shall be made for the members of the jury, Court, and the opposing party. Dry erase board illustrations are discouraged since they cannot be preserved for the appellate record.
- M. **Final Argument:** Final Argument shall be based on the assumption that the Court and jury have listened to the evidence, and shall be commensurate with the length of the trial and complexity of the issues.

DATED this 1st day of MAY, 20 15.


HON. JAMES A. HAYNES, District Judge

cc: Attorneys of Record

