

IN THE CIRCUIT COURT OF THE THIRTEENTH JUDICIAL CIRCUIT  
IN AND FOR HILLSBOROUGH COUNTY, FLORIDA  
CIVIL DIVISION

\_\_\_\_\_  
Plaintiff,

CASE NO. \_\_\_\_\_

vs.

DIVISION: B

\_\_\_\_\_  
Defendant.  
\_\_\_\_\_ /

**ORDER ON PROCEDURES APPLICABLE TO JURY TRIALS**

The following procedures are applicable to jury trials conducted before the Honorable Mark R. Wolfe Circuit Judge:

1. Motions *in limine* shall be served and heard, no later than the Friday before trial.

2. Continuance: In accordance with *Fla.R.Civ.P. 1.460 Continuances*, the parties must sign any request for continuance.

3. The examination of witnesses shall be limited to direct examination, cross-examination and re-direct examination. See Florida Statute 90.612.

4. In making objections, the attorney making the objection shall announce the legal basis for the objection without further argument. The responding attorney shall respond accordingly, giving only the legal basis for opposing the objection. Neither attorney shall make any other argument or comment in the presence of the jury other than at side bar conferences on the record, which conferences will be held, if necessary, to assist the Court in its ruling, upon the request of either attorney or upon the Court's own directive.

4(a). The original, two copies and a CD-R disc in Word format of proposed jury instructions and verdict forms shall be submitted to the Court no later than the close of business of the last business day prior to commencement of the trial.

4(b). All jury instructions and verdict forms shall comply substantially with the Standard Jury Instructions and verdict forms promulgated by the Florida Supreme Court. To the extent that any proposed instruction or verdict form deviates from the forms contained in the Supreme Court's Standard Jury Instructions, the proposed instruction or verdict form shall be clearly denoted as a "modified" jury instruction or verdict form, with appropriate citation of authority.

5. Trial Exhibits: All exhibits shall be pre-marked with a permanent exhibit tag or stamp as prescribed by the Clerk's office. Each attorney shall provide to the Court, not later than commencement of *voir dire*, a list of exhibits, numbered in the sequence in which the attorney will tender same. The exhibit list shall describe the exhibit sufficiently for the Court to identify it.

6. Witness List: Prior to the commencement of *voir dire*, each attorney shall provide the Court with a list of all witnesses expected to be called, listing the full names of the witness and any professional designation applicable to that witness (e.g., M.D.). The list should also, if necessary, include a phonetic spelling of the name.

7. On or before the close of business on the last business day before commencement of trial, parties shall:

(a) Exchange trial exhibit list, listing with specificity each exhibit expected to be offered into evidence, denoting which exhibits are composite exhibits.

(b) Exchange trial witness lists, listing each witness the parties expect to actually call to testify at trial, including any witness testifying via deposition. Said lists shall be filed with the court at commencement of trial.

(c) Exchange all impeachment material which counsel reasonably expects or intends to utilize at trial. See Northup v. Acken, 865 So.2d 1267 (Fla. 2004)

8. Any witnesses or exhibits not listed in accordance with the pretrial order will not be allowed to testify or admitted absent extraordinary or compelling reasons outside the control of the attorneys for noncompliance with the pretrial order. See Binger

v. King Pest Control, 401 So. 2d 1310 (Fla. 1981); Louisville Scrap Material Company, Inc., v. Petroleum Packers, Inc., 566 So. 2d 277 (Fla. 2d DCA 1990).

9. Review of exhibits: Not later than close of business on the last business day before commencement of trial, the attorneys shall meet and review all proposed exhibits. Copies of any exhibits requested shall be furnished to opposing Counsel at that time if not previously furnished. Accordingly, during the presentation of evidence, it shall not be required and Counsel are directed not to “tender” any exhibit to opposing Counsel for review in the presence of the jury. The exhibit shall be pre-marked for identification, tendered to the witness and after sufficient evidentiary predicate has been established, tendered to the Court and offered into evidence.

10. Waiver of Records Custodian: If the parties have stipulated to waive records custodians, business records admissible under the business records exception to the hearsay rule (Sec. 90.803(6)) will be admissible without the necessity of calling a qualified witness, absent a showing that the records are otherwise untrustworthy. See Heckford v. F.D.O.C., 699 So. 2d 247 (Fla. 1<sup>st</sup> DCA 1997), holding that, where parties waived records custodians, medical records, specifically the report of an independent medical examining physician, are admissible under 90.803(b), absent proof that report was not trustworthy. See also: Love v. Garcia, 634 So. 2d 158 (Fla. 1994).

11. Deposition transcript review: In the event any party intends to publish to the jury all or any portion of a deposition transcript, said party shall prior to the week before trial, cause to be delivered to opposing Counsel a page and line reference of all testimony intended to be published. Any and all objections to any portions of deposition transcripts to be offered into evidence shall be made known to the court outside the presence of the jury and shall be considered by the Court no later than the week prior to trial.

12. Each attorney shall admonish their client(s) and office staff not to exhibit inappropriate behavior in the presence of the jury. Inappropriate conduct shall include but not be limited to facial gestures and audible comments.

13. Use of surnames only: All Counsel are directed to refer to their clients, each other, members of the jury and all witnesses only by surnames and not by their first or given names.

14. The conduct of this trial shall be pursuant to and consistent with the Florida Bar, Trial Lawyers Section, Guidelines for Professional Conduct, specifically Section M thereof, "Trial Conduct and Courtroom Decorum," other than as modified herein.

15. Counsel shall advise clients, witnesses, and staff that all electronic devices shall be turned off prior to entering courtroom. During trial, electronic devices which are audible in the courtroom shall be confiscated and retained by the bailiff until the conclusion of the trial.

16. *Voir dire* shall be limited to two (2) hours per side.

17. The parties shall coordinate for the provision of blank legal pads and pens to the jurors for juror note-taking purposes.

DONE AND ORDERED in Tampa, Hillsborough County, Florida this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

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CIRCUIT JUDGE

Copies to: