JUDGE HODGES' JURY SELECTION

AND TRIAL PROCEDURE

1. Copies of the jury list containing names, addresses and relevant personal data obtained from the jurors' questionnaires will be furnished to counsel at trial.

2. Members of the jury panel will be qualified generally at the commencement of their service. Thereafter, as each case is called for trial, the jury selection procedure shall be as follows:

(a) Criminal cases - twelve person jury. Approximately thirty -five persons will be selected from the panel by lot and called forward as prospective jurors. The Court will then explain the nature of the case, the offense(s) alleged in the indictment, the presumption of innocence and the Government's burden of proof. The Court will also conduct a general voir dire examination. After completion of voir dire examination, counsel will be invited to the bench to suggest additional questions on voir dire and/or to exercise challenges for cause addressed to any of the voir dire panel. After disposing of challenges for cause, if any, peremptory challenges will then be exercised in an alternating manner, two by the Defendant(s), one by the Government, etc. Initial challenges shall be directed to the first twelve (12) prospective jurors seated in the box and numbered in the order in which they were called. If, for example, the Defense excuses prospective juror No. 4, juror No. 13 will be advanced as a prospective member of the jury; and if the Government then excuses No. 3, juror No. 14 will be advanced, and so on. The exercise of challenges will thus continue until all challenges are exhausted or the parties accept the jury. Should any party announce, before exhausting his/her challenges, that the first twelve (12) of the remaining jurors are acceptable, that party will not ordinarily be permitted to thereafter

challenge any of such persons. At least one alternate will usually be selected. In cases involving multiple parties, counsel should confer with the Court in advance concerning the number of peremptory challenges allowed, and whether they will be exercised jointly or otherwise, pursuant to Rule 24(b)(I), F.R.Cr.P.

(b) Civil cases. Ordinarily, the jury will consist of eight (8) persons. See Rules 47 and 48, F. R. Civ. P. Approximately twenty one (21) persons will be selected from the panel by lot and seated in the jury box as prospective jurors. The Court will then explain the nature of the case and will conduct a general voir dire examination. After completion of voir dire examination, counsel will be invited to the bench to suggest additional questions on voir dire and/or to exercise challenges for cause. After disposing of challenges for cause, if any, peremptory challenges will then be exercised in an alternating manner, one by the Plaintiff(s), one by the Defendant(s), etc. Initial challenges shall be directed to the first eight (8) prospective jurors seated in the box and numbered in the order in which they were called. If, for example, Plaintiff excuses prospective juror No. 4, juror No. 9 will be advanced as a prospective member of the jury; and if Defendant then excuses juror No. 3, juror No. 10 will be advanced, etc. The exercise of challenges will thus continue until all challenges are exhausted or the parties accept the jury. Should any party announce, before exhausting his/her challenges, that the jurors then deemed positioned in the first eight seats are acceptable, that party will not ordinarily be permitted to thereafter challenge any of such persons. In cases involving multiple parties, counsel should confer with the Court in advance (preferably at pre-trial conference) concerning the number of peremptory challenges allowed, and whether they will be exercised jointly or otherwise, pursuant to 28 USC §1870. Ordinarily, upon completion of voir dire and upon disposition of challenges for cause, if any, the number of peremptory challenges allotted

to each side will equal one half of the number of the remaining venire exceeding eight (8), the number required to seat the jury. That is, if twenty (20) persons remain in the venire, each side would be allotted six (6) peremptory challenges (20 - 8 = 12 x ½ = 6).

3. Courtroom Decorum (Rule 5.03, M. D. Fla. Rules)

(a) The purpose of this rule is to state, for the guidance of those heretofore unfamiliar with the traditions of this Court, certain basic principles concerning courtroom behavior and decorum. The requirements stated in this rule are minimal, not all-inclusive; and are intended to emphasize and supplement, not supplant or limit, the ethical obligations of counsel under the Code of Professional Responsibility or the time honored customs of experienced trial counsel. Individual judges of the Court may, in any case, or generally, announce and enforce additional prohibitions or requirements; or may excuse compliance with any one or more of the provisions of this rule.

(b) When appearing in this Court, unless excused by the presiding judge, all counsel shall (including, where the context applies, all persons at counsel table):

(1) Stand as Court is opened, recessed or adjourned.

(2) Stand when the jury enters or retires from the courtroom.

(3) Stand when addressing, or being addressed by, the Court.

(4) Stand at the lectern while examining any witness; except that counsel may approach the Clerk's desk or the witness for purposes of handling or tendering exhibits.

(5) Stand at the lectern while making opening statements or closing arguments.

(6) Address all remarks to the Court, not to opposing counsel.

(7) Avoid disparaging personal remarks or acrimony toward opposing counsel and remain wholly detached from any ill feeling between the litigants or witnesses.

(8) Refer to all persons, including witnesses, other counsel and the parties by their surnames and not by their first or given names.

(9) Only one attorney for each party shall examine, or cross examine each witness. The attorney stating objections, if any, during direct examination shall be the attorney recognized for cross examination.

(10) Counsel shall not approach the bench unless invited to do so by the Court; and any document counsel wish to have the Court examine should be handed to the Clerk.

(11) Any paper or exhibit not previously marked for identification (see Rule 3.07) should first be handed to the Clerk to be marked before it is tendered to a witness for his examination; and any exhibit offered in evidence should, at the time of such offer, be handed to opposing counsel.

(12) In making objections counsel should state only the legal grounds for the objection and should withhold all further comment or argument unless elaboration is requested by the Court.

(13) In examining a witness counsel shall not repeat or echo the answer given by the witness.

(14) Offers of, or requests for, a stipulation should be made privately, not within the hearing of the jury.

(15) In opening statements and in arguments to the jury, counsel shall not express personal knowledge or opinion concerning any matter in issue; shall not read or purport to read from deposition or trial transcripts, and shall not suggest to the jury, directly or indirectly, that it may or should request transcripts or the reading of any testimony by the reporter.

(16) Counsel shall admonish all persons at counsel table that gestures, facial expressions, audible comments, or the like, as manifestations of approval or disapproval during the testimony of witnesses, or at any other time, are absolutely prohibited.

4. Exhibits

The attention of counsel is directed to the following provisions of Local Rule 3.07 concerning the pre-marking and listing of tangible exhibits. The specific requirements of the rule should be complied with prior to commencement of trial.

RULE 3.07 MARKING AND LISTING EXHIBITS

(a) Counsel for each party in any case shall obtain from the Clerk, in advance of trial, tabs or labels for the marking and identification of each exhibit proposed to be offered in evidence or otherwise tendered to any witness during trial.

(b) Upon marking the exhibits counsel shall also prepare a list of such exhibits, in sequence, with a descriptive notation sufficient to identify each separately numbered exhibit, and shall furnish copies of the list to opposing counsel and three copies to the Court at the commencement of trial. (See also Rule 5.04).

NOTE: **Witness lists will be exchanged as provided in the omnibus order and three copies will be furnished to the Court at the commencement of trial.**

NOTICE TO COUNSEL REGARDING EXHIBITS AND EXHIBIT SUBSTITUTES

Requirement to Offer Exhibit Substitutes: Local Rule 5.04, as amended effective April 1, 1991, requires you to offer photographs with sensitive exhibits (i.e. weapons, drugs, currency) and with exhibits other than documents. It further requires you to offer 8½" by 11" reductions along with documentary exhibits larger than 8½" by 14". Unless otherwise ordered by the Court, if an appeal is filed, the clerk will send these photographs and reductions as substitutes for original exhibits in the record on appeal to the United States Court of Appeals for the Eleventh Circuit.

Custody of Exhibits and Substitutes: In connection with civil cases, Local Rule 3.06 requires you to examine proposed exhibits and exhibit substitutes at a meeting prior to pretrial conference and to include objections to use of specific exhibits and substitutes in the pretrial statement. At trial and evidentiary hearings in civil and criminal cases, the clerk will accept the exhibit substitutes along with exhibits at the time you offer them unless the Court otherwise directs on its own initiative or upon objection. The clerk will mark accepted substitutes as such. Unless the Court orders otherwise, at the time of jury verdict or final order, if the clerk has custody of exhibit substitutes, the clerk will return the corresponding original exhibits to you. The clerk will return original sensitive exhibits to you earlier in the proceedings. If no appeal is filed, or upon the filing of the mandate, the clerk will notify you by postcard to pick up any exhibits and substitutes then in the clerk's custody withing thirty days. Exhibits and substitutes not picked up will be destroyed.

Pre-Marking of Exhibits and Substitutes and Preparation of Exhibit Lists: Local Rule 3.07 requires you to obtain exhibit tabs or labels in advance of trial and, when reasonable, in advance of evidentiary hearing, from the clerk, from an outside source in the format utilized by the clerk, or in a format approved by the presiding judge. It also requires you to prepare a list of exhibits. Copies of court approved Exhibit Lists and Labels are attached for your use. To prepare Exhibit Labels, list the case number and style on the appropriate "party specific" labels, and copy the labels as needed. Consecutively number the labels, and staple (or affix) the labels to the upper right hand corner of exhibits and exhibit substitutes. Identify an exhibit substitute with the same number used to identify the corresponding exhibit. To complete the Exhibit List, fill in the general information required on the first page of the form and, for each exhibit, list the exhibit number, the witness, and description of the exhibit. Make enough copies of the list to furnish copies to all counsel and three copies to the clerk at the commencement of trial or evidentiary hearing. Identify a composite exhibit with one exhibit number and different letters on each portion of the composite. (e.g. 20/A, 20/B, 20/C)

Note: These instructions are general and are intended to supplement the Local Rules and any other instructions issued by the trial judge. Accordingly, counsel shall be responsible for ensuring that any additional requirements established by the trial judge are also met.

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA

Plaintiff(s), _____
Government _____

Case No: _____

v.

_____ Evidentiary
_____ Trial
_____ Other

Defendant(s), _____

EXHIBIT LIST

Exhibit No.	Date Identified	Date Admitted	Witness	Description

Case Number: _____

Page _____ of _____ Pages

EXHIBIT LIST -- CONTINUATION SHEET

Exhibit No.	Date Identified	Date Admitted	Witness	Description

U.S. District Court
Middle District of Florida

GOVERNMENT'S EXHIBIT

Exhibit Number:

Case Number:

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JOINT EXHIBIT

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Date Identified:

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Middle District of Florida

COURT'S EXHIBIT

Exhibit Number:

Case Number:

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Date Identified:

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