

**TRIAL PRACTICE AND COURTROOM PROCEDURES
BEFORE
MAGISTRATE JUDGE TIM A. BAKER**

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA

GENERAL MATTERS

1. Counsel are expected to display the utmost professionalism and civility in all dealings with the Court, opposing counsel, witnesses, jurors, and anyone else connected with the trial.
2. Counsel are expected to take all reasonable steps to minimize disruptions and avoid delays in trials, including giving the Court advance notice, to the extent possible, of any potentially thorny evidentiary or legal issues, or other complications.
3. Counsel are encouraged to raise any questions about the Court's trial procedures with Denise Brown, Judge Baker's Courtroom Deputy. Ms. Brown may be reached at (317) 229-3707 or denise_brown@insd.uscourts.gov.
4. Counsel are expected to be fully familiar with this Court's local rules, a copy of which can be obtained either from the Clerk's office or on the Court's website, www.insd.uscourts.gov.
5. Counsel should stand when speaking for the record and when addressing the Court. Counsel should use the lectern, except for brief objections during testimony.

6. Colloquy or argument directly between counsel is not permitted. All remarks should be addressed to the Court.
7. Do not exhibit familiarity with witnesses, jurors or opposing counsel. The use of first names is discouraged. During argument to the jury, no juror should be addressed individually or by name.
8. Do not ask the Court Reporter to mark testimony. Any requests for re-reading of questions or answers should be addressed to the Court.
9. Prior permission of the Court need not be sought to approach the witness to work with an exhibit.
10. Parties desiring real time or daily transcript of testimony must make their own arrangements directly with the Court Reporter at least two weeks prior to the start of trial. The Courtroom Deputy can provide contact information for the appropriate Court Reporter.

FACILITIES

1. Counsel should advise their clients and witnesses to avoid lingering in the hallway outside the courtroom before, during, and after trial each day. All efforts should be made to avoid contact with any seated or potential juror.
2. Certain audio-visual equipment may be made available to counsel for use in the courtroom during trial. Counsel should contact the Courtroom Deputy at least one week prior to the final pretrial conference to discuss availability of and training on the Court's equipment. Any equipment counsel wishes to bring in from the outside should also be coordinated in advance of trial through the Courtroom Deputy.

3. A witness room will be made available, and witnesses should report to this room.
4. Cellular phones may be used outside the courtroom but must be turned off in Court.
5. The courtroom will be unlocked at least 30 minutes prior to the start of proceedings and will be locked overnight.
6. Food and drinks are not allowed in the courtroom, except for bottled water.

COURT HOURS AND PROMPTNESS

1. Trial usually begins at 9 a.m. and continues with a mid-morning break of approximately ten minutes and lunch at noon. Lunch is usually one hour. After the lunch break, the afternoon session normally continues until 5 p.m., with two mid-afternoon breaks of approximately ten minutes each. Times to break and adjourn may vary slightly, to permit the conclusion of a witness's testimony, to allow counsel to finish with direct or cross-examination, or if the Court must attend to other business.
2. The Court makes every effort to commence proceedings at the time set. Promptness is expected from counsel and witnesses. Counsel should be in the courtroom at least 15 minutes prior to the start of each day's proceedings, as the Court may want to meet with counsel. The Courtroom Deputy should be informed of any anticipated scheduling problems, and the Court will attempt to work with counsel to resolve them.
3. If a witness was on the stand at a break or adjournment, that witness should be on the stand ready to proceed when Court reconvenes.
4. If the conclusion of a witness's testimony is followed by a break or adjournment,

the next witness should be ready to take the stand when the trial resumes.

5. Do not run out of witnesses. If there is a substantial delay between witnesses, the Court may deem that you have rested.

THE VENIRE, VOIR DIRE, AND JURY

1. A list of the venire and copies of questionnaires which the venire has completed will be available to counsel at least one day before the start of trial. As soon as the jury has been chosen, all copies of the questionnaires must be returned to the Courtroom Deputy.
2. The Court will conduct most of the voir dire. Pursuant to the Court's scheduling orders, counsel shall submit before trial any questions they would like the Court to consider asking.
3. After the Court concludes its voir dire, counsel will have a brief opportunity to question the panel. Counsel conducting voir dire should do so from the lectern.
4. Jurors are permitted to take notes in notebooks provided by the Court and will be allowed to refer to their notes during their deliberations.

OPENING STATEMENT AND CLOSING ARGUMENT

1. The Court will honor counsel's reasonable requests concerning the amount of time for opening statements and closing arguments. These limits will ordinarily be set at the final pretrial conference.
2. During opening statement, if counsel intends to use an exhibit or other display to which admissibility has not been stipulated, the matter shall be raised in advance with the Court and opposing counsel. Likewise, during final argument, if counsel

intends to use an exhibit or other display that is not in evidence, counsel shall also raise the matter in advance with the Court and opposing counsel. Failure to do so may result in the Court prohibiting the use of the proposed exhibit or display.

STIPULATIONS AND EXHIBITS

1. Stipulations concerning exhibit admissibility and authenticity, as well as stipulations of fact, are encouraged and expected.
2. Exhibits should be marked for identification before trial and a descriptive list, consistent with the pretrial order, should be provided to the Court and Court Reporter. If an exhibit must be marked for identification in open court, counsel must provide exhibit labels.
3. All exhibits should be identified by number only (and not as "Plaintiff's Exhibit 1"). Counsel shall confer and agree from the commencement of discovery on a numbering system that will avoid confusion and duplication. Numbers for trial exhibits need not be consecutive.
4. Counsel are expected to be familiar with and utilize the Court's Video Evidence Presentation System (VEPS) for displaying exhibits and presenting evidence. If VEPS is not available, juror notebooks may be required. This will be addressed at the final pretrial conference.
5. Each counsel shall keep a list of admitted exhibits. Counsel and the Courtroom Deputy shall confer at the close of the evidence to ensure that only admitted exhibits are sent to the jury. Controlled substances, currency, firearms, or other dangerous materials are generally not sent to the jury; counsel are asked to substitute photographs.

6. If over-sized exhibits or models are to be used, counsel should advise the Court and opposing counsel of this fact no later than the final pretrial conference.
7. Confer with opposing counsel to edit depositions (including video depositions) to be used at trial, and remove unnecessary material.
8. Summaries of deposition testimony are acceptable only by stipulation.