

# UNITED STATES DISTRICT COURT

DISTRICT OF HAWAII  
300 ALA MOANA BLVD.  
HONOLULU, HAWAII 96850

**KEVINS.C. CHANG**  
UNITED STATES MAGISTRATE JUDGE

TELEPHONE: (808) 541-1308

**KENNETH J. MANSFIELD**  
UNITED STATES MAGISTRATE JUDGE

TELEPHONE: (808) 541-1428

## TRIAL PROCEDURES BEFORE MAGISTRATE JUDGES KEVIN S.C. CHANG AND KENNETH J. MANSFIELD *(Last Revised: 04/13/2017)*

1. **Trial Schedule:** Except for the day of jury selection, jury trial commences daily 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 at various intervals throughout the trial. Trial may extend beyond 1:30 p.m. on certain days if the judge deems it necessary. Jury selection day begins at 9:00 a.m. and concludes at 4:00 p.m., with a lunch break from noon to 1:30 p.m. Trial hours are sometimes longer for nonjury trials. Sanctions may be imposed on any party, attorney, or witness for tardiness that delays the court proceedings.
2. **Bench Conferences:** Bench conferences or side bars are highly discouraged and are not generally permitted. If a problem arises during examination, counsel should defer the matter and move to another line of questioning and the dispute will be resolved during a recess. In general, counsel will meet daily with the judge at 8:15 a.m. prior to trial, during recess, or after the jury is dismissed for the day to discuss any anticipated disputes.
3. **Voir Dire:** The court conducts the general voir dire and will incorporate special voir dire based on questions that the parties may have submitted. Each side will then have a maximum of fifteen (15) minutes for voir dire which shall include both general and individual questioning of the jurors.
4. **Juror note taking:** Jurors will be permitted to take notes during trial. 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 take their notes into the jury deliberation room if they so desire. 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. The hearing on these motions is ordinarily scheduled the day before jury selection. If the parties wish to have these motions heard at an earlier date, they should make a request at the Final Pretrial Conference.

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. The parties should endeavor to reach an agreement concerning the use of demonstrative aids. If the parties are unable to reach an agreement, they may seek leave of court. Similarly, if counsel wish to present material to the jury that is not in evidence 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 obtained prior to opening statements, witness examination, or closing arguments, 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. Counsel shall inform the court, no later than the hearing on the motions in limine, of the exhibits that all counsel have agreed may be admitted into evidence and any disputed exhibits. Any party objecting to the admission of any exhibits listed shall inform the court of the exhibits in dispute by exhibit number. A party may seek, during trial or an evidentiary hearing, to add exhibits not previously listed by asking for leave of court. The party seeking to add exhibits shall provide the court and all of the parties with copies of the additional exhibits, mark the additional exhibits with appropriate exhibit numbers, and submit supplemental exhibit lists reflecting the additional exhibits.

9. **Motions during trial:** Motions should be in writing and conform to the Local Rules.

10. **Witnesses:** The next day's witnesses shall be disclosed by the proffering counsel to other counsel by no later than the close of each day's trial proceedings. Counsel should arrange for a sufficient number of witnesses per day and witness unavailability should not be the cause of any delay in trial proceedings.

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 delaying trial proceedings. Such notification should be provided no later than noon on the day before the testimony is to be published to the jury.

a. **Procedure:** The party offering the testimony shall give a list of the precise designations that are in dispute to the court and the other parties no later than noon on the day before the testimony will be published to the jury. The offering party shall provide the court with two (2) working copies of the complete deposition and shall indicate with highlighting the precise deposition

designations in dispute. A condensed transcript is preferred for this purpose. After the court rules on the objections, the offering party shall file with the court and serve all parties (before the testimony is published to the jury) a declaration by the party or counsel and attach a redacted copy of the deposition transcript reflecting the testimony permitted into evidence (“Working Copy”). If the deposition testimony is published to the jury by reading testimony aloud, then the offering party shall provide a person to read the testimony.

**b. Final redacted transcript:** A final redacted deposition transcript may be filed as an exhibit after the deposition testimony is published to the jury but the declaration of counsel or the party with the Working Copy must be provided to the court and all parties before the testimony is published to the jury.

12. **Jury Instructions:** Hard copies of proposed jury instructions and proposed special verdict forms shall be submitted, along with electronic copies in Microsoft Word or Word Perfect. Electronic copies may be submitted to the respective magistrate judge’s email orders address (Chang\_orders@hid.uscourts.gov or Mansfield\_orders@hid.uscourts.gov), on CD/DVD, or on flash drive.

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 (such as television monitors, laptops, iPads, and other demonstrative aides) must be obtained in advance from the court. If the parties obtain court approval, they are responsible for coordinating set up and removal of the equipment. When the parties wish to use court equipment, they must make all necessary arrangements with the IT department and are subject to any applicable limitations with respect to the usage of the equipment.

15. **Telephone numbers:** Prior to the commencement of trial, counsel shall provide the court and one another with telephone numbers at which they may be reached after court hours so that notice may be given, if necessary, of any changes in schedule.

16. **Faxes/Emails to the Court:** No trial material may be faxed or emailed to chambers without prior permission from the court, except those items specifically identified above.