

JUDGE JERRY McBRIDE--PREFERENCES

MOTION PRACTICE

I review motions before they are set, other than motions for default judgment. A courtesy copy of a motion is appreciated. Where appropriate, I ask the assignment commissioner to schedule the motion for hearing. I schedule almost all motions for hearing. Motions for summary judgment are scheduled for oral argument. Where there is agreement on the motion, an agreed entry can be submitted prior to the date of hearing. Motions are heard every day. Counsel should indicate, when filing a motion, the length of time required for hearing.

SETTLEMENT

I am generally not actively involved in settlement efforts and prefer to use a mediator instead. I am not actively involved in plea-bargains, but I do set a deadline for negotiated pleas one week prior to trial. Parties may raise the issue of settlement at any time. In most cases, I require that parties use some type of alternative dispute resolution. If none is proposed, I require that they meet with a mediator, although they can determine the timing of the mediation conference. I generally do not offer an opinion on the value of a civil case. In criminal proceedings, I will not indicate what the sentence will be on a plea, but will, where appropriate, indicate sentences that have been imposed in similar cases.

CALENDARING, CONTINUANCES

An attorney should contact my secretary, law clerk, or the assignment commissioner, regarding a continuance. Where there is agreement, an agreed entry of continuance should be submitted with the motion. Counsel should obtain a new date through Assignment, which should be included in the agreed entry. If there is no agreed entry, the motion will be set for hearing. All motions, criminal pre-trials, pleas, and sentencings are scheduled on my morning docket. Civil case management conferences and formal pretrial conferences are scheduled on a 12:30 p.m. docket.

PRETRIAL

There is a case management conference early in the case, and a formal pretrial conference shortly before trial. A formal pretrial order is sent which contains forms to be used in listing exhibits and witnesses, and informing the Court of anticipated objections. Settlement, stipulations, admissibility of exhibits, special evidence problems, special jury instructions, need for view, and other matters of a similar nature are covered during the pretrial. Case management conferences are held in every case, and formal pretrial conferences are held in every case set for trial.

TRIAL

Where possible, proposed jury instructions, supported by citations of authority, should be submitted in writing before trial. A copy of the court's proposed instructions is given to counsel before closing. A copy of the final instructions is given to the jury for its use in deliberations. Trial briefs should be filed at least three days before the final pretrial conference following the directions in the Formal Pre-Trial Order. Concise summary of the issues involved, any discovery difficulties, claimed special damages, names of witnesses, list of exhibits, objections to other side's exhibits, statement of principles of law involved, proposed jury instructions, and proposed requests for interrogatories should be included. The Pre-Trial Order sets out the form to be followed.

In all civil cases, I require that there be some form of alternative dispute resolution. If attorneys cannot agree on the form of ADR, I require that the parties submit to mediation. Arbitration is used for cases under \$50,000. Sometimes parties are encouraged to use mediation even where there has been an appeal of arbitration decision.

I set no limit on the time allocated to voir dire. I ask only the "cause" questions. I have no restrictions and limit myself to ruling on objections during voir dire. There are no special requirements for experts. Exhibits are not permitted unless there is an agreement that the other side does not intend to oppose admissibility of the exhibit. Videotape depositions are preferable. If objections need to be ruled on, a written transcript must be provided the court three days prior to trial. Jurors can take notes in most trials. I encourage attorneys to talk to jurors after the trial - this can be some of the most important feedback. Jurors are told that this can be helpful

to the attorneys and the parties, but individual jurors are given an opportunity to decline to talk to attorneys.

DISCOVERY

There are no standard time limits on discovery. Time limits are established in a case management order, issued after the case management conference held early in the case.

The standard formal pretrial order provides that reports of experts anticipated to testify and a summary of their anticipated testimony should be provided opposing counsel at least three days prior to the formal pretrial conference. Early efforts should be made to resolve any disputes extra-judicially. If this cannot be accomplished, a motion to compel or motion for protective order should be filed so that the dispute can be resolved without any unnecessary delay.

COURTROOM ETIQUETTE

When speaking to the court, attorneys normally use a lectern. During trials, attorneys are free to stand where they feel most comfortable. Counsel should ask to approach witnesses. Attorneys should report to the bailiff, who will usually be in the courtroom. Attorneys should stand when speaking unless they receive permission to remain seated. Attorneys should state objections succinctly, and if much discussion is required, should ask to approach the bench. Chalkboards and easels can be made available by arrangement in advance. An "Elmo" is available to project written documents and other exhibits onto a large screen. Videotape depositions can also be projected onto the large screen.

EXPECTATIONS/COMMENTS

Pet peeves include: attorneys who are habitually late or fail to call in if they will be late; incivility; attorneys who attempt to argue their case to a jury through the making of objections. Attorneys generally do a very good job in my courtroom. My only suggestions would be to listen carefully to the other side, fairly analyze the strengths of their case, be prepared, keep your examination of witnesses focused, limit objections to those that are necessary, and don't minimize the importance of either opening statement or final argument.

Where possible, provide the court with a bench copy of all exhibits. Have exhibits marked in advance with the bailiff, or let the court know at the time of the final pretrial conference of anticipated evidentiary issues. Submit special jury instructions as early as possible (preferably in advance of trial). Meet with the bailiff in advance about use of courtroom equipment. The morning and afternoon dockets are scheduled on 15-minute intervals, so be on time.