

Draft Minutes

Uniformity of Court Procedures Subcommittee on Civil Work Group on Trial Management Orders/Pretrials

April 22, 2009
2:00 PM

Those in attendance: Hon. James J. Devine, Atty. Margaret George, Hon. James T. Graham (chair), Hon. Arthur A. Hiller, Atty. Susan E. Malliet, Hon. Douglas C. Mintz, Atty. Joseph R. Mirrione, and Atty. Michael T. Ryan.

The meeting was called to order at 2:00 PM.

1. Approval of Minutes of Meeting of March 31, 2009 – Upon motion and second, the minutes were unanimously approved.
2. Trial Management Orders/Case Management Orders
 - Review of draft order – Jury – The members discussed the draft trial management order. After extended discussion of the various provisions, including the listing of known rebuttal witnesses, the handling of pretrial memos, the time for providing the list of exhibits, operative pleadings, and jury verdict forms, interrogatories and charges, inclusions of language on sanctions, several revisions were suggested and agreed upon unanimously.
 - Review of draft order – Court – The members agreed unanimously that the revisions that had been made to the draft jury trial order would also be made to the court trial order, as applicable. The members also added a requirement that the parties provide any stipulation of facts in writing on the first day of trial.
3. Discussion of process for handling exhibits – The members discussed the process for handling the pre-marking of exhibits. Information was provided to the work group on how the Appellate Court wanted exhibits marked and what issues have come up in connection with exhibits. Some of the issues to be addressed include the inconsistent use of letters and numbers, non-consecutive numbering, using the same exhibits for multiple hearings, and differences in marking methods when there are multiple plaintiffs or defendants. After discussion, the work group agreed that list of exhibits reasonably expected to be presented at trial, indexed by P plus number and D plus letter briefly describing the exhibit and indicating whether any party has an objection to the exhibit should be provided. Pre-marking must be done by the attorneys prior to the commencement of evidence.

To simplify the listing and pre-marking process, the group recommends putting the form for counsel and self-represented parties to use in listing exhibits online and putting the instructions on pre-marking (i.e., what must be on the stickers, how to label with multiple defendants or plaintiffs) online. A suggestion was also made that stickers for marking evidence should be preprinted.

4. Consider questions of docket management and uniformity – No additional questions were raised, but the group reiterated that the purpose of the trial management orders is to move cases, not to create unnecessary work for lawyers, judges or clerks.
5. Future Meetings – The revised drafts of the trial management orders will be circulated to the members of the work groups. If anyone feels that an additional meeting is necessary, he or she will contact the chair. These draft orders will be discussed with the full civil subcommittee at its next meeting.

The meeting was adjourned at 3:33PM.