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SUE BEITIA, CLERK

**UNITED STATES DISTRICT COURT
DISTRICT OF HAWAII
300 ALA MOANA BOULEVARD, ROOM C-461
HONOLULU, HAWAII 96850**

CHAMBERS OF
DERRICK K. WATSON
UNITED STATES DISTRICT JUDGE

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**ORDER REGARDING GENERAL PRACTICE
AND TRIAL PROCEDURES BEFORE JUDGE WATSON**

REQUESTS FOR TELEPHONIC APPEARANCES:

All hearings before Judge Watson are to be attended by counsel, in person, unless prior leave is timely sought from and granted by the court to the contrary.

USE OF ELECTRONIC DEVICES:

Notwithstanding the Electronic Device Policy adopted by the United States District Court for the District of Hawaii on March 18, 2014, no electronic device may be used in Judge Watson's courtroom at any time, absent express permission from Judge Watson. Any electronic device brought into Judge Watson's courtroom shall be, upon entry, turned off and/or set to vibrate, as appropriate. Any person who fails to adhere to this instruction may be removed from the courtroom or courthouse, or subjected to other sanctions, including the confiscation of the electronic device.

SUBMISSION OF SUPPLEMENTAL AUTHORITIES:

Notwithstanding Local Rule 7.8 of the Local Rules of Practice for the United States District Court for the District of Hawaii, the court will not accept any submission of supplemental authority from any party following the filing of a reply brief without leave of court. In general, the court will not grant leave to file any supplemental authority that was available at the time of the filing of the party's last brief.

TRIAL PROCEDURES:

1. **Trial Schedule:** Except for the day(s) of jury selection, jury trial begins each day at 8:30 a.m. and runs until 1:30 p.m., unless otherwise announced. There is no lunch break taken during trial hours. Jurors and counsel are advised to bring a snack for consumption during a break. Short breaks are taken during the trial at various intervals. Certain days for jury trial may extend beyond 1:30 p.m. when the judge deems it necessary. For jury selection, the trial day starts at 9:00 a.m., a lunch break from 12:00 noon to 1:30 p.m., and concludes by 4:00 p.m. Non-jury trials begin each day at 8:30 a.m. Trial hours are sometimes longer for non-jury trials.
2. **Voir Dire:** The court conducts the general voir dire and will incorporate special voir dire based on questions that the parties submit. Each side will then have a maximum of twenty (20) minutes for voir dire which shall include both general and individual questioning of the jurors.
3. **Peremptory challenges:** Challenges shall be submitted using the alternate-strike method on a form to be distributed by the court.
4. **Juror note taking:** Jurors will be permitted to take notes during trial, if they desire to do so. The court will provide notebooks and pens. These notebooks will be left face-down on the jurors' chairs when they leave the courtroom. The jurors may, if they wish, take their notes into the jury deliberation room. After the conclusion of the trial, these notes will be destroyed.
5. **Motions in limine:** Motions in limine shall be filed in accordance with the deadlines set forth in the Rule 16 Scheduling Order. These motions will be heard, in general, no later than two (2) days before jury selection or the start of a nonjury trial. The page limit for motions in limine and any opposition shall be five (5) pages.
6. **Use of demonstrative aids during opening statement, witness examination or closing argument:** During opening statements, demonstrative aids (such as exhibits, charts or other material) shall not be displayed to the jury without a stipulation by all parties or leave of court.

Agreement of the parties shall be sought first and, only if such agreement cannot be reached, may leave of court be sought. Similarly, if counsel want to show material which is not in evidence to the jury during witness examination or closing argument, the proffering party must obtain, in advance of the proffer, all parties' consent or leave of court. Agreements of the parties or leave of court shall be sought prior to opening statement, witness examination or closing argument, and without delaying proceedings before the jury. In general, the court will not permit an exhibit to be passed among the jurors.

7. **Use of microphone:** Counsel shall use the microphone provided when addressing the court or the jury, such as in any examination, objection, statement for the record, or argument.
8. **Exhibits:** Parties are required to meet and confer to agree upon a common set of exhibits. Objections to any exhibits upon which agreement cannot be reached should be filed in a consolidated statement of objections in accordance with the deadlines in the Rule 16 Scheduling Conference Order. Any objections not set forth in such a filing shall be deemed waived.
9. **Motions during trial:** Generally, motions should be in writing. No *Daubert* motions are permitted once trial has commenced.
10. **Witnesses:** The next day's witnesses shall be disclosed by the proffering counsel to other counsel and the court by no later than 4:30 p.m. on the prior day. Witnesses not timely disclosed shall not be permitted to testify on the following day. Counsel should arrange for a sufficient number of witnesses for each day to avoid any delay in trial proceedings caused by witness unavailability.
11. **Deposition testimony:** Deadlines for the deposition testimony designations and objections are as set forth in the Rule 16 Scheduling Conference Order. If deposition testimony is to be published to the jury, the party offering this testimony should notify the other parties and the court in a timely manner so that the written or videotaped testimony can be edited in accordance with the court's ruling on any objections without any delay in the trial proceedings. In general, no later than the trial day prior to the proposed publication to the jury, counsel shall meet with the court to resolve outstanding objections. By

the start of the trial day on which the designations are to be published to the jury, the offering party shall provide a revised transcript of the deposition testimony designation to opposing counsel and the court. If the deposition testimony is to be published by reading testimony aloud to the jury, the offering party shall provide a person to read the testimony.

12. **Jury Instructions:** As early as possible, but no later than the night before closing arguments are to begin, the court will meet with counsel to resolve disputed jury instructions. Each juror will be given a copy of the final jury instructions. Proposed jury instructions and proposed special verdict forms shall be submitted both in hard copy and electronically in Word or in WordPerfect format via computer disk or email to watson_orders@hid.uscourts.gov.
13. **Interpreters:** Counsel and the parties are responsible for hiring and arranging for any interpreters who may be necessary for witness testimony. These arrangements should be made well in advance of trial.
14. **Special equipment:** Permission to use special equipment must be obtained in advance from the court. Counsel are responsible for obtaining, setting up, operating and removing special equipment. Contact the Courtroom Manager for specific requests or concerns.
15. **Telephone numbers:** Counsel shall exchange telephone numbers at which they may be reached after court hours and shall provide this information to the Courtroom Manager before the start of trial.
16. **Faxes to the Court:** No material may be faxed to chambers without prior permission from chambers staff.

DATED: Honolulu, Hawaii, March 19, 2014.




Derrick K. Watson
United States District Judge