

## **COURTROOM PROTOCOL FOR PROCEEDINGS BEFORE JUDGE VRATIL**

February 22, 2023

**JURY UTILIZATION:** To ensure efficient and cost-effective jury utilization, the court's goal is that the jury will hear at least seven hours of uninterrupted testimony every single day of trial. The chief cause of trial delay is the bench conference which interrupts the presentation of evidence to the jury. With thoughtful planning and without prejudice to any party, the Court hopes to hear and decide all legal issues without disrupting the continuity of trial. To accomplish this goal and to make sure that counsel have sufficient opportunity to anticipate legal issues, witnesses and exhibits expected to be used in the trial must be disclosed to opposing counsel 24 hours in advance. In this way, counsel will have time to raise an issue the next day either before the jury is seated or during one of the recesses.

**EXHIBITS:** The Court requires that, to the extent possible, the original exhibits be offered in electronic format for jury trials. Judge Vratil uses JERS (Jury Evidence Recording System) through which jurors can, during jury deliberations, review evidence that has been admitted in electronic format. The system allows the jurors, in the jury room, to call up admitted exhibits by exhibit number and view the exhibits, be they in the form of digitized documents, or audio or video recordings. This allows for the jurors' more expeditious and efficient review of evidence.

The Court will provide you with specific instructions for the format and file types required in order to use JERS. JERS will not be used for bench trials.

Counsel should provide the Court a copy of exhibits to be considered at the outset of hearings or trial. This paper copy should be marked and submitted in a 3-ring binder. Please advise the courtroom deputy of any stipulated exhibits, so the Court can receive them into evidence at the beginning of trial. If you are planning the display exhibits electronically, the Court recommends a second paper copy of exhibits for the witness stand.

Counsel are responsible for maintaining the official exhibit list. Counsel shall keep an accurate record of the exhibits admitted throughout the day. The Court will also keep a record of exhibits. At the end of each trial day, counsel must review admitted exhibits with the courtroom deputy or law clerk.

**DEMONSTRATIVE DEVICES:** Whiteboards, screens, easels and other demonstrative devices are available for your use, depending on availability. Contact Audra Harper, courtroom deputy, at 913-735-2305 with any questions.

The courtroom is equipped with an advanced AV system that includes monitors for presentation of evidence at the bench, witness stand, counsel tables and jury box, an integrated document camera (ELMO) and HDMI ports at counsel tables to allow for the use of laptop computers and tablets. Training on this system may be scheduled by contacting the courtroom deputy.

## **TRIAL PROCEDURE AND HOUSEKEEPING MATTERS:**

**First day of trial:** On the first day of trial, counsel should be present at 8:30 a.m. At that time, counsel will go over court procedures with the courtroom deputy, Audra Harper.

**Court reporting:** If your witnesses will present testimony containing unusual or technical vocabulary, prepare a list of such correctly spelled names and terms for the court reporter. Any questions regarding transcripts should be directed to the court reporter.

**Jury selection:** In a civil jury trial, the court will seat eight to ten jurors. Each side will have three peremptory challenges. The Court will conduct the initial voir dire process, but counsel for each party will be allowed 20 minutes for supplemental interrogation. The Court will typically inquire concerning the following subjects:

- a. Biographical information, including the prospective juror's job, spouse's job, marital status, number of children, and educational background;
- b. Whether jurors have personal knowledge of case;
- c. Any knowledge of attorneys or law firms trying the case;
- d. Any knowledge of witnesses likely to testify;
- e. Prior service as jurors;
- f. Prior involvement in litigation as plaintiff, defendant, witness, etc.;
- g. Personal experience with subject matter of law suit;
- h. Medical circumstances or personal reasons why prospective juror could not serve.

Counsel need not propose voir dire questions on these subjects. Counsel are cautioned that in conducting their portion of the voir dire process, they shall not

- a. Argue to the jury;
- b. Ask for promises from the jury;
- c. Examine jurors concerning matters of law;
- d. Examine jurors concerning jury instructions;
- e. Examine jurors concerning opinions based on hypothetical facts; or otherwise attempt to ingratiate or indoctrinate the jury.

**Jurors:** Jurors will be permitted to take notes. In addition, the Court may allow jurors to ask questions throughout the trial. Any questions shall be screened before they are addressed in open court.

**Opening statements and closing arguments:** Absent prior leave of Court, each party will be limited to 20 minutes for opening statements and 20 minutes for closing arguments.

**Courtroom etiquette:** Stand as court is opened, recessed and adjourned. Stand when the jury enters, or retires, from the courtroom. Stand when addressing, or being addressed by, the Court. Counsel with physical disabilities are excused from these requirements. Refer to all persons, including witnesses, other counsel, and the parties, by their surnames (preceded by Mr., Ms. or other title), *not by their first names or nicknames.*