

UNITED STATES DISTRICT COURT

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

**TRIAL PROCEDURES BEFORE
MAGISTRATE JUDGE RICHARD L. PUGLISI**

(Last Revised: 06/20/2011)

1. **Trial Schedule:** Trial dates may be set on a trailing calendar or as a definite setting. Unless otherwise informed by the Court, jury selection days and continuing jury trial and bench trial days will begin at 9:00 a.m. Judge Puglisi will normally conduct Court in “Courtroom 6,” which is located on the 2nd floor. If a change in the courtroom occurs, you will be notified by chambers.
2. **Timeliness:** Be on time for each court session. Trial engagements take precedence over any other business. If you have matters in other courtrooms, make other arrangements in advance for the handling of such matters. **PLEASE CHECK IN WITH THE COURTROOM MANAGER UPON ARRIVAL.** Sanctions may be imposed on any party, attorney or witness for tardiness that delays the court proceedings.
3. **Communications With Jurors:** Under no circumstances are you to attempt to communicate in any manner with any member of the jury prior to or during trial. Your clients and witnesses should also be so instructed.
4. **Addressing the Court:** Stand when you address the Court. This includes the making of objections. Stand at a respectful distance from the jury at all times.
5. **Opening Statement:** Do not argue the case or discuss law in your voir dire or opening statement. In your opening statement, you should present a concise summary of the ultimate facts to be proved. Do not describe in detail what particular witnesses will say.
6. **Questioning Witnesses:** Stand at the lectern when you question witnesses. (Counsel with physical disabilities will be excused from this requirement.) Do not face or otherwise appear to address yourself to the jurors when questioning a witness or listening to an answer. If you intend to question a witness about a group of documents, avoid delay by having all of the documents with you when you start the examination. Commence your examination or cross-examination without unnecessary preliminary introductions.
7. **Objections:** When you object in the presence of the jury, make your objection short and to the point. “Speaking” objections are not allowed. Cite to the Rule of Evidence or common designation for your objection (*e.g.*, “hearsay”). Do not make substantive motions (*e.g.*, a motion for a mistrial or judgment notwithstanding the law) in the presence of the jury. Such matters may be raised at sidebar or by request, at the first recess without waiving any rights by such delayed motion.

8. **Court Rulings:** Do not argue with the ruling of the Court in the presence of the jury and refrain from thanking the Court following a ruling.
9. **Bench Conferences:** Bench conferences or side bars are highly discouraged and 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 prior to trial, during recess or after the jury is dismissed for the day to discuss any anticipated disputes.
10. **Voir Dire:** The Court conducts the general voir dire and will incorporate special voir dire based on questions that the parties may have submitted. In an average case, **VOIR DIRE BY COUNSEL IS RESTRICTED TO FIFTEEN (15) MINUTES PER SIDE.**
11. **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.
12. **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, at the Final Pretrial Conference.
13. **Demonstrative Aids:** 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 after such agreement cannot be reached, then leave of court may 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.
14. **Exhibits:** Court time may not be used for marking exhibits, which must be done in advance of the court session. Counsel are not to approach the jury with exhibits. Exhibits should be handed directly to the Courtroom Deputy Clerk or Law Clerk for distribution to the jury. At the conclusion of the trial, counsel are to remain in the courtroom to receive their exhibits. All exhibits must be returned to counsel. Exhibits shall be marked and identified as follows: plaintiff's by numbers (*e.g.*, 1, 2, 3, ...) and defendant's by letters (*e.g.*, A, B, C, ..., AA, AB, AC, ...). Parties are required to meet and confer to agree upon a common set of exhibits. A party may seek, during trial or an evidentiary hearing, to add exhibits not previously listed by requesting 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 the appropriate labels and submit supplemental exhibit lists reflecting the additional exhibits.
15. **Witnesses:** Each party will be responsible for securing the appearance of witnesses the

party proposes to call. 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 for each day and there should not be any delay in trial proceedings caused by witness unavailability. Counsel who do not have a witness available may be penalized.

16. **Deposition Testimony:** Deadlines for the deposition testimony designations and objections are as set forth in the Rule 16 Scheduling 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, such notification should be given no later than by noon of the day before the testimony is to be published to the jury.

17. **Jury Instructions:** Proposed jury instructions and proposed special verdict forms shall be submitted both in writing and electronically in Word or Word Perfect format.

18. **Jury Questionnaires:** Jury questionnaires are available to counsel one (1) week prior to jury selection. Please contact the Jury Clerk in the Clerk's Office to order a set and to ascertain copy charges.

19. **Interpreters:** Each party is 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.

20. **Special Equipment:** Permission to use special equipment (such as television monitors, overhead projectors, easels, etc.) must be obtained in advance from the Court. Counsel are responsible for obtaining, setting up and removing special equipment.