

**PREPARATION FOR TRIAL**  
**BEFORE THE HONORABLE RICHARD L. PUGLISI**

*[Rev. 8/07]*

1. 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 DEPUTY UPON ARRIVAL.**
2. Court time may not be used for marking exhibits. This 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 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.**
3. 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. Stand when you address the Court. This includes the making of objections.
5. Stand a respectful distance from the jury at all times.
6. Do not argue the case or discuss law in your voir dire or opening statement (**voir dire is restricted to 15 minutes per side**). 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.
7. 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 the documents with you when you start the examination.
8. Commence your examination or cross-examination without unnecessary preliminary introductions.
9. When you object in the presence of the jury, make your objection short and to the point. “Speaking” objections are not allowed. Cite the Rule of Evidence or common designation for your objection (*e.g.*, “hearsay”). Do not argue the objection. Do not make substantive motions (*e.g.*, a motion for a mistrial or directed verdict) 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.
10. Do not argue with the ruling of the Court in the presence of the jury and refrain from thanking the Court following a ruling.
11. Where a submission deadline falls on a holiday, the deadline becomes the next working day after the holiday.
12. Trial dates **may be set on a trailing calendar or as a definite setting**. Jury Selection days will begin at 9:30 a.m. and continuing Jury Trial and Bench Trial days will begin at 9:00 a.m.

## EXHIBITS

1. Exhibits shall be exchanged at the earliest possible date, but not later than **TWENTY (20) CALENDAR DAYS** before trial. Charts, plats, diagrams, etc., shall be marked and ready as to measurements, landmarks, and other identifying factual material. Exhibits shall be marked and identified (plaintiff's on yellow labels by numbers and defendant's on blue labels by letters, e.g., A, B, C, ..., AA, AB, AC, ...).
2. **TEN (10) CALENDAR DAYS** before trial, you shall file with the Clerk a complete list of all objections to the exhibits offered. Please also furnish this list to the Court (four copies) and opposing counsel. You should specify the Rule of Evidence or other legal authority upon which your objection is based. The Court will consider such objections and exhibits will be admitted prior to the beginning of the trial. **BE PREPARED TO PROVIDE AN ORIGINAL (with original labels) PLUS NINE COPIES OF ALL EXHIBITS TO BE PRESENTED AT TRIAL.** Use of exhibit notebooks, plaintiff's and defendant's, are encouraged for those exhibits to which neither party has objections.

## ADMISSIBILITY

All other issues of admissibility of evidence which can be anticipated shall be presented **TEN (10) CALENDAR DAYS** before trial for ruling.

## MOTIONS IN LIMINE

Motions in limine anticipated by counsel shall be presented **TEN (10) WORKING DAYS** before trial for ruling. Responses are due **FIVE (5) WORKING DAYS** before trial for ruling. Replies to motions in limine will not be entertained unless specifically requested.

## WITNESSES

1. Witnesses shall be identified in accordance with the Pretrial Order, but in no event later than **TWENTY (20) CALENDAR DAYS** before trial.
2. **FIVE (5) WORKING DAYS** before trial, you shall file with the Clerk a complete list of witnesses in the order to be called at trial. **Four (4) copies** of this list should also be provided to the Court as well as a copy to opposing counsel. The order of the witnesses is not binding but known witnesses not listed in accordance with this procedure will not be allowed.
3. Each party will be responsible for securing the appearance of witnesses the party proposes to call.
4. Clients and witnesses are expected to be on time, and counsel should always have witnesses available to fill a full trial day (i.e., 9:00 AM to 5:00 PM). Counsel who do not have a witness available may be penalized.
5. All expert reports must have been exchanged in advance in accordance with Rule 26(a)(2) of the Federal Rules of Civil Procedure. When calling an expert witness, it is the responsibility of counsel to establish his/her qualifications to express an opinion under Rule 702. Challenges pursuant to *Daubert* shall be made prior to dispositive motions deadline as set forth in the Initial Pretrial Report; that is, ***Daubert* motions are to be fully briefed no later than the date designated as the dispositive motion deadline.**

**DEPOSITIONS**

Consistent with the Federal Rules of Civil Procedure, depositions may also be introduced into evidence.

1. Notify opposing counsel and the Court of such intended use of depositions at least **TWENTY (20) CALENDAR DAYS** before trial. Opposing counsel will note objections to any material at least **TEN (10) WORKING DAYS** before trial.
2. If a deposition is used in part, counsel shall mark the parts to be used for the Court and opposing counsel. Plaintiff will use a yellow marker and defendant a blue marker. This does not apply to cross-examination or rebuttal.

**VOIR DIRE**

**VOIR DIRE MATERIAL** shall be exchanged between counsel at least **FIVE (5) WORKING DAYS** prior to jury selection and filed with the Clerk. Any objections must be brought to Court's attention at least **TWO (2) WORKING DAYS** before jury selection. In an average case, **VOIR DIRE BY COUNSEL IS RESTRICTED TO 15 MINUTES PER SIDE.**

**JOINT STATEMENT OF THE CASE**

Parties must confer and submit an agreed concise Statement of the Case **FIVE (5) WORKING DAYS** before trial. This will be read to the Jury Panel in lieu of the Complaint.

**MEMORANDA OF LAW**

Trial briefs outlining the basic legal theories, anticipated evidence in support of such theories, and the legal basis of any anticipated evidentiary disputes are strongly encouraged and should be filed with the Clerk at least **FIVE (5) WORKING DAYS** before trial.

**JURY TRIALS - INSTRUCTIONS**

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**SEE ATTACHED**

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**NON-JURY TRIALS - FINDINGS OF FACT AND CONCLUSIONS OF LAW**

Requested Findings of Fact and Requested Conclusions of Law shall be filed at least **TEN (10) WORKING DAYS** before the case is set to begin, with references to exhibits and proposed testimony.

## **JURY QUESTIONNAIRES**

These are available to pertinent counsel one (1) week prior to Jury Selection. Please contact Eduardo Contreras, Jury Clerk at (505) 348-2070, in the Clerk's Office to order a set and to ascertain copy charges.

### **SPECIAL NEEDS**

The "ELMO" equipment with VCR and computer hookups are available in the Cimarron Courtroom. If you have any other special needs, please notify the Court at the Pretrial Conference so that we may try to accommodate you.



U.S. Magistrate Judge Richard L. Puglisi will normally conduct Court in the "CIMARRON COURTROOM", which is located on the Fifth Floor. If a change in the Courtroom occurs, you will be notified by Chambers.

Questions regarding settings and/or other matters, may be directed to any one of my staff. Names and phone numbers are as follows:

Jill Burtram, Law Clerk	(505) 348-2360	7th Floor, Ste. 730
Margo McCormick, Law Clerk	(505) 348-2360	7th Floor, Ste. 730
Chambers FAX:	(505) 348-2364	
Denise D. Sanchez, Courtroom Deputy	(505) 348-2052	2nd Floor, Ste. 270
FAX:	(505) 348-2028	

Other useful information may be obtained by visiting the Honorable Richard L. Puglisi's Chambers Page at [www.nmcourt.fed.us](http://www.nmcourt.fed.us).

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