



**File No. 121, 012**

**AMENDED STANDING PRETRIAL SCHEDULING ORDER  
FOR TRIAL OF CIVIL JURY CASES  
INCLUDING USE OF ELECTRONIC MEDIA**

For any case set on the civil jury docket of the District Courts to be tried after May 1, 2004, the following provisions shall control the pretrial matters stated in such cases absent further order of the Court. All references to “counsel” include parties appearing *pro se*. The date of trial is not counted for purpose of any actions stated below. Failure to observe the requirements of this Order will authorize removal of the case from the jury docket at the discretion of the Court or be deemed a waiver of any motion or evidence not in compliance with this Order.

**1. THIRTY DAYS BEFORE TRIAL**

All challenges to expert witnesses must be filed.

**2. TWENTY DAYS BEFORE TRIAL**

File and serve notice of intent to use, in whole or in part, electronic presentation of evidence, including, but not limited to, electronic courtroom technology. Include a certificate that counsel or the managing partner of the firm has signed the Travis County User Agreement governing use of electronic courtroom equipment.

**3. TWELVE DAYS BEFORE TRIAL**

3.1. Counsel will exchange their respective list of fact and expert witnesses, including rebuttal witnesses that reasonably should be anticipated, that

each intends to call at trial. Persons not so identified will not be allowed to testify unless good cause is shown.

- 3.2. Counsel shall exchange a list of exhibits that each reasonably anticipates will be offered in evidence. Exhibits not listed will not be admitted unless good cause is shown. Counsel should stipulate insofar as possible to the authenticity and admissibility of exhibits to be used at trial.
- 3.3. Counsel shall exchange page and line references for all deposition testimony to be offered in the case in chief.

**4. TEN DAYS BEFORE TRIAL**

Counsel shall exchange motions in *limine*.

**5. SIX DAYS BEFORE TRIAL**

Counsel shall exchange cross-designations of page and line references of all deposition testimony to be used at trial. Counsel shall also provide a written statement of page and line references to designations that are the subject of any evidentiary objections, including the basis for the objections. Failure to object will be deemed a waiver of any objections.

**6. FOUR DAYS BEFORE TRIAL**

Counsel shall provide a written statement of page and line references to cross-designations that are the subject of any evidentiary objections, including the basis for the objection. Failure to object will be deemed a waiver of the objection.

**7. THREE DAYS BEFORE TRIAL**

- 7.1. Counsel shall confer in good faith in an attempt to resolve all objections to deposition designations and exhibits, as well as to resolve disputed motions in *limine* filed by an opposing party. Any objections not resolved by conference will be heard at the pretrial conference on the day of trial.
- 7.2. No video depositions should be edited until the Court rules on objections. All video depositions shall be edited to eliminate cumulative testimony and to present only those matters that are relevant and material. All extended silent passages and objections/exchanges between counsel shall be omitted.
- 7.3. Exchange of Proposed Jury Charges. Each party shall serve on all other parties a proposed jury charge, including questions, definitions and instructions, which shall include citation to the Texas Pattern Jury Charge

or other authority that supports the submission. If case law supports the submission, include a copy of the case with material language highlighted for the Court at pretrial. Include petition history. The charge shall also be submitted on an IBM-compatible diskette or CD in Word format. At the pretrial, counsel shall also furnish the Court a copy of the active trial pleadings.

## **GENERAL MATTERS**

### **8. USE OF JURY QUESTIONNAIRE**

Use of a questionnaire with a jury panel is **solely** within the discretion of the trial court.

### **9. USE OF ELECTRONIC COURTROOM TECHNOLOGY**

9.1. Counsel shall not display any material to the jury absent authorization of the Court and/or by agreement of counsel. Materials not admitted in evidence shall never be displayed to the jury without prior authorization of the Court. If a party elects to display material to the jury, a copy of the CD or other electronic media shall be made available to opposing counsel to use before the jury. All materials must be redacted to eliminate inadmissible material prior to use before the jury.

9.2.1. Counsel should be prepared with paper copies of materials to be used on electronic media in the event of equipment malfunction or other unanticipated technical error.

**This ORDER is effective as of May 1, 2004.**

Signed by All District Judges and Filed with District Clerk's Office on Monday, April 5, 2004.

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**JUDGE SCOTT H. JENKINS**  
53<sup>rd</sup> District Court

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**JUDGE W. JEANNE MEURER**  
98<sup>th</sup> District Court

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**JUDGE DARLENE BYRNE**  
126<sup>th</sup> District Court

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**JUDGE PAUL DAVIS**  
200<sup>th</sup> District Court

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**JUDGE SUZANNE COVINGTON**  
201<sup>st</sup> District Court

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**JUDGE JOHN K. DIETZ**  
250<sup>th</sup> District Court

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**JUDGE LORA J. LIVINGSTON**  
261<sup>st</sup> District Court

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**JUDGE PATRICK O. KEEL**  
345<sup>th</sup> District Court

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**JUDGE MARGARET A. COOPER**  
353<sup>rd</sup> District Court