

CIVIL JURY TRIAL PROCEDURE

DISTRICT COURT DEPARTMENT 5

Please arrive 15 minutes before trial time for resolution of any pre-trial issues. The jury will be brought in promptly at the start time given for trial.

Be prepared for trial before the trial begins. We generally have full trial days. Court may start as early as 8:00 am and end as late as 5:00 p.m. The court will not delay the progress of the trial because counsel is disorganized with witnesses or is unprepared to proceed with closing argument at the end of evidence presentation.

Any motion to continue trial must comply with EDCR 7.30. Trials may not be continued by stipulation. Trials will not be continued for settlement conferences or mediation.

Counsel requesting daily transcripts must notify the Court Recorder no later than calendar call. If you are in need of real time you should then reach out to an outside court reporter to be present at trial.

Due to Covid-19 we are no longer using water pitchers in the courtroom for health and safety concerns. Please bring your own bottled water for counsel and witnesses.

Motions in Limine

Under EDCR 2.47, motions in limine must be filed at least 45 days before trial. **The Court may decline to hear motions during trial that should have been brought as Motions in Limine.** Motions must be heard no later than 14 days before trial. The Court disfavors motions in limine requesting the Court and parties to follow Court rules. These motions waste time and resources. The Court will not hear untimely motions or motions without a complete EDCR 2.47(b) affidavit. EDCR 2.47(b) requires an affidavit detailing:

- (1) A personal or telephone conference occurred or an explanation why a conference was impossible. Impossible means something more than being unable to reach opposing counsel the day the motions were due. Department 5 requires the 2.47 conference at least one week prior to the filing of motions in limine.
- (2) Attempts made to resolve the matter.
- (3) What was resolved, what was not resolved and the reason counsel could not reach a resolution. Indicating “counsel could not agree” fails to comply with the rule.

Audio-Visual Equipment

The courtroom is equipped with an ELMO and television monitor for attorney use. A request for any other equipment must be submitted to District Court IT immediately following calendar call at Courthelpdesk@clarkcountycourts.us

Any additional equipment brought in by counsel must work in the available Court space without blocking the view of the judge, jury or opposing counsel. If you plan to admit a DVD or audio

recording you must provide a way for the jury to view the exhibit during deliberation. If using laptops or other equipment for trial, please make arrangements with IT to come in early, set up, and test equipment. **The Court Reporter or Clerk is not able to assist you. Make sure to have a paper back-up of any PowerPoint slides or other electronic presentations.** Trial will not be delayed for equipment failure.

You can reach the IT Department at CourtHelpDesk@ClarkCountyCourts.us.

Exhibits- Please submit your proposed exhibits to the Courtroom Clerk, Carolyn Jackson, no later than 1 week prior to the trial start date.

- (1) **Preferably, all parties will submit joint exhibits.** Parties need not stipulate to admission of all exhibits. Joint exhibits must be consecutively numbered beginning at 1 regardless of which party is offering the exhibit. Alternatively, the parties may submit plaintiff's exhibits, consecutively numbered beginning at 1, and defendant's exhibits, consecutively lettered, beginning at A. Regardless of the number of parties, only one set of exhibits may be submitted from each side. The court will not accept both joint and separate exhibits.
- (2) **Counsel must provide the court three (3) identical copies of exhibits** (one for the Judge, one for the clerk, and one for the witness) as follows:
 - a) Exhibits must be one-sided, three-hole punched and placed in three-ring binders with dividing tabs. Binders may not be larger than 4 inches. When possible, no single exhibit should be divided between binders. Binders must indicate clearly on the spine the case name, the volume number, and the numbers of the exhibits contained in that binder.
 - b) Exhibits must be tabbed with either consecutive numbers or letters with no subparts – each exhibit should have its own individual number or letter in order.
 - c) All exhibits over ten pages in length must be consecutively numbered in the lower right corner. The numbers must be in at least 14-pt font. The Court strongly encourages consecutive numbering of any exhibit with more than two pages.
- (3) **Exhibits must be accompanied by an exhibit list** (EDCR 2.69(a)(2)). The list must be in a table format with the exhibit number or letter; a description of the exhibit; and columns labeled "Date Offered," "Objection," and "Date Admitted." The parties must indicate on the list exhibits stipulated as admitted. The Court encourages the parties to agree on admission of exhibits prior to trial when possible, as this streamlines the process for the Court Clerk and the jury. A sample form is attached.
- (4) **The Court will not admit only part of an exhibit.** If counsel intends to admit a single page of a larger document, it should be submitted as a separately numbered exhibit.
- (5) **Amendments to the exhibits after submission to the Court must be handled with the Court Clerk on the morning of trial,** prior to the start time for the trial. If an exhibit is changed, counsel must provide three (3) complete copies of the amended exhibit.
- (6) **Exhibits that do not comply with these requirements will not be accepted by the Court.**

(7) **If counsel admits any exhibits that require electronic equipment for viewing** (CDs, DVDs, etc.), counsel must provide the necessary equipment for viewing during the trial and during jury deliberation. **Laptops must be clear of all extraneous files.**

Any questions regarding exhibits should be addressed to Carolyn Jackson, Dept. 5's Court Clerk, at JacksonC@ClarkCountyCourts.us or 702.671.0696

Proposed Jury Instructions, Verdict Forms, and Voir Dire Questions

Counsel shall meet and discuss jury instructions and verdict forms prior to calendar call as provided in EDCR 2.67. Each side shall provide the Court with an agreed set of jury instructions and proposed form of verdict, along with any additional proposed jury instructions, proposed voir dire questions, a list of potential witnesses with the anticipated days/schedule the witnesses intend to be called, and how long your opening and closing arguments are anticipated to last. **Please email both the Law Clerk, Tamara Akin, at Dept05LC@ClarkCountyCourts.us and Tara Moser, the JEA, at MoserT@ClarkCountyCourts.us, with the above-referenced requested documents prior to calendar call.**

Depositions

If counsel intends to use depositions during trial, the original depositions must be submitted to the Court Clerk no later than the Friday before the start of trial. If depositions will be read in lieu of live testimony, counsel must provide a reader who is not participating in the trial. Pursuant to NRCP 32(c), the party offering the deposition must submit to the Court a copy of the deposition with the portions being offered highlighted. Deposition designations must be provided and all objections to designations resolved prior to the start of trial. The Court will set a hearing pursuant to EDCR 2.69(d), if requested by counsel, to resolve any issues regarding depositions before trial begins.

Publication to the Jury/Demonstrative Evidence

Counsel may publish to the jury during opening statement, examination of witnesses and closing argument (1) any admitted exhibit; (2) any demonstrative evidence or not admitted exhibits with the agreement of counsel; (3) any demonstrative evidence or not admitted exhibits with permission of the court.

Civil Trial Memoranda

The Court encourages parties to submit civil trial memoranda regarding factual and legal issues that may arise during the trial. Trial memoranda must be filed and served upon opposing counsel at the time of or before submission of the memoranda to the court pursuant to EDCR 7.27. Electronic courtesy copies are preferred, and may be submitted to the department law clerk at Dept05LC@ClarkCountyCourts.us.

Witnesses/Conflicts

Please make sure to check availability of your witnesses and any scheduling conflicts for trial before calendar call. **Once set at calendar call, trials will not be continued for non-emergency conflicts of**

witnesses, parties or attorneys. Known conflicts that require a continuance should be addressed by way of a written motion.

SAMPLE

Case No.: **A123456**

Date: _____

Dept. No.: **V**

Judge: **Veronica Barisich**

Plaintiff(s): **John Doe**

Court Clerk: **Carolyn Jackson**

Recorder: _____

Counsel for Plaintiff: _____

vs.

Defendant(s): **Jane Doe**

Counsel for Defendant: _____

TRIAL BEFORE THE COURT

EXHIBIT(S) LIST

PLAINTIFF'S EXHIBITS

Exhibit Number	Exhibit Description	Date Offered	Objection	Date Admitted
1	Email Correspondence from John Doe dated January 6, 2014 (bates JD 0001-0003)			
2	Sales Contract Company, Inc. dated January 10, 2014 (bates JD 0004-00015)			
3	Photograph – Front of commercial building			
4	Photograph – Patio			
5	Photograph – Driver side rear door			
6	Photograph – Driver side rear bumper			