

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

FILED IN THE UNITED STATES DISTRICT COURT DISTRICT OF HAWAII <i>Jun 01, 2016</i> SUE BEITIA, CLERK
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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:

Pursuant to the Order Adopting Electronic Device Policy, effective March 18, 2014, any person may bring into the courthouse an electronic device, such as a cellular phone, smartphone, laptop computer, tablet computer, or similar functioning device having wireless communications capability. Any such device is subject to security inspection. Inside a courtroom, no person may use an electronic device for any purpose, except attorneys of record, who are authorized to use an electronic device only in connection with a then ongoing, case-related proceeding, and only upon approval by the court. Photography and audio and video recording are prohibited in the courthouse at all times. Notwithstanding the District Court's general policy, a judge may restrict the use of any electronic device in any or all proceedings before that judge for any reason.

An attorney of record in a case before Judge Watson is not authorized by this order to bring any electronic device into the courthouse for a matter other than a hearing before Judge Watson or a case-related conference with Judge Watson.

No device may disrupt any court proceedings. For example, cell phones

are always to be turned off upon entering the courtroom and turned on only with the permission of the court. In no event may any camera or audio/video equipment be used in Judge Watson's courtroom or chambers.

Judge Watson may modify these general provisions at his discretion in specific cases or for specific proceedings. Anyone found to be in violation of these provisions will be subject to sanctions.

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 will be taken from approximately 12:00 noon to 1:30 p.m., and the day will conclude by 4:30 p.m. Non-jury trials begin each day at 8:30 a.m. and end at 1:30 p.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 open, 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. Agreement 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. Lapel microphones are available for use by counsel upon request.
8. **Exhibits:** The parties are required to meet and confer to agree upon a common set of exhibits. The parties are also required to meet and confer regarding objections to any exhibits upon which agreement cannot be reached, with an eye towards reaching a stipulation to both authenticity and admissibility of exhibits prior to trial. The parties are not required to file a statement of objections as provided for in the Rule 16 Scheduling

Conference Order. The parties shall file their proposed Exhibit Lists with the court no later than the date of the Final Pre-Trial Conference before the District Judge. All trial exhibits shall be placed in three-ring binders, no larger than 3” as measured outside the spine. One original copy and two additional copies of exhibit sets are due to the court on the Thursday before the start of trial.

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 business day prior to the witness’ expected testimony. Witnesses not timely disclosed shall not be permitted to testify. 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:** Counsel are responsible for complying with Local Rule 51.1. 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. Proposed jury instructions and proposed verdict forms shall be submitted both in hard copy and electronically in Word or in WordPerfect format via computer disk or emailed to watson_orders@hid.uscourts.gov. Each juror will be given a copy of the

final jury instructions and verdict form.

13. **Interpreters:** Counsel and the parties are responsible for hiring and arranging for any interpreters 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: June 1, 2016 at Honolulu, Hawai'i.




Derrick K. Watson
United States District Judge