

**HANDOUT/PROCEDURE FOR
CIVIL JURY TRIALS
DISTRICT COURT – DEPARTMENT XXXI
JUDGE JOANNA S. KISHNER**

Judicial Executive Assistant: TRACY CORDOBA • 671-3634 • cordt@clarkcountycourts.us
Court Recorder: SANDRA HARRELL • 671-0897 • harrells@clarkcountycourts.us
Clerk: SUSAN BOTZENHART • 671-0638 • botzenharts@clarkcountycourts.us

Depositions

All original depositions anticipated to be used in any manner during the trial (other than in lieu of live testimony) must be delivered to the Clerk at the date and time exhibits are delivered, at or prior to the Calendar Call. If deposition testimony is anticipated to be used in lieu of live testimony, the parties shall discuss the designations at the EDCR 2.67 conference. Any designation (by page/line citation) of the portion(s) of the testimony to be offered must be served on all parties, with a courtesy copy to the Court, **two (2) judicial days prior to the Calendar Call**. Any counter-designations (by page/line citation) of testimony must be served on all parties, with a courtesy copy to the Court, **one (1) judicial day prior to the Calendar Call**. If there are any objections to the designations or counter-designations, then the parties need to provide the Court (at or before the Calendar Call) with copies of the depositions which show on each page which excerpts are objected to and by whom. ******(If there is to be use of deposition testimony in lieu of live testimony for more than one (1) witness, notify the Court at the Pre-Trial Conference so that time can be set aside prior to trial to hear the objections.)******

Audio Visual Witness Appearances

Pursuant to Rule 4 of the Nevada Supreme Court's RULES GOVERNING APPEARANCE BY AUDIO VISUAL-TRANSMISSION EQUIPMENT, if a party wishes a witness to appear at trial via Audio/Visual, the party must comply with Rule 4 and complete an **Audiovisual Transmission Equipment Appearance Request form**, located on the Court's website, as well as comply with the terms therein, at least five (5) Judicial Days prior to the Calendar Call unless the Court provides a different time-frame. If the Audio Visual appearance is objected to, the parties need to notify the Court and schedule time to have the objection heard at least one judicial day prior to the anticipated testimony.

Jury Notebook

In accordance with ADKT 351 and EDCR 2.69, the Court will allow the parties to provide a Jury Notebook if the case is such that a Jury Notebook would be beneficial to the jury. If either party wishes to prepare a Jury Notebook, the party should bring that request to the attention of the Court at or before the Pre-Trial Conference date. Further, if a Jury Notebook is to be used, Counsel shall meet, review, and discuss items to be included in the Jury Notebook prior to the Calendar Call. Additionally, at the Calendar Call, Counsel shall be prepared to stipulate or make specific objections to items to be included in the Jury Notebook in accordance with EDCR 2.69.

Proposed Voir Dire

In accordance with EDCR 7.70, Counsel shall submit proposed voir dire questions to the Court, via email to the JEA, or a courtesy copy to Chambers, **at or before Calendar Call**, unless otherwise directed by the Court.

Proposed Jury Instructions and Verdict Forms

In accordance with EDCR 2.69, Counsel shall meet and discuss pre-trial instructions to the jury, jury instructions, and verdict forms. **Each side shall provide the Court, at or before Calendar Call (unless otherwise directed by the Court), an agreed-upon set of jury instructions (since the instructions are agreed upon they can be provided in an uncited format), proposed verdict form(s), along with any additional jury instructions proposed by either side. (The additional jury instructions are those that one party is proposing but the other party(ies) oppose. As these jury instructions will need to be argued to the Court, please provide the proposed opposed jury instructions in both uncited and cited format as shown in the example at the end of this document.)** The jury instructions that are agreed upon should be captioned as such on the face page. Any jury instructions proposed by Plaintiff, which are not stipulated to by the other party(ies), should be captioned "Plaintiff's Proposed Special Jury Instructions Objected to by Defendant (Cited)" and "Plaintiff's Proposed Special Jury Instructions Objected to by Defendant (Uncited)" and shall be numbered in the lower right-hand corner, in numerical order, as P-1, P-2 etc. (An example is attached.)

Any jury instructions proposed by Defendant, which are not stipulated to, shall be captioned, "Defendant's Proposed Special Jury Instructions Objected to by Plaintiff (Cited)" and "Defendant's Proposed Special Jury Instructions Objected to by Plaintiff (Uncited)" and shall be numbered in the lower right-hand corner, in numerical order, as D-1, D-2 etc. (An example is attached.) **In addition to the paper copy provided, each party must also concurrently provide an electronic version, in WORD format, (.doc – not .docx) of the jury instructions and proposed verdict forms, via e-mail, to Dept. XXXI JEA, Tracy Cordoba, cordt@clarkcountycourts.us.** Please make sure that electronic documents are **NOT** sent as "read only." It is also advisable to bring a disk/jump drive of the instructions in Word format (.doc) to the courtroom. **Counsel should also be aware that failure to provide the jury instructions and proposed verdict forms timely may result in court staff working overtime, and any such overtime shall be billed to the applicable party(ies). It may also result in the proposed instructions and/or verdict forms as being deemed untimely and not considered, or other sanctions may be imposed.**

Audio Visual Equipment and Courtroom Equipment

If Counsel anticipates the need for special electronic equipment during the trial, a request must be submitted to the District Court Help Desk following the Calendar Call, but no less than three (3) judicial days before the commencement of trial. Please contact the Court Help Desk via E-Mail to courthelpdesk@clarkcountycourts.us. Please contact Department XXXI prior to the Calendar Call for the availability of other special equipment that you may anticipate needing for trial.

EDCR 2.69(d) Conference

In accordance with EDCR 2.69(d), the Court may set a conference to be held prior to the commencement of the anticipated trial date at which the following issues are resolved:

- (1) Any legal or evidentiary issues anticipated to be raised by the parties during trial;
- (2) Jury instructions and verdict forms;
- (3) Proposed voir dire questions;
- (4) Any stipulations to the admission of proposed exhibits;
- (5) The prescreening of any demonstrative or illustrative exhibits to be used with jury;
- (6) Any objections by the parties to allowing jurors to ask questions under the procedures set forth in *Flores v. State*, 114 Nev. 910 (1998);
- (7) The scheduling of witnesses to ensure limited delays in the proceedings and any proposals by the parties regarding clustering of expert witness testimony;
- (8) The portions of any depositions to be read or shown by videotape to the jury and any objections to the portions; and

- (9) The content of notebooks (if parties will be using notebooks) to be provided to the jury.

The parties will be notified at the Calendar Call of the date and time of the conference if one is necessary.

EXHIBITS

In accordance with EDCR 2.67, Counsel shall meet, review, and discuss exhibits prior to commencement of the trial. All exhibits must comply with EDCR 2.27, and be prepared in accordance with Dept. XXXI Exhibit Guidelines, which are attached. **Exhibits are due at the Calendar Call unless other deadlines are discussed with the Judge and stipulated to at the Pre-Trial Conference.** If the Judge extends exhibit deadlines beyond Calendar Call, all exhibits **MUST** be received by the Clerk no later than two (2) judicial days before start of trial.

Any demonstrative exhibits, including exemplars, power point slides, etc., anticipated to be used either by Counsel or any of their witnesses, must be disclosed to opposing Counsel and the Court prior to Calendar Call. If any demonstrative exhibits are oversized or involve set up etc., the proposed demonstrative exhibit must either be brought to the Court's attention at the Calendar Call or a written motion filed prior to the Calendar Call. Counsel shall be prepared to stipulate or make specific objections to individual proposed exhibits at the EDCR 2.69(d) conference set by the Court or as otherwise directed by the Court.

1. **Counsel is encouraged to submit Joint Exhibits, which may, or may not, be stipulated to for admittance.** If separate sets of exhibits are submitted, duplicate exhibits **MUST** be removed. Notify the Court Clerk of any stipulation(s) prior to start of trial.

2. **Two (2) sets of exhibits, which MUST be three-hole punched and MUST be submitted in three-ring binders no larger than four (4) inches, to be submitted to the Court (one for the witness stand, and one for the Court Clerk/official record.)** Do not mark or place a sticker on the exhibit itself, as the Court Clerk will mark it. If there are a large amount of exhibits, please discuss with the Court at the time of the Pre-Trial Conference.

Exhibits submitted in binders **MUST** be separated by tabs. Label the tabs with **numbers (1-500) for Plaintiff's Exhibits** and **letters (A-Z, AA) for Defendant's Exhibits**. An exhibit with more than two (2) pages should be Bates-stamped. (In order to accommodate the parties, the Court will allow the Bates stamp numbering to either reflect the exhibit tab number and then the individual page (e.g. 2-0001, 2-0002, etc.) or if it is too costly to re-number the exhibits to reflect the tab number before the individual page number, then the Court allows the pages to bear a Bates stamp number which does not reflect the exhibit number (e.g. 0001, 0002 etc.) Regardless of which format counsel chooses to use, each page of the tabbed exhibit MUST be Bates-stamped if that exhibit contains more two pages.)

If there are more than 500 exhibits for Plaintiff, and/or more than 75 exhibits for Defendant, contact the Court Clerk **no later than five (5) judicial days prior** to the Calendar Call so a block of numbers can be assigned. If **Joint Exhibits** are submitted, label tabs with **numbers**.

- The rules for photographs are different than the rules for documents. The Clerks' office requires that photographs **MUST** be identified separately within each exhibit tab. If a party chooses to place more than one photo under an exhibit tab, each photo **MUST** bear both an exhibit number tab designation as well as a letter reference for that specific photo. For example, if there are three (3) photos listed under Exhibit 7 for Plaintiff, then those photos must be designated as 7-A, 7-B, 7-C, etc. and this designation should be consistent within the exhibit list at the front of the binder.

- **DO NOT** place several photos on one sheet of paper. For example you may not place two (2) 4x6 photos on the same piece of paper. Instead, they must be on two (2) separate sheets of paper separately labeled.
- Documents and photos should be identified separately. **DO NOT** include photos and documents within the same exhibit tab.

If a party has an exhibit that contains both documents and photographs, please contact the clerk prior to the Calendar Call for guidance on how that should be designated.

****NOTE: Please ensure all social security numbers, credit card numbers, bank accounts, etc. are redacted prior to submission****

3. Submit an Exhibit List to the Court Clerk, via email, pursuant to example attached. Place a copy of the Exhibit List in **each** of the binders. The exhibits on the list shall be **numbered** for the Plaintiff(s), and **lettered** for Defendant(s) unless a block of numbers has been assigned to each party as noted previously. The Exhibit List should contain five (5) columns labeled: “#”; “Description” (short description of exhibit including Bates stamp if applicable); “Offered”; “Objected”; and “Admitted.” (See attached Exhibit List example for guidance.) **If it is a Joint Exhibit List, please use numbers.**

4. Large blow-ups of exhibits may be used as **demonstrative exhibits**. These are not marked as exhibits and usually do not go to the jury. However, if Counsel wants a larger version of an exhibit to go to the jury, it must be approved by the Court, marked separately and admitted.

5. Exhibits are to remain in the binders during trial. Counsel is to use their own copies with the overhead projector or other media.

6. **ELECTRONIC EXHIBITS** - If a party is anticipating that electronic exhibits will need to be utilized, the parties **must notify the Court the earlier of eight (8) weeks prior to the trial stack date or at the Status Check set pursuant to the Trial Order/Amended Order** so that there is sufficient time to determine if the request will be approved, prepare an Electronic Exhibit Protocol, and set a schedule for testing.

7. **Depositions** are not marked as exhibits, nor are they admitted, and do not go to the jury. However, original depositions which Counsel intends to use for impeachment purposes are “published” during trial proceedings and should be lodged with the Court Clerk at or before Calendar Call unless otherwise directed by the Court. Depositions **MUST** be sealed, certified copies or they will NOT be accepted. As a courtesy to the Court, if a party intends to use a deposition extensively, it is helpful to provide a mini/tote script of the deposition for the Court to review during the testimony.

JURY QUESTIONNAIRES

At the request of Jury Services, Motions for and/or stipulations for a Jury Questionnaires **must** be heard by the Court a **minimum** of **five (5) weeks** prior to the start of the trial stack. Failure to bring the Motion before the Court in the required time period may result in a denial of the Jury Questionnaire.

COURT RECORDER

The Court Recorder must be notified, 671-0897, a minimum of three (3) judicial days, in advance, if Counsel is requesting to have any or all of the proceedings recorded. If Counsel would like to have daily transcripts or cds of the trial prepared, the Court Recorder must be notified a **minimum** of two (2) weeks prior to the start of trial. Failure to notify with advance notice may result in the delay of the production of transcripts and/or cds.

ATTORNEY
ADDRESS
Attorneys for Plaintiff

DISTRICT COURT
CLARK COUNTY, NEVADA

Plaintiff,

vs.

Defendants.

CASE NO. A _____
DEPT NO.: XXXI

**PLAINTIFF’S PROPOSED SPECIAL
JURY INSTRUCTIONS OBJECTED TO
BY DEFENDANT (CITED)**

Plaintiff, _____, hereby submits its proposed special jury instructions (cited) attached
hereto as P-1 to P-_____.

Dated this _____ day of _____, 201__.

LAW FIRM

By _____
Attorney for Plaintiff

The law holds that a principal is liable for the acts of its agent.

Schlotfeldt v. Chapter Hosp. of Las Vegas, 112 Nev. 42, 47, 910 P.2d 271, 274 (1996)

ATTORNEY
ADDRESS
Attorneys for Defendant

DISTRICT COURT
CLARK COUNTY, NEVADA

Plaintiff,	CASE NO. A _____ DEPT NO.: XXXI
vs.	
Defendants.	DEFENDANT’S PROPOSED SPECIAL JURY INSTRUCTIONS OBJECTED TO BY PLAINTIFF (UNCITED)

Defendant, _____, hereby submits its proposed special jury instructions (uncited) attached hereto as D-1 to D-_____.

Dated this _____ day of _____, 201__.

LAW FIRM

By _____
Attorney for Defendant

A business owner has a duty to exercise reasonable and ordinary care in keeping its premises safe for its patrons.

EXHIBIT INDEX EXAMPLE

(PLAINTIFF'S/DEFENDANT/JOINT)¹
TRIAL EXHIBITS

CASE NO: A123456

MARY SMITH

vs.

JANE DOE

PLAINTIFF'S COUNSEL _____ DEFENSE COUNSEL _____

#	DESCRIPTION	DATE OFFERED	OBJECTION	DATE ADMITTED
1	Contract signed October 17, 2009			
2				
3	Bank Statement dated September 13, 2009			
4				
5				
6				
7a	Color Photo – Front of house			
7b	Color Photo – Close-up of front of house			
7c	Color Photo – Cracked wall on north east side of house			
8				
9				
10	Estimate fr: John Smith Restoration dated July 16, 2009 - (Bates numbers 10-0009 - 10-00011) Alternatively the Bates numbers could read (0009-0011) as noted herein as long as the exhibit list matches the exhibit tab numbering and each page is Bates-stamped			
11				
12				
13				
14				
15				
16				
17				
18				
19				
20				

¹ NOTE NUMBERS ARE TO BE USED IF THE EXHIBITS ARE JOINT OR IF THEY ARE NOT FOR PLAINTIFF'S PROPOSED EXHIBITS. IF EXHIBITS ARE NOT JOINT, DEFENDANT'S EXHIBITS ARE TO HAVE LETTER DESIGNATIONS IN THE FIRST COLUMN RATHER THAN THE NUMBERS SHOWN IN THIS EXEMPLAR.