

Trial Preferences

The following information will familiarize you with Judge Arterton's trial procedures and requirements. Please raise any questions about these requirements, or requests for deviation from these procedures, at the pre-trial conference.

Hours of Day for Trial

Judge Arterton normally has a 9:30 a.m. to 3:00 p.m. trial day with one fifteen-minute morning break and a thirty-minute lunch break for both jury and bench trials. Motions, substantive evidentiary objections and other trial-related matters can be heard after 3:00 p.m.

Days of Week for Trial

Judge Arterton ordinarily conducts trial five days a week, but will consider days off in a long trial.

Time Limitations for Trial

For long trials, Judge Arterton employs a "clock trial" approach to insure timely trial completion. Time limitations for each side are based on what the lawyers estimate is needed for trial. Judge Arterton holds counsel to their time requests. Generally, the parties are responsible for keeping track of time used, comparing results for equality and timely raising significant discrepancies with the Court. Periodically, Judge Arterton will request a time status report. Cross-examination counts for the time of the party conducting the cross. Time expended on objections counts against the unsuccessful party.

Examinations of Witnesses

Judge Arterton does not use time limits for individual witnesses. She requires that each party have enough witnesses available to fill up the entire trial day. If both parties are going to call the same witness, ordinarily the witness will only take the stand once, with the examination by both sides conducted sequentially.

Opening Statements

Judge Arterton will allow opening statements on written request, unless counsel has a history of abusing the proper scope of opening statements. Motions for opening argument should be filed by the final pretrial conference. Opening statements are usually fifteen minutes to a half hour. Additional time may be requested on showing of good cause. If counsel do not request opening statements, they should prepare an introductory statement about the case that they want the Court to read to the jury.

Closing Arguments

Judge Arterton generally limits closings in civil cases to an hour, unless counsel make a convincing case that more time is needed. Requests for additional time should be made at the final pre-trial conference. She will warn counsel when they are near their time limit. She generally does not limit the time for closings in criminal cases, though counsel must advise her of the time needed for closing beforehand. Judge Arterton charges the jury before closing argument. The jury is given a copy of the charge and Judge Arterton encourages counsel to incorporate the charge into their closings.

Demonstrative Exhibits

Judge Arterton requires the parties pre-mark and exchange exhibits before the final pre-trial conference to insure that all objections that are amenable to pre-trial disposition can be heard at that time. Counsel will retain original exhibits for use at trial.

Judge Arterton requires that two copies of tabbed bench books of all exhibits be delivered to the Court Deputy, Patty Villano, at least two days before evidence commences. Ideally, exhibits should be organized by witness. Counsel should also provide the Court Deputy with a final list of witnesses and exhibits, organized by number or letter before trial begins...

Moving Exhibits into Evidence

If there is no objection to an exhibit in the trial management order, counsel does not have to formally move the admission of exhibits. When first using an exhibit during examination, counsel must identify the number or letter of the exhibit to preserve the record of what has been entered into evidence, by saying, for example, "Showing you Exhibit 7, to which no objection is made." Counsel are permitted to use demonstrative exhibits in the closing so long as counsel shows it to the other side at least one day before use.

Procedural Motions and Arguments

Judge Arterton will handle these matters during breaks and after 3:00 p.m. so as not to waste jurors' time during the trial day. She rarely permits sidebars in civil jury cases, and will ask counsel to move onto another area until the matter can be taken up at a break or at the end of the day. The final pre-trial conference is when objections identified in the trial memoranda will usually be resolved. Grounds for an objection which will require a testimonial basis at trial can be previewed at the pre-trial conference so Judge Arterton is informed of the basis and can rule promptly at trial without need for extended argument, recess or side bar.

Objections

Objections that require argument will be heard at breaks or after 3:00 p.m. Documents or witness objections and motions *in limine* should be included in or accompany the parties' Joint Trial Memorandum. All objections to testimony or exhibits which can be decided before trial are required to be raised at the pre-trial conference.

Jury Profiles

Judge Arterton occasionally uses case-specific questionnaires in criminal trials alleging extreme violence and in civil trials involving issues such as sexual abuse, or controversial social, political or religious matters.

Jury Selection

Judge Arterton uses the box method of jury selection in which jury selection is directed to a smaller group of the entire panel located in the jury box. She first canvasses jurors called for the box for schedule availability, trial subject matter problems or undue hardship. The box members then orally respond to the demographic questionnaire, which asks general questions about employment, family and prior experience with the legal system. Judge Arterton then conducts the *voir dire* compiled from the parties' proposed *voir dire* in the Joint Trial Memorandum. Counsel can ask for a box member to be questioned at sidebar to explore grounds for particular cause challenges, and potential jurors may also request to address the Court at sidebar. Counsel are also invited to request follow-up questions. At sidebar, counsel are permitted to directly question the juror after cause challenges are ruled on, preempting challenges are exercised by alternating between sides until all are used or waived.

Jurors in a Civil Case

Judge Arterton usually selects eight jurors in mid-length civil cases (over one week), but invites counsel recommendations.

Juror Exhibit Books

Judge Arterton permits juror exhibit books for unopposed exhibits, but finds that the practice of electronic presentation of documents is more frequently used, particularly as the jurors have flat screens in the jury box. Parties may use joint exhibit books if there are non-objectionable exhibits which they want the jury to have during trial.

Juror Notes

Jurors are allowed to take notes in all trials. The Court provides notebooks. In civil trials, they may submit written questions for each witness before he/she leaves the stand. The questions are reviewed with counsel at side bar to decide how/whether the question should be asked.

Juror Charge

Proposed jury instructions must be submitted in the parties' Joint Trial Memorandum and counsel are directed to submit additional copies of their requests to charge to chambers in a Word file. The judge provides a discussion draft of the charge after review of the requested charges in the Joint Trial Memorandum and any supplemental charges submitted during trial. This draft will provide the outline for the charge conference, which will be held usually within two days of the completion of evidence. Counsel are given a final version of the charge

delivered to the jury. The jurors are given their own copies of the charge. While all objections to and requests for particular instructions will be heard during the charge conference, after the jury has retired, counsel will be requested to summarize any remaining objections to formalize the appellate record.

Post-verdict Communications with Jurors

Judge Arterton is not opposed to post-verdict communication with jurors by counsel for good cause decided on a case-by-case basis.

Motions *in limine*

Motions *in limine* are submitted by counsel with the Joint Trial Memorandum for jury trials only and only for the purpose of preventing unnecessary mention of highly prejudicial matters.

Technology

Limited technology is provided in the Courtroom. All requests for courtroom technology must be received by the Courtroom Deputy, Patty Villano, at least two weeks prior to the pre-trial conference. A technology request form must be submitted to the Courtroom Deputy and can be found on the Court's website. The Court does have facilities to safely store electronic equipment overnight.

The courtroom is equipped with a wireless internet network for use by counsel, and counsel are permitted to have electronic devices in the courtroom. However, cell phones and other devices should be silenced while court is in session, and any recording of court proceedings other than by the Court Reporter is strictly prohibited. Counsel should refer to the Cellular Telephone Policy for the District of Connecticut at the Court's website.

Counsel Placement in the Courtroom

Judge Arterton has no rules on counsel placement in the courtroom.

Miscellaneous

The parties should refer to Judge Arterton's Joint Trial Memorandum Instructions at the Court website if they have any questions when preparing their Joint Trial Memorandum.

When asked what aspects of trial practice she wished to bring to the attention of the lawyers appearing before her, Judge Arterton said that the lawyers who will actually try the case must appear at the final pretrial conference, and the Court will require the lawyer who does appear to participate in trial of the case.