

## CRIMINAL JURY TRIALS BEFORE JUDGE ROSSITER

Trial hours: Trial hours will usually be from 9:00 a.m. to 12:00 p.m. and 1:30 p.m. to 4:30 p.m. with fifteen (15) minute breaks in morning and afternoon.

Placement of counsel at counsel tables: The government's counsel shall utilize the tables closest to the jury box and the defendant's counsel shall utilize the tables farthest from the jury box.

Questioning: Counsel should generally question from the podium, unless the Court otherwise directs. Counsel should always refer to and ***address witnesses and parties by their surnames absent prior permission from the Court.***

Table microphone: Microphones are placed on each podium, and table microphones are placed on each counsel table. The microphones should be pulled directly in front of and approximately six inches away from counsel. Use these microphones for questioning and making objections. Note that the microphones can be muted for client conferences by pushing the button on the base of the microphone.

Courtroom audio: Be aware that when you speak in the courtroom during trial ***and during breaks*** it is broadcast to Judge Rossiter's chambers.

Number of jurors: The Court will seat twelve (12) jurors and usually one alternate.

Jury selection: The Court will conduct limited examination of the jury panel. Generally, counsel are given twenty (20) minutes per party to conduct voir dire. The Courtroom Deputy will monitor time and will provide notice of the expiration of such time and, if requested, will provide notice when five (5) minutes are left.

Opening statements: Generally, counsel are allotted up to thirty (30) minutes for opening statements. The Courtroom Deputy will monitor time and will provide notice of the expiration of such time and, if requested, will provide notice when five (5) minutes are left.

Preliminary jury instructions: The Court reads to the jury a standard set of preliminary jury instructions designated Instruction No. 1 after voir dire and before opening statements. A copy of Instruction No. 1 is provided to counsel ten days before trial.

Closing argument: Generally, counsel for each party is allotted a total of thirty (30) minutes a party for closing argument. The government may reserve up to ten (10) minutes for rebuttal (one-third of their time). In no event may the government's rebuttal time exceed half of the time actually used. Rebuttal must be true rebuttal and should not raise new issues or points of argument not addressed in the government's first argument

or in the defendant's closing. The Courtroom Deputy will monitor time and will provide notice of the expiration of such time and, if requested, will provide notice when five (5) minutes are left.

Final jury instructions: Please refer to the Trial Order. The Court reads the final substantive jury instructions after closing arguments.

Objections: The Court does not allow speaking objections. For objections based upon lack of foundation, objecting counsel should state what foundation is lacking. If counsel desires a bench conference, state your request and allow time for the court reporter to set up her equipment at sidebar. ***Bench conferences should be kept to a minimum.***

Exhibits: Please refer to the Trial Order. In addition, exhibits shall be numbered consecutively; usually separate exhibits should be numbered separately. If exhibits are composed of multiple pages, each page of the exhibit shall be numbered. Letters should not be used to identify exhibits or pages within an exhibit.

Evidence presentation: Unless good cause exists, counsel shall use the courtroom multimedia systems, including the video presenter, and their own laptops for displaying exhibits on the jury monitors. Counsel are also encouraged to become familiar with the equipment prior to trial by contacting the Courtroom Deputy for training. Before trial, counsel should test any audio, video or electronic presentations to assure that no trial delays occur due to avoidable technical issues. The Courtroom Deputy will generally control any electronic publishing of exhibits to the jury from the bench, upon Judge Rossiter's instruction.

Depositions: Please refer to the Trial Order.

Jury matters following submission: Counsel shall be available for return to the courtroom on short notice until after the jury has returned its verdict. Counsel shall keep the Courtroom Deputy advised of where they can be reached at all times. Jury questions will normally be taken up on the record with counsel present.

No recross-examination: The Court does not permit recross-examination. Cross-examination should be limited to the scope of the direct examination, and redirect examination limited to the scope of the cross-examination.

Juror note-taking/juror questions: The Court allows jurors to take notes but does not permit jurors to ask or submit questions during trial.