

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
JACKSONVILLE DIVISION

**STANDING ORDER RE: TRIAL PROCEDURE
IN CASES BEFORE JUDGE HENRY LEE ADAMS, JR.**

1. Counsel are directed to read the Local Rules, particularly Chapter 5 and 3.07, the contents of this Order and the instructions regarding exhibits prior to trial. Questions relating thereto will be considered at pretrial or any other appropriate time. At the discretion of the Court a copy of this Order will be made a part of the record in a particular case to be considered as a Court's exhibit, not to go to the jury.

2. Copies of the jury list containing names and numbers will be furnished to counsel at trial immediately before the jury panel is called in civil and non-capital criminal cases and as provided by law in capital cases. Such information will be confirmed and further developed by the Court from the jurors during voir dire examination.

3. At criminal trials, jurors will be qualified generally after which, except when otherwise directed by the Court, thirty-five prospective jurors will be selected by lot from the panel. Sixteen will be seated in the jury box and the remaining nineteen in the audience section of the courtroom. In civil trials, where eight jurors are utilized, eighteen prospective jurors will be selected by lot from the panel and seated in the jury box.

4. All prospective jurors initially seated will be examined by the Court. The Court will instruct the jury as to its responsibilities, the presumption of the innocence, and burden of proof in criminal cases, and the type of proof required for affirmative verdict in civil cases.

The Court will obtain from the jury panel the assurance that each juror will follow the law and instructions of the Court. After questions from and instructions by the Court, the parties will be given the opportunity to submit further questions to the Court to be propounded to the jurors.

The Court will then determine whether those or any additional questions are to be put to the jury or to any member separately. If additional questions are to be put to the jury, that will be done; if not, counsel will exercise challenges as provided in paragraph 5. hereof.

5. After questioning, the parties will exercise challenges outside the hearing of the jury panel. The Court will first determine all challenges for cause. The party having the burden

of proof may challenge first, with the parties alternately challenging thereafter.

6. Once prospective jurors are presented for challenge, and passed over, there will be no “backstriking.”

7. Generally, only brief opening statements should be made and counsel will be asked to inform the Court of their expected duration prior to trial.

8. In Civil Cases only:

a. In the Court’s direction the stipulation of uncontested facts from the pretrial stipulation or order will be read to the jury by the Court prior to opening statements.

b. Before a witness is called as an expert, counsel will furnish the Court and opposing counsel a list of the expert’s qualifications as such.

9. In all cases:

a. If necessary to offer, explain or examine an exhibit, counsel shall request leave to approach the Clerk or the witness box and to use the evidence presenter system, charts or easels.

b. Counsel and their clients are requested to stand when the jury enters or leaves the courtroom.

c. Counsel will not take to the lectern or display to the jury, or read directly from depositions of witnesses or transcripts of trial testimony in argument to the jury without first having sought and obtained permission of the Court outside the presence of the jury, and counsel will not invite the jury to request that any or all of the testimony be read to them.

d. The admonitions of the following excerpt from Disciplinary Rule 7-1106, Code of Professional Responsibility as approved by the Florida Bar and the American Bar Association shall be observed:

“In appearing in his professional capacity before a tribunal, a lawyer shall not:

- (1) State or allude to any matter that he has no reasonable basis to believe is relevant to the case or that will not be supported by admissible evidence.
- (2) Ask any questions that he has not reasonable basis to believe is relevant to the case and that is intended to degrade a witness or other person.
- (3) Assert his personal knowledge of the facts in issue, except when testifying as a witness.

- (4) Assert his personal opinion as to the justness of a cause, as to the credibility of a witness, as to the culpability of a civil litigant, or as to the guilt or innocence of an accused; but he may argue, on his analysis of the evidence, for any position or conclusion with respect to the matters stated herein.
- (5) Fail to comply with known local customs of courtesy of practice of the bar or a particular tribunal without giving to opposing counsel timely notice of his intent not to comply.
- (6) Engage in undignified or discourteous conduct which is degrading to a tribunal.
- (7) Intentionally or habitually violate any established rule of procedure or of evidence.” (emphasis supplied)

e. Exhibits

In order to facilitate the presentation of exhibits, the following items are attached for use of counsel:

- (1) Instructions for preparation of exhibits.
- (2) Forms for listing exhibits.
- (3) Tags for marking exhibits.

Counsel are directed to take the following steps prior to trial:

- (1) All exhibits are to be marked for identification and an itemized listing prepared.
- (2) The original and one copy of documentary exhibits and listing of exhibits shall be furnished to the clerk at commencement of trial.
- (3) Copies of all documentary exhibits are to be exchanged between counsel.
- (4) If counsel anticipate requesting that any documentary exhibits be presented to the jury for inspection during trial, a copy of such exhibits should be available for each juror whenever feasible.

HENRY LEE ADAMS, JR.
UNITED STATES DISTRICT JUDGE