in the UNITED STATES DISTRICT COURT

DISTRICT OF UTAH, CENTRAL DIVISION

|  |  |  |  |
| --- | --- | --- | --- |
| |  | | --- | | UNITED STATES OF AMERICA,  Plaintiffs, | | | Case No. |
| vs. |  | ORDER RE: PREPARATION OF JURY INSTRUCTIONS, VERDICT FORM, PRETRIAL MOTIONS, AND REQUEST FOR VOIR DIRE EXAMINATION |
| , | |
| |  |  | | --- | --- | | Defendant, | ts. | | |
|  | |  |

This matter is set for a [###]-day jury trial to begin on **[DATE] at** **[TIME]**. The final pretrial conference in this matter is scheduled for **[DATE]** **at [TIME]**. Counsel are directed to be prepared to discuss the contents of this order and any other pretrial, trial and scheduling issues at that conference. This order shall supplement DUCrimR 12-1 and 30-1, and shall, in all cases, be followed unless otherwise ordered by the court.

**JURY INSTRUCTIONS**

All proposed jury instructions, except preliminary instruc­tions, are required to be filed and served at least **TEN full business days** before the trial begins, except for an isolated one or two instructions whose need could not have been foreseen. The court has adopted its own standard preliminary jury instructions and certain stock post trial jury instructions, copies of which counsel may obtain from the court website under Judge Sam. The court, unless it orders otherwise, will give its standard prelimi­nary instructions to the jury at the commencement of the trial. Proposed final jury instructions are to be submitted according to the following procedure:

(a) The parties are required to jointly submit one set of agreed upon final instructions. To this end, the parties are required to serve their proposed instructions upon each other two weeks prior to trial. The parties should then meet, confer and submit one complete set of agreed upon instructions to the court ten days before trial, which should include the court's stock post trial jury instructions where applica­ble.

(b) If the parties cannot agree upon one complete set of final 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) It is not enough for the parties to merely agree upon the general instructions, and then each submit their own set of substantive instructions. The parties are expected to meet, confer, and agree upon the substan­tive instructions for the case.

(d) These joint instructions and supplemental instructions must be filed **TEN DAYS** prior to trial. Each party should then file, **SEVEN DAYS** before trial, its objections to the non-agreed upon instructions proposed by the other party. Any and all objections shall be in writing and shall set forth the proposed instruction in its entirety. The objection should then specifically set forth, or highlight, the objectionable material in the proposed instruction. The objection shall contain citation to authority explaining why the instruction is improper and a concise statement of argument concerning the instruction. Where applicable, the objecting party shall submit an alternative instruction covering the subject or principle of law.

(e) The parties are required to submit the proposed joint set of instructions and proposed supplemental instructions in the following format:

(i) There must be two copies of each in­struc­tion;

(ii) The first copy should indicate the number of the proposed instruction, and the author­ity supporting the instruction; and

(iii) The second copy should contain only the proposed instruction--there should be no other marks or writings on the second copy except for a heading reading "Instruction No. " with the number left blank.

(iv) Counsel should submit hard copies of the instructions as indicated above as well as electronically filed or emailed copies consistent with the electronic filing requirements of the court. Electronic or emailed copies should be in a format which the court can edit.

(f) **TWO DAYS** before trial, the parties may submit a concise written argument supporting the appropriateness of each party's proposed instructions to which the other party objected.

(g) 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.

(h) Any modifications of instructions from statu­tory authority, Devitt and Blackmar, or any other form instructions must specifically state the modifi­cation made to the original form instruc­tion and the authority supporting the modification.

**SPECIAL VERDICT FORM**

Any proposed special verdict form is also required to be filed and served at least **SEVEN DAYS** before trial begins. Where relevant, the procedure outlined in (a)-(h) above will also apply to special verdict forms.

**PRETRIAL MOTIONS**

All pretrial motions are to be filed with the court at least **FOURTEEN DAYS** before trial begins, unless otherwise ordered by the court.

**REQUESTS FOR VOIR DIRE EXAMINATION and JUROR QUESTIONNAIRE**

Any special request for voir dire examination of the jury panel regarding the prospective jurors' qualifications to sit, including the specific questions to be put before prospective jurors, shall be submitted in writing to the court and served upon the opposing party or parties at least **SEVEN DAYS** prior to the time the case is set for trial, unless the court's examination furnishes grounds for additional inquiry. Where relevant, the procedure outlined in (a)-(h) above will also apply to requests for voir dire examination.

Parties may reach out to the court’s jury administrator to prepare a Preliminary Juror Questionnaire in the format required by the Jury Office if they desire. The Preliminary Juror Questionnaire should be prepared and submitted to the jury administrator at least **6 WEEKS** before the trial date. The court will then email the questionnaire to prospective jurors **4-6 WEEKS** in advance of the trial date.

Failure to comply with this Order may subject the non-complying party and/or its attorneys to sanctions.

The Clerk of the Court shall serve copies of this Order on counsel for the parties in this matter.

IT IS SO ORDERED.

Dated this \_\_\_\_\_\_\_day of\_\_\_\_\_\_\_\_\_\_\_, 202

BY THE COURT:

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

DAVID SAM

Senior Judge

United States District Court