

GENERAL RULES FOR JURY TRIALS IN ONONDAGA COUNTY SUPREME COURT

THE FOLLOWING RULES APPLY TO ALL JURY TRIALS IN ONONDAGA COUNTY SUPREME COURT (EXCLUDING MATRIMONIAL TRIALS) UNLESS OTHERWISE ORDERED BY THE IAS JUSTICE

NOTE: If the IAS Justice requires paper copies of e-filed documents, then you must provide those to the IAS Justice within two business day of the time they are e-filed.

1. Final Pre-trial Conference

The IAS Justice will hold a final pre-trial conference in chambers at least one week before the trial date. Counsel must be prepared to discuss settlement, witness and exhibit lists, scheduling of witnesses, identity of expert witnesses, *voir dire*, proposed jury charges, special verdict sheet, motions *in limine*, EBT transcripts, videotaped testimony, stipulations and courtroom assignment. If an attorney does not have settlement authority, then his/her client and/or insurance adjuster must be personally present at the pre-trial conference.

2. Trial Hours

Generally, the trial will be conducted between 9:00 a.m. and 4:00 p.m. each day, with an hour break for lunch. The starting time of the trial may be delayed on the IAS Justice's motion day.

3. Motions in Limine

Motions *in limine* must be filed and served at least **two weeks** prior to the trial date. Opposing papers, if any, must be filed and served at least **one week** prior to the trial date. Motions *in limine* are to be made returnable in chambers at **9:30 a.m. on the trial date**.

4. Proposed Jury Charges and Special Verdict Sheets

Proposed jury charges and special verdict sheets must be filed and served at least **one week** prior to the trial date. These items must be submitted in electronic form and in paper, if required by the IAS Justice. The courts in Onondaga County have Microsoft Word software and the electronic copy must be compatible with that software. Proposed jury charges must include the PJI section number and title of the charge. If there is no applicable PJI charge, or if counsel is requesting a deviation from the PJI, then counsel must provide the text of the proposed charge with citations to relevant legal authority and a highlighted copy of all referenced authority. Counsel need not request PJI charges 1:2 through 1:41 because these form part of the Court's "boiler plate" charge. Additionally, PJI charges 1:90 (expert witness); 1:91 (interested witness); 1:94 (use of pre-trial deposition upon trial) and 1:97 (special verdicts) will be charged when applicable, and these charges need not be requested.

5. Exhibits

A list of all exhibits, except those exhibits to be used solely for credibility or rebuttal, must be filed and served at least **one week** prior to the trial date. The exhibit list must include a

brief description of each exhibit. Counsel shall consult in good faith to agree upon the exhibits that will be offered into evidence without objection. The exhibits are to be marked immediately following the final pre-trial conference and prior to commencement of trial, subject to the availability of the assigned court reporter. Plaintiff's exhibits shall be marked with numbers and defendant's exhibits shall be marked with letters.

6. Use of EBT Transcripts and Videotaped Testimony

If counsel intends to read EBT testimony into evidence, then at least **one week** prior to trial counsel must provide opposing counsel and the IAS Justice with a copy of the portions of the testimony counsel intends to proffer. In addition, prior to the final pre-trial conference counsel must attempt to reach agreement with opposing counsel about the admissibility of that testimony. For those portions of the testimony upon which agreement is not reached, at least **one full business day** prior to the final pre-trial conference, the party opposing admissibility must provide the IAS Justice with a written memorandum setting forth the legal basis for his/her objections, with citations to authority.

If counsel intends to use videotaped testimony, then at least **one week** prior to trial counsel must provide opposing counsel and the IAS Justice with a copy of the videotape accompanied by a written transcript of the testimony counsel intends to proffer. In addition, prior to the final pre-trial conference, counsel must attempt to reach agreement with opposing counsel about the admissibility of that testimony. For those portions of the testimony upon which agreement is not reached, at least **one full business day** prior to the final pre-trial conference, the party opposing admissibility must provide the IAS Justice with a written memorandum setting forth the legal basis for his/her objections, with citations to authority.

7. Stipulations

Be prepared to discuss possible stipulations at the final pre-trial conference.

8. Date Certain and Scheduling of Witnesses During Trial

The trial date is a **date certain**. Trial adjournments will be granted **ONLY** upon good cause shown. Once the trial is commenced, it will proceed, without interruption, until a verdict is rendered. The Court will not inconvenience jurors by delaying the trial to accommodate witnesses. However, the Court will allow witnesses to testify out of order, as necessary.

9. Interpreters and other Special Trial Needs

At the earliest possible time, but no later than **three weeks** before the trial date, counsel must advise the Court if they need an interpreter or any other special trial accommodations.

THESE ARE THE GENERAL RULES FOR JURY TRIALS IN ONONDAGA COUNTY SUPREME COURT. PRIOR TO TRIAL COUNSEL MUST CONSULT WITH CHAMBERS OF THE IAS JUSTICE TO DETERMINE WHETHER S/HE HAS ANY SPECIAL TRIAL RULES.