

TRIAL ADVOCACY

GUIDE TO HOW JUDGE CONDUCTS PRE-TRIAL CONFERENCE

JUDGE DURRETT

1. PRE-TRIAL

- (a) Will you treat (“preside”) **as if** conducted in

Open court _____

OR

Chambers _____ X _____

- (b) Will you require them to present their **motions** and **supporting briefs cases**, etc. to you **prior** to the hearing?

Yes: _____

No: _____ X _____ (Won't require, though I would like a copy of motion as filed).

- (c) Will you **read** their motions and supporting documents **if** they submit them to you prior to the hearing?

Yes: _____ X _____

No: _____

- (d) Do you expect the students to **discuss** or **submit proposed Jury Instructions** at the pre-trial?

Yes: _____

No: _____ X _____

(e) Do you expect the students to **invoke the rule** at the pre-trial hearing?

Yes: _____

No: X

(f) Do you expect for the students to discuss their **stipulations** with the court?

Yes: _____

No: X

(g) Do you expect for the students to discuss **exhibits** with the court? (e.g., **pre-marking** exhibits).

Yes: _____

No: X

(h) Do you expect for the students to ask the court about special trial issues (e.g. “qualifications” of experts pursuant to **Daubert**, **Prater**, and **Kumho**?)

Yes: _____

No: X

(i) Do you expect for the students to ask the court about technical aspects of their presentations? (e.g., using the lectern, approaching the bench, etc.).

Yes: _____

No: X (Up to them)

(j) Do you have any special requirements that the student must follow if she/he wishes to **exit the simulation-attorney rule** and ask a question **as a student**?

Yes: _____

No: X

If “Yes”, what are these requirements?
