



**IN THE CIRCUIT COURT OF MADISON COUNTY, ALABAMA
TWENTY-THIRD JUDICIAL CIRCUIT**

The Circuit Court Judges of the Twenty-third Judicial Circuit, having determined that it would be beneficial to the administration of justice in the Circuit Court of Madison County for a General Administrative Order to be entered pertaining to a Standing Pre-Trial Order for Civil Jury and Non-Jury Cases, hereby adopt and approve the attached **Standing Pre-trial Order** for Circuit Court civil cases in the Twenty-third Judicial Circuit.

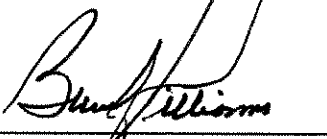
DONE and **ORDERED** this the 16th day of September, 2010.




Honorable Karen K. Hall
Presiding Circuit Judge



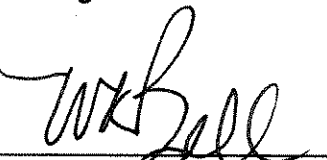
Honorable James P. Smith
Circuit Judge




Honorable Bruce E. Williams
Circuit Judge



Honorable Laura W. Hamilton
Circuit Judge



Honorable William K. Bell
Circuit Judge



Honorable Dennis E. O'Dell
Circuit Judge

STANDING PRE-TRIAL ORDER FOR CIVIL CASES

INSTRUCTIONS TO ATTORNEYS AND/OR PARTIES: It is hereby **ordered** that at least ten (10) days prior to any final hearing in this matter, attorneys and/or parties **must** individually review, meet and confer concerning the submission of a proposed Trial Management Order. All requested information as set forth herein must be provided or its absence explained. Attachments may be used where appropriate. **THE COMPLETED PROPOSED ORDER SHALL BE FILED WITH THIS COURT NOT LATER THAN SEVEN (7) DAYS PRIOR TO ANY STATUS CONFERENCE OR INITIAL TRIAL DATE.** The proposed orders shall be signed and dated by all attorneys (or parties, if not represented). Failure to meet and confer in good faith or return the completed proposed order to this Court may result in sanctions.

The format of the proposed order shall be as follows:

- a) **NATURE OF CASE:**
 1. Plaintiff alleges the following:
 2. Defendant alleges the following:
- b) **STATEMENT OF ISSUES:**
 1. Plaintiff:
 2. Defendant:
- c) **DISCOVERY** will be pursuant to Exhibit "A" which is attached to this notice.
- d) **STIPULATIONS:**
- e) **PRE-TRIAL MOTIONS:**
 1. Each of the parties expect to make the following pre-trial motions (include a brief summary of the motions and authorities relied upon): (Attach list)
 2. Each of the parties expect that the following evidentiary objections shall arise during the course of the trial (include a brief summary of the objections and the authorities relied upon): (Attach list)
- f) **CONDUCT OF THE TRIAL:**
 1. Voir dire (any insurance company to be identified):
 2. Witnesses: Attorney shall arrange in advance for all witnesses to be available as needed in order to ensure that there shall be no interruptions or delays. Any scheduling problems must be brought to the attention of the Court prior to trial if possible.
- g) **INSTRUCTIONS IN JURY CASES:** See attached Exhibit "B" for preparation of jury instructions.
- h) **VERDICT FORMS (IN JURY CASES):** Proposed verdict forms will be filed with the Court at least seven (7) days prior to trial.
- i) **OTHER SPECIAL REQUESTS:**
- j) Each party will submit **EXHIBITS** list to both Judge and Court Reporter prior to trial.
- k) **SIGNATURES OF COUNSEL** (or parties, if not represented):
- l) **SIGNATURE LINE FOR JUDGE.**

EXHIBIT "A"

ORDER ON PRE-TRIAL DISCOVERY

1. DISCOVERY: The parties are given leave to proceed with further discovery, provided it is completed at least **ten days** prior to trial.

2. EXHIBITS and WITNESSES: At least **twenty days** prior to trial, the parties will exchange lists stating the names and addresses of all witnesses and describing all documents, bills reports, photographs, and other exhibits which they expect to introduce. Copies of such exhibits will be attached to the lists. (Such lists need not include witnesses or exhibits for impeachment purposes. The listing of a witness does not commit a party to have such witness available for trial or to call a witness to testify.) Unless otherwise specifically agreed between the parties, the parties *shall be precluded from offering any witnesses or exhibits not so identified* (other than purely for impeachment purposes) unless relieved by the Court for good cause shown.

Upon such list being furnished, the other party shall - except to the extent written notice to the contrary is given within **five days** thereafter - be deemed to have agreed (for purposes of these actions only) that: the listed exhibits or their originals are authentic and genuine; the listed exhibits or their originals were kept in the ordinary course of business; copies of the listed exhibits may be used at trial to the same extent as originals (without accounting for originals); any photographs so listed fairly and accurately portray the scene therein depicted; and any bills for services or materials are reasonable in amount for the services or materials therein billed.

3. MARKING TRIAL EXHIBITS: Each party shall mark and number each exhibit and furnish the Judge and Court Reporter with a list of exhibits, describing each by its corresponding number, *prior* to striking a jury.

4. VOIR DIRE EXAMINATION OF JURORS: *Voir dire* examination of jurors' interests in stock or mutual insurance companies will be made by the Court upon request by any party.

5. AUTHORITY FOR MEDICAL INQUIRY: The parties are granted the right to inspect and copy all hospital and medical records relative to the medical care, treatment, condition, tests, lab work, and history of the parties, together with the right (on *advance notice* to opposing counsel) to depose and interview - in person or by correspondence or telecommunication means - all physicians, administrators, hospital personnel, and/or other personnel in connection therewith.

6. EXPERT WITNESSES: At least **forty-five days** prior to trial, all parties shall notify all other parties in writing of all persons expected to be called as expert

witnesses; state the subject matter on which each expert is expected to testify and state the substance of the facts and opinions to which each expert is expected to testify and a summary of the grounds for each. (Such disclosure does not apply to lay persons who are expected to testify as to speed of vehicles based on observation of the vehicles while in motion.) Unless otherwise specifically agreed between the parties, the parties ***shall be precluded from offering any expert witnesses not so identified*** (other than purely for impeachment purposes) unless relieved by the Court for good cause shown.

7. A pretrial conference regarding this case may be set either on the Court's notice or written request by one or more of the counsel for the parties, but no request shall be made later than **forty-five days** before the trial date of the action.

8. Submission of motions and briefs to be governed by a separate Scheduling Order to be supplied by the Court.

9. Motions in Limine must be filed at least **fifteen days** prior to initial trial date with the Court. Objections (with authority) must be filed at least **seven days** prior to trial date.

10. This Order shall control the subsequent course of the action unless modified by the Court.

EXHIBIT "B"

STANDING ORDER FOR PREPARATION OF JURY INSTRUCTIONS

All proposed jury instructions are required to be filed and served at least **seven days** before trial begins. Jury instructions are to be submitted in the following format:

a. The parties are required to jointly submit one set of agreed upon instructions. To accomplish this, the parties are required to serve their proposed instructions upon each other **fourteen days** prior to trial. The parties should then meet, confer, and submit to the Court one set of agreed upon instructions.

b. If the parties cannot agree upon one complete set of instructions, they are required to submit one set of those instructions that have been agreed upon, and each party should submit a supplemental set of instructions which are not agreed upon.

c. These joint instructions and supplemental instructions must be filed **seven days** prior to trial. Each party should then file, at least **four days** before trial, objections to the non-agreed upon instruction(s) proposed by the opposing party. Any and all objections must be in writing and must set forth the proposed instruction(s) objected to in its entirety, along with the specific objectionable material in the proposed instruction(s). The objection must contain citation to authority explaining why the instruction(s) is improper and a concise statement of argument concerning the instruction(s). Where applicable, the objecting party must submit an alternative instruction(s) covering the subject or principle of law.

d. The parties are required to submit the proposed joint set of instructions and proposed supplemental instruction in the following format:

1. Each page should indicate the number of the proposed instruction,
2. The instruction, and
3. The authority supporting the instruction.

e. On the day of trial, the parties may submit a concise argument supporting the appropriateness of each party's proposed instructions to which the opposing party objected.

f. All instructions should be short, concise, understandable, and neutral statements of law. Argumentative or formula instructions are improper, will not be given, and should not be submitted.

g. Parties should also note that any modifications to instructions from statutory authority, Alabama Pattern Jury Instructions, or any other form instructions, must specifically state the modification made to the original form instruction and the authority supporting the modification.

h. Failure to comply with any of the above instructions may subject the non-complying party and/or its attorney(s) to sanctions.