

PEEKSKILL CITY COURT
2 Nelson Ave
Peekskill, New York 10566
(914) 831-6480
(914) 736-1889

JUDGE REGINALD J. JOHNSON

RULES FOR TRIAL COUNSEL

JURY TRIALS

(rules are effective 2/10/20)

Court Attorney: Darlene Bruce, Esq. (914) 831-6471

1. **Be Prepared:** Prior to jury selection, counsel is cautioned to ascertain the availability of all witnesses and subpoenaed documents. Plaintiff's counsel shall subpoena to the Courthouse all necessary files and/or documents to the Courthouse as soon as possible after the trial date is scheduled. If you have non-English speaking witnesses, or any other special needs, e.g. easels, blackboards, shadow boxes, televisions, subpoenaed material, etc., it is your responsibility to notify the Court Officer in advance so as not to delay the progress of the trial.
2. **Document Submission:** Plaintiff's counsel shall furnish the Court with copies of:
 - A. Marked pleadings as required by CPLR 4012;
 - B. A copy of any statutory provisions (not only the citations) in effect at the time the cause of action arose upon which either the plaintiff or defendant relies, including, but not limited to the applicable sections of the Vehicle & Traffic Law;
 - C. The bill (s) of particulars and notice(s) to admit;
 - D. All expert reports relevant to the issues;
 - E. All reports, depositions and written statements which may be used to either refresh a witness' recollection and/or cross-examination the witness;
 - F. If any part of a deposition is to be read into evidence (as distinguished from mere use on cross-examination) you must, well in advance, provide the Court and your adversary with the page and line number of all such testimony so that all objections can be addressed prior to use before the jury; and
 - G. The actuarial table you wish the court to rely upon, if you intend the court to charge the jury on life expectancy of a litigant.
3. **Assignment Conference:** At this conference counsel should be prepared:
 - A. To alert the Court as to all anticipated disputed issues of law and fact, and provide the Court with citations to all statutory authority upon which counsel will rely. Counsel should provide copies to the Court and to your adversary of the case law upon which you intend to rely;
 - B. To stipulate to undisputed facts and the admissibility of clearly admissible documents and records;

- C. To provide proposed Jury Charges from PJI and a proposed Jury Verdict Sheet, both of which must be in typewritten form;
 - D. To alert the Court to any anticipated *in limine* motions or evidentiary objections which counsel believes will be made during the course of the trial;
 - E. To provide the Court with a copy of all prior decisions and orders which may be relevant to said *in limine* applications;
 - F. To discuss scheduling as well as the number of witnesses to be called at trial, and the estimated length of the trial;
 - G. To alert the Court as to any anticipated problems regarding the attendance at trial of parties, attorneys or essential witnesses, and any other practical problems which the Court should consider in scheduling;
 - H. To alert the Court to any anticipated requests for a jury instruction relating to missing witnesses and/or documents; and
 - I. To alert the Court to any anticipated request for apportionment as to alleged culpable nonparties pursuant to CPLR Article 16.
4. **No Communication with Jurors:** In order to maintain the appearance of total impartiality, once the jury has been selected no one is to communicate in any form at any time with any juror. This includes both verbal and non-verbal communications, including, without limitation, nods, shrugs and shaking the head. Do not even say “hello” or “good morning”.
5. **Check-in:** At the start of each day on trial, check in with the clerk of the Court and/or the Court Officer so that (s)he will be aware of your presence. **PLEASE BE ON TIME.** If you will be delayed, you must notify the court in advance by calling the Court at (914) 831-6480. If and only if you get no answer, then call the Court Attorney Darlene Bruce at (914) 831-6471. Leave a message if appropriate.
6. **Trial Objections and Arguments:** If a lawyer wishes to make an objection, it can be accomplished by standing and saying the word, “objection”, and by adding thereto up to three more words so as to state the generic grounds for the objection, such as “hearsay,” “bolstering,” “leading,” or “asked and answered.” If you believe further argument is required, ask permission to approach the bench. This request will almost always be granted. Keep in mind that you will always be given the opportunity to make a full record.
7. **Courtroom Comments and Demeanor:** All remarks should be directed to the Court. Comments should not be made to opposing counsel. Personal remarks, including name-calling and insults, to or about opposing counsel will not be tolerated. Remember do not try to “talk over” each other; only one person speaks at a time or the record of the proceeding will be incomprehensible. Simple requests (e.g., a request for a document or an exhibit), should be accompanied in a manner which does not disrupt the proceedings or your adversary, such as a possible stipulation, ask for permission to approach the bench. The Court will grant that request, and you will have a chance to talk to each other outside the presence of the jury. In addition, no grandstanding in the presence of the jury, i.e., making demands, offers or statements that should properly be made outside the presence of the jury.
8. **Examination of Witnesses:** Do not approach a witness without permission of the Court. Please allow the witness to complete his/her answer to your question before asking another question. DO NOT interrupt the witness in the middle of an answer, unless it is totally

unresponsive in which event you should seek a ruling from the Court. Direct examination, cross, redirect and re-cross are permitted. However, the Court does not ordinarily permit further examination of a witness after re-cross.

9. **Jury Charge & Verdict Sheet:** Before the commencement of jury selection all counsel shall submit typewritten proposed jury charges and verdict sheet to the Court. Submission shall be made both by handing copies to the Court **AND BY EMAIL TO dgbruce@nycourts.gov**. Proposed jury charges sent by email should not be in pdf format, but rather in Word or WordPerfect. Amendments thereto shall be permitted at the final charging conference. If counsel relies on a Patter Jury Instruction [PJI] without any change thereto, it should be referred to by PJI number and topic only. If any changes to the PJI are suggested, then the entire proposed charge should be set forth and the changes should be highlighted or otherwise called to the Court's attention. Copies of appropriate statutory or common law authority shall be given in support of suggested non-PJI jury charges or suggested PJI modifications. In addition, unless a marshaling of the evidence is waived, Counsel should, at the final charging conference, provide the Court with the proposed facts which counsel believes should be marshaled by the Court; and the respective contentions of the parties.
10. If you need to contact the Court concerning scheduling issues that arise, you may do so.

JUDGE REGINALD J. JOHNSON

RULES FOR TRIAL COUNSEL

NON-JURY TRIALS

(rules are effective 2/10/20)

NON-JURY TRIALS

1. **Be prepared:** Counsel is cautioned to ascertain the availability of all witnesses and subpoenaed documents. Plaintiff's counsel shall subpoena to the Courthouse all necessary files and documents as soon as possible after assignment of the case to this part. If you have non-English speaking witnesses, or any other special needs, e.g. easels, blackboards, shadow boxes, televisions, subpoenaed material, etc., it is your responsibility to notify the Court Officer, in advance, so as not to delay the progress of the trial.
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 - A. Marked pleadings as required by CPLR 4012;
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 - D. All expert reports relevant to the issues;

- E. All reports, depositions and written statements which may be used to either refresh a witness' recollection and/or cross-examination the witness;
 - F. If any part of a deposition is to be read into evidence (as distinguished from mere use on cross-examination) you must, well in advance, provide the Court and your adversary with the page and line number of all such testimony so that all objections can be addressed prior to use; and
 - G. All Exhibits for No Fault trials must be properly bound and tabbed with typewritten Exhibit Tabs. All Exhibit Tabs must be numbered or lettered with Index on front page.
3. **Assignment Conference:** At this conference counsel should be prepared:
- A. To alert the Court as to all anticipated disputed issues of law and fact, and provide the Court with citations to all statutory law authority upon which counsel will rely. Counsel should provide copies of any case law authority upon which counsel will rely & provide copies to your adversary;
 - B. To stipulate to undisputed facts and the admissibility of clearly admissible documents and records;
 - C. To alert the Court to any anticipated *in limine* motions or evidentiary objections which counsel believes will be made during the course of the trial;
 - D. To provide the Court with a copy of all prior decisions and orders which may be relevant to said *in limine* applications;
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