

PREFERENCES QUESTIONNAIRE

Circuit Court of the First Circuit

JUDGE PATRICK W. BORDER

(CURRENT AS OF: AUGUST 2011. SUBJECT TO CHANGE AT ANY TIME)

I. MOTIONS PRACTICE

A. HEARING TIMES FOR MOTIONS

Approximately how many weeks in the future would a hearing be set if a motion was filed today? 4-6 weeks

What days and times do you usually schedule hearings on motions? Wednesday; other days if time is available; 8:30 a.m. starting time

Is there a certain day(s) that you set aside to review and rule on ex-parte motions? Review motions as they come in.

Who in your office would be the person to contact regarding scheduling of motions? Susan or Ulu

B. ATTENDANCE AT HEARINGS

Please state your preferences, if any, for telephone appearances by attorneys on the Neighbor Islands.

All attorneys on Oahu need to make an appearance. Neighbor Island attorneys may make appearances by telephone, unless there is a need for personal appearances such as when people need to see each other face to face or in high conflict cases. Please call Susan for requests to appear by telephone.

II. DISCOVERY

Do you have any preferences regarding the scheduling of an informal discovery conference (e.g., at request of one party, by agreement of all parties)? Can the parties confirm a discovery conference by letter or is a Stipulation required?

A Stipulation is not required. If an attorney wants a discovery conference, the attorney should coordinate with opposing counsel; then call Susan or Ulu to schedule the conference. A letter that details the problem is helpful.

Will you entertain telephone calls from the parties to resolve discovery disputes?

Depending upon Judge's availability, disputes may be addressed by phone.

III. PRE-TRIAL CONFERENCES

Do you have a written checklist of issues to be decided at your pretrial conferences? If so, will you provide a copy and can it be shared with the HSBA Sections?

Please see Exhibit "A."

IV. TRIAL SETTING/STATUS CONFERENCES

Do you have a written checklist of issues to be decided at your trial setting/status conferences? If so, will you provide a copy and can it be shared with the HSBA Sections?

Please see Exhibit "B."

Do you have any special requirements for attorneys attending trial setting/status conferences (e.g., Court attire or Aloha attire okay)?

Focus is on early resolution of cases; thus settlement conferences are vital. A carefully prepared, thorough and candid confidential settlement conference letter is essential to give the Judge as much reliable information as possible. Regarding attire, please dress formally in case there will be a need to go into Court to put settlement or continuance on the record. If in doubt whether court appearance may be required, please dress in court attire.

V. SETTLEMENT CONFERENCES

In addition to what is required under the Courts Rules for settlement conferences, do you have any special requirements or preferences for attorneys attending settlement conferences?

Telephone access to the adjuster with authority to approve settlement is adequate (availability late in the day is important). Each person with authority who is involved must be available for the duration of that day (Hawaii time). Settlement conferences are so essential that appearance in person by attorney and client is the normal practice. The settlement letter is the most important document and it is critical to have a candid presentation of confidential information. Please see Exhibit "C."

VI. TRIALS

Presently, approximately how many months in the future are you scheduling cases for trial?

Trial dates are driven by attorneys' schedules. Generally trials are set 8-15 months in the future. Earlier dates may be set on request. Whenever cases settle, we try to fill those dates. Often early trial dates are available.

VII. **GENERAL**

Are you using the recently rescinded Administrative Orders and Memoranda as guidelines for your Court? Yes No

Please state other preferences you want attorneys who appear before you to know about?

- Motions to shorten time for hearing are rarely granted. Granting these places considerable strain on our Court and they will be denied unless the parties can show there is a significant need for the request.
- Failure to anticipate and plan ahead are usually not good reasons. Motions to shorten time need to involve a legitimate emergency.
- Please let the Court know as soon as possible after parties settle so other matters can be scheduled during that time.
- Requests to serve by publication of service will receive special attention to ensure alternative methods have been exhausted.
- Counsel should get client authority early and be prepared to discuss settlement early. It is to the client's benefit to do so.
- Please see Exhibit "D" for list of concise objections.
- Motions to continue trial need clients' written authorization. The motion must be in writing.
- Motions for admission pro hac vice should include in the attorney's declaration the names of other cases in Hawaii in which the attorney was previously admitted pro hac vice. It is important to know how many earlier pro hac vice admissions there have been for the applicant, regardless of the nature of the prior lawsuits, both State and Federal.
- Our trial setting status conferences provide detailed deadlines for information exchanges, fairly easy access to the court for status conferences, and early settlement conferences. Following these deadlines increases the likelihood of settlement in time to save clients litigation expenses.

May we make your preferences available on the HSBA website with the understanding that it may be revised or changed depending on the type of case, number of parties, and other special factors? Yes No

EXHIBIT "A"

* SCHEDULED
1 MONTH PRIOR TO
TRIAL WEEK

FIRST CIRCUIT COURT
STATE OF HAWAII
FILED

_____ o'clock _____m.

Clerk, Sixteenth Division

IN THE CIRCUIT COURT OF THE FIRST CIRCUIT

STATE OF HAWAII

,)	CIVIL NO.	(PWB)
)	()
)	Plaintiff,	
vs.)		
)		
,)		
)	Defendant.	
)		
)		
)	JUDGE PATRICK W. BORDER	
)	PRETRIAL CONFERENCE ORDER	
)	OF _____	
)		
)		
)	TRIAL WEEK: _____	
_____)		

PRETRIAL CONFERENCE ORDER OF _____

A pretrial conference was held before the Honorable Patrick W. Border, in his
Chambers, on _____.

_____, attorney for _____,

_____, attorney for _____,

_____, attorney for _____,
 _____, attorney for _____,
 _____, attorney for _____,
 _____, attorney for _____,

were present, and the Court, having been duly informed of the status of the above-entitled case,
 and good cause appearing therefor,

IT IS HEREBY ORDERED that the trial in the above-entitled action shall be
 conducted in accordance with the following:

DATE/TIME/REMARKS:

_____ Commence trial/jury selection.
 _____ Hearing on motions in limine/deposition objections.
 _____ Counsel to meet & confer amongst themselves regarding exhibits.
 (Exhibits not exchanged at that conference shall not be admitted
 into evidence, absent reasonable grounds.)

File by _____ Motions in limine (**2 file-marked copies** to Court).
 _____ Deliver **2 file-marked copies** of deposition designations &
 objections to Court.

File by: _____ Memoranda in opposition (**2 file-marked copies** to Court).

Due: _____ Deliver to Court: (*to be returned if trial doesn't proceed)
 (24 hrs prior to start of - Exhibits (**Original + 2 copies**)*.
 trial) - List of Exhibits (**Original + 4 copies + floppy disk/CD--
 WordPerfect 6.1+/Word 2003 compatible**)*.
 - List of Attorneys (**4 file-marked copies**).
 - List of Witnesses (**4 file-marked copies**).
 - Glossary of Technical Terms and Unusual Spellings
 (**4 file-marked copies**).

Due: _____ Deliver to Court:
 - Proposed Statement of Case (**2 filed-marked copies**).
 - Trial memos (**2 file-marked copies**).
 - Proposed list of voir dire questions for Court (**2 file-marked
 copies**).

Due: _____

Deliver to Court:

- Proposed jury instructions, including text of ALL requested instructions (**2 file-marked copies + floppydisk/CD--Word 2002 compatible**).

Download Civil Pattern Jury Instructions from the Hawaii State Judiciary website at www.courts.state.hi.us.

Due: _____

Deliver to Court:

- Proposed special verdict form (**2 file-marked copies + floppy disk/CD--Word 2002 compatible**).

JURY SELECTION:

Number of

_____ Prospective jurors to be summoned (approximate).

_____ Peremptory challenges to initial 12 jurors.

_____ Alternate jurors to be selected.

_____ Peremptory challenges to alternate jurors.

Voir Dire Time Limits
(per side)

First 12 jurors: _____ minutes

Replacement jurors: _____ minutes

Alternate jurors: _____ minutes

OTHER TOPICS:

Time Limits
(per side)

Opening statements: _____ minutes

Closing arguments: _____ minutes

Estimated length of each
party's case

Plaintiff/s _____

Defendant/s _____

Other _____

Special Circumstances

Evidence

- Know your rules of evidence.
- Unless stipulated into evidence, proper formal evidentiary foundation is required.
- Exhibit guidelines: actual exhibits 8-1/2" x 11" only; enlargements may be used during trial; 2 copies in binders.

- Witnesses
 - 24-Hour Witness Notice: Notify counsel of next day's witnesses before leaving courtroom.
 - Do not ask Court to qualify expert witnesses. [Barbee v. The Queen's Medical Center, 119 Hawaii 136, 154 n.11 (Hawaii App. 2008)]
 - Do not run out of witnesses before the end of the day.
- Objections
 - State legal basis (list) for objection only.
 - No speaking objections (not on list) more than 7 words.
- Demonstrative Aids
 - Show to opposing counsel before trial.
- Court Trial Hours
 - 8:30 a.m. - 12 noon; 1:00 - 4:30 p.m.

DATED: Honolulu, Hawaii, _____.

 PATRICK W. BORDER
 JUDGE OF THE ABOVE-ENTITLED COURT

APPROVED AS TO FORM:

_____, attorney for _____
 _____, attorney for _____

Copies provided to the following via pre-paid U.S. Mail:

GUIDELINES FOR PREPARING EXHIBITS/EXHIBIT LIST

EXHIBITS

1. What to submit:

a. Each party shall submit a total of three (3) sets of exhibits to the court, prepared as follows:

(1) The original of each exhibit shall be placed in a separate manila folder with the exhibit number prominently displayed on the manila folder tab. The manila folders containing the exhibits shall be placed in a box.

(Note: Exhibits consisting of more than one (1) page shall be stapled together or fastened with a prong.)

(2) Two (2) sets of copies of the exhibits shall be organized in 3-ring binders and submitted to the court. The court will use one binder and the witness will use the other binder. Each spine of the binder shall be appropriately labeled identifying the party submitting the binder and the volume number of the binder if more than one binder is submitted. Each exhibit shall be separated by a tab with the exhibit number prominently displayed on the tab.

2. When to submit:

a. Unless otherwise ordered by the court, all exhibits a party may possibly introduce at the trial shall be submitted to the court and to all other parties not less than 24 hours before the first witness is called to testify.

3. **Plaintiff's exhibits** should be marked numerically (i.e., 1, 2, 3, etc.; do not place "0" before numerical designations).

Defendant's exhibits should be marked alphabetically (i.e., A-1, A-2, A-3, etc.). Each photograph should be marked with a separate exhibit number.

4. In a case involving multiple Plaintiffs and/or Defendants, mark exhibits as follows:

Multiple Plaintiffs: The first Plaintiff listed on the case caption should mark exhibits using the prefix "P1," with each succeeding Plaintiff on the case caption using prefixes "P2, P3, etc."

e.g. Plaintiff 1 - use P1-1, P1-2, P1-3, etc.
Plaintiff 2 - use P2-1, P2-2, P2-3, etc.
Plaintiff 3 - use P3-1, P3-2, P3-3, etc.

Multiple Defendants: The first Defendant listed on the case caption should use the letter "A". Each succeeding Defendant, in the order listed on the case caption, should use the next available letter in the alphabet.

- e.g. Defendant 1 - use A-1, A-2, A-3, etc.
- Defendant 2 - use B-1, B-2, B-3, etc.
- Defendant 3 - use C-1, C-2, C-3, etc.

* In consolidated cases, the numerical/alphabetical designations shall be assigned according to the chronological order in which the cases are filed (earliest - latest).

** For unusual cases, contact the trial division for further directions.

5. Place the exhibit stamp at the lower right-hand corner of the exhibit. If there is no space on the front of the exhibit, place the exhibit stamp on the back of the last page of the exhibit at the lower right-hand corner. If placement of the exhibit stamp on the front and/or back of the exhibit might obliterate the exhibit, place a cover sheet on the exhibit with the exhibit stamp on the front, lower-right hand corner. For photographs, place the exhibit stamp on the back of the photograph at the lower right-hand corner.
6. Exhibit stamps should include the information in the sample exhibit stamp set forth below. Mark exhibits by indicating the civil number and the number/letter of the exhibit, and circle Plaintiff or Defendant.

*Note: The Court will not provide exhibit stamps or stickers.

Civil No. _____

[] PLAINTIFF'S

[] DEFENDANT'S EXHIBIT _____

IN EVIDENCE - FOR IDENTIFICATION

RECEIVED _____

_____, Clerk
16th Division

7. **Oversized Exhibits.** Per Rule 11(b) of the Rules of Appellate Procedure, exhibits of unusual bulk or weight and physical exhibits other than documents will not be transmitted by the clerk unless otherwise ordered by the Court. As such, any exhibit required to be kept for appellate purposes should be no more than 8-1/2" x 14" or drawn on foldable paper. Blow-ups and diagrams on cardboard shall be returned to counsel at the end of trial.

EXHIBIT LIST

1. List each marked exhibit on the Court's Exhibit List form. The description of each exhibit should be **accurate** and **complete**, indicating with particularity the content and form of each exhibit.

e.g. 1. Letter to Mr. Jones from Mr. Smith, 7/1/94, 2 pgs.

INCORRECT

1. Letter from Mr. Smith

2. List each marked exhibit **separately** on the Exhibit List. **DO NOT LIST TOGETHER.**

e.g. 1. Photograph of red car, passenger side.
2. Photograph of red car, driver side.

3. Number each page of the Exhibit List, but leave the total number of pages blank.

e.g. Page (fill in) of (do not fill in).

4. Please refer to the attached Page 1 and Continuation Sheet for the Exhibit List. If you are using an already created Exhibit List form, please be sure that Page 1 contains the block "For Office Use Only".

EXHIBIT “B”

FIRST CIRCUIT COURT
STATE OF HAWAII
FILED

_____ o'clock _____ m.

Clerk, Sixteenth Division

IN THE CIRCUIT COURT OF THE FIRST CIRCUIT

STATE OF HAWAII

_____,
Plaintiff,
vs.
_____,
Defendants.

) **CIVIL NO. (PWB)**
) ()
)
)
)
) JUDGE PATRICK W. BORDER
)
) TRIAL SETTING STATUS
) CONFERENCE ORDER OF
) _____
)
)
)
)
)
)
)
)
) TRIAL WEEK:
) _____
)

TRIAL SETTING STATUS CONFERENCE ORDER OF _____

A trial setting status conference was held before the Honorable Patrick W. Border, in his Chambers, on _____.

_____, attorney for _____,

_____, attorney for _____,

_____, attorney for _____,

_____, attorney for _____,

were present, and the Court, having been duly informed of the status of the above-entitled case, and good cause appearing therefor,

IT IS HEREBY ORDERED that the trial of the above-entitled case is set for the week of

_____.

Jury _____ Jury-waived _____ Length of trial: _____ days

Out-of-State Parties _____ Out-of-State Witnesses _____ Expert Witnesses _____

Alternative Dispute Resolution:

CAAP _____ Mediation _____ Deadline to Complete Mediation/Other: _____

Exchange Expert's Report:

Plaintiff(s) _____ Defendant(s) _____ Other _____

Pretrial Disclosures (HRCP 32(b)):

File depo designations (28 days before trial): _____

File depo counter-designations (21 days before trial): _____

File objections (14 days before trial): _____

Settlement Conference FOR JURY TRIAL CASES ONLY:

Date/Time _____

Confidential Letters submitted to the Court by (5 days before conference): _____

FAILURE TO APPEAR at any Settlement Conference may result in DISMISSAL OR DEFAULT.

(FOR JURY-WAIVED CASES, parties are to consult with Judge Gary W. B. Chang's office on scheduling of settlement conference.)

Pretrial Conference: Date/Time _____ (one month prior to trial)

Other: RCC 7(f) (Substantive Motions Cut-Off) Deadline: _____

RCC 12(r) (Discovery Cut-Off) Deadline: _____

A file-stamped copy of this Order is being provided to the above-identified parties.

DATED: Honolulu, Hawaii, _____.

PATRICK W. BORDER
JUDGE OF THE ABOVE-ENTITLED COURT

APPROVED AS TO FORM:

_____ Attorney for _____

_____ Attorney for _____

_____ Attorney for _____

_____ Attorney for _____

Copies provided to the following via pre-paid U.S. Mail:

EXHIBIT “C”

ONLY DISTRIBUTED
IN JVT TRIALS.

FIRST CIRCUIT COURT
STATE OF HAWAII
FILED

____ o'clock ____ .M.

Clerk, 16th Division

NOTICE OF SETTLEMENT CONFERENCE

CASE NAME	CASE NO.
, Plaintiff vs. , Defendants	CIVIL NO.
	TRIAL WEEK

JUDGE	DIVISION	DATE	TIME
PATRICK W. BORDER	Sixteenth Division Fourth Floor Courtroom 15, Chambers 5 Ph: (808) 539-4440		

SETTLEMENT CONFERENCE STATEMENT. File your settlement conference statement not less than five (5) working days prior to the settlement conference. Please deliver two (2) copies of your settlement conference statement to Judge Patrick W. Border's chambers upon filing.

CONFIDENTIAL SETTLEMENT CONFERENCE LETTER. The **original and one (1) copy** of your confidential settlement conference letter, required by Circuit Court Rule 12.1(c), shall be delivered to Judge Patrick W Border's chambers no less than five (5) working days prior to the settlement conference. **Attach a copy of all written offers of settlement your client made prior to the settlement conference.**

WHERE TO GO. At the date and time above, please report to Judge Patrick W. Border at Courtroom 15, 4th Floor, Kaahumanu Hale, 777 Punchbowl Street, Honolulu, Hawaii 96817 and inform the Law Clerk of your presence. Be prompt.

PARTIES WITHOUT COUNSEL. Upon receipt of this notice, parties without an attorney are required to contact this Court (Phone: 539-4440) to report your **telephone number(s) and current address.** Failure to comply with this request may result in the Court's inability to advise parties without an attorney as to the trial proceedings and may result in a default being taken against such parties. Parties without an attorney are subject to the same rules and civil procedures as parties with an attorney.

WHO SHALL ATTEND. Unless otherwise ordered by the Court, (1) **lead trial counsel and self-represented parties** shall attend the settlement conference in person and (2) the client/insurer with "full settlement authority" may either **attend** in person or be "**available by telephone**". A client is "**available by telephone**" only if such person can be contacted **within one minute** after first being requested to do so. The inability of counsel to contact the client with full settlement authority within one minute may subject such client or counsel to severe sanctions.

"FULL SETTLEMENT AUTHORITY." "Full settlement authority" means having (1) full knowledge of the facts and (2) the authority to accept any settlement offer. Any party who fails to have full settlement authority for any settlement conference shall be subject to severe sanctions.

DISPOSITION BEFORE CONFERENCE. If the case is settled or otherwise disposed of before the settlement conference, the parties must notify this Court (Phone: 539-4440) immediately.

SANCTIONS FOR FAILURE TO APPEAR OR COMPLY. Failure to appear at a settlement conference or to comply with **any** of the provisions of **Circuit Court Rule 12.1** or this Notice may subject a party or their attorney to severe sanctions, including dismissal, entry of default, and awarding attorneys' fees and expenses.

FILED COPIES OF NOTICE SENT TO THE FOLLOWING BY PRE-PAID U.S. MAIL:

EXHIBIT "D"

Trial Objections

At a Glance

OBJECTIONS IN JURY SELECTION

Asks Juror To Prejudge Evidence
 Cross-Examination Barred
 Form of Question Improper
 Humiliates or Embarrasses Juror
 Hypothetical Question Misused
 Insurance Overly Stressed
 Indoctrinating on Law or Facts
 Knowledge of Law Being Tested
 Misstates the Law
 Not Related to Any Challenge for Cause
 Prejudicial or Inflammatory
 Protracted Examination

OBJECTIONS TO OPENING STATEMENTS

Addressing Juror by Name
 Anticipating Defenses of Adversary
 Arguing the Case
 Disparaging Comments
 Fact Stated Will Not Be Proven
 Inadmissible Matter Injected
 Instructing Jurors on the Law
 Insurance Overly Stressed
 Misstates the Law
 Personal Belief in Merits Expressed
 Prejudicial or Inflammatory
 Settlement Discussions Mentioned
 Subsequent Repairs Injected
 Wealth or Poverty of Party Mentioned

OBJECTIONS TO COMPETENCY OF WITNESSES

Attorney Called as Witness
 Deadman's Statute Bars Testimony
 Inability To Observe, Remember, and Communicate
 Inability To Understand Duty To Tell the Truth
 Judge or Juror Called as Witness
 Personal Knowledge Lacking

OBJECTIONS ON PRIVILEGE AND RELATED GROUNDS

Attorney-Client
 Clergyman-Penitent
 Defendant in Criminal Case
 Identity of Informer
 Marital Communications
 Newsman's Immunity
 Official Information
 Physician-Patient
 Psychotherapist-Patient
 Self-Incrimination

OBJECTIONS TO THE FORM OF A QUESTION

Ambiguous
 Argumentative
 Asked and Answered
 Assumes a Fact Not in Evidence
 Compound
 Confusing or Unintelligible
 Hypothetical Question Misused
 Leading
 Misquotes a Witness or Exhibit
 Narrative Answer Requested
 Overly Broad or General

OBJECTIONS TO TESTIMONY AND EXHIBITS

Accrediting Barred Before Impeachment
 Authentication Lacking
 Best Evidence Rule Violated
 Collateral Matter
 Conclusion Improperly Elicited
 Corpus Delicti Not Proven
 Cumulative
 Deadman's Statute Violated
 Excludable in Court's Discretion
 Fact Barred by Pleading or Admission
 Foundation Defective
 Hearsay
 Illegally Obtained Evidence

Trade Secrets
 Voter Information
 Work Product

OBJECTIONS TO CONDUCT OF A WITNESS

Argumentative Answers
 Clothing Objectionable
 Communication with a Juror
 Disparaging Comments
 Display of Unadmitted Exhibit to Jury
 Fee Contingent on Answers
 Inaudible Answers
 Interruption of Questions
 Looking to Counsel for Answer Cue
 Narrative Answers
 Notes Being Used Without Permission
 Prejudicial or Inflammatory Statements
 Protracted Answers
 Refusal To Answer Precise Question
 Unavailability for Cross-Examination
 Unresponsive Answers

OBJECTIONS TO CONDUCT OF COUNSEL

Bickering
 Blocking View of Counsel, Judge, or Jury
 Candor or Fairness Lacking
 Clothing Objectionable
 Coaching Comments in Question or Objection
 Communication with a Represented Party
 Communication with a Juror
 Currying Jury Favor
 Custom or Courtesy of Practice Ignored
 Cutting Off Witness' Answers
 Deceit or Collusion
 Delay of Suit
 Dilatory Tactics
 Display of Unadmitted Exhibit to Jury
 Disparagement of Counsel, Party, or Witness
 Distracting Noise or Movement
 Ex Parte Communications with Court
 Facts not Proved or Provable Stated
 Failure To Follow Court Instructions
 Gestures or Signals to Witness or Jury
 Habitual or Intentional Violation of Rules
 Hostility to Court, Counsel, Party, or Witness
 Inadmissible Matter Sought or Stated
 Insurance Injected
 Interruption of Questions of Adversary

Immaterial
 Impeachment Improperly Handled
 Incompetent
 Insurance Improperly Handled
 Irrelevant
 Mental Operations of Non-Witness Sought
 Narrative Answer
 Non-Responsive Answer
 Objectionable on Other Grounds
 Opinion Offered Without Basis
 Parol Evidence Rule Violated
 Prejudicial or Inflammatory
 Pretrial Order Obviates Testimony
 Privileged or Protected Information
 Reading from Document Not in Evidence
 Rehabilitation Improperly Handled
 Scope of Proper Examination Exceeded
 Self-Serving (Usually Hearsay)
 Settlement Discussions Disclosed
 Speaks for Itself (Exhibit)
 Speculation Inadmissible
 Stipulation or Agreement Obviates Answer
 Subsequent Repairs Inadmissible
 Testimony by Counsel
 Undefined Term Employed
 Undisclosed Document Barred
 Wealth or Poverty of Party Injected

Interviewing Potential Jurors
 Irrelevant Matter Injected
 Lateness
 Location of Counsel while Questioning
 Misquoting Testimony or Exhibit
 Objecting for Improper Purposes
 Orderly Trial Subverted
 Payment of Witness Fee Contingent on Testimony
 Personal Belief in Merit or Credibility Conveyed
 Personal Knowledge Asserted
 Personal Influence Exerted on Judge or Juror
 Prejudicial or Inflammatory Matter Raised
 Pretrial Order Violated
 Protracted Examination
 Publicity Violations
 Religious Beliefs Injected
 Repeating Objectionable Questions
 Respect for Court Lacking
 Stipulation Violated
 Subornation of Perjury
 Suppression of Evidence
 Testimony by Counsel
 Undignified Conduct

OBJECTIONS TO CONDUCT OF THE JUDGE

Bias re Counsel or a Party
 Coercion
 Credibility of Witnesses Assessed
 Disparagement of Counsel or a Party
 Disparagement of a Witness or Testimony
 Excessive Examination of Witnesses
 Gestures or Facial Expressions
 Interference with Presentation of Case
 Merits of Case Evaluated for Jury
 Mistakes (and Misconduct)
 Off-The-Record Comments
 Prejudicial Statements
 Settlement Pressure Inordinate
 Summarization of Testimony

OBJECTIONS IN CLOSING ARGUMENT

Attacking Counsel, Party, or a Witness
 Demonstration or Chart Misused
 Evidence Misstated or Overstated
 Excluded Matter Mentioned
 Failure To Call Witness Mishandled
 Instructing Jury on the Law
 Insurance Mentioned Improperly
 Irrelevant Facts or Issues Stressed
 Juror Addressed by Name
 Law Misstated

Per Diem Argument Employed
 Personal Belief of Counsel Stated
 Prejudicial or Inflammatory Statements
 Settlement Discussions Disclosed
 Wealth or Poverty of a Party Mentioned

OBJECTIONS TO JURY INSTRUCTIONS

Ambiguous
 Argumentative
 Confusing or Unclear
 Credibility Assessed Improperly
 Emphasis on One Theory, Issue, or Side of Case
 Evidence Lacking To Support Charge
 Failure To Call Witness Mishandled
 Jury Role Usurped
 Inconsistent Charge
 Legal Standard Erroneous
 Overly General or Abstract Charge
 Personal Opinions Stated
 Prejudice or Sympathy Appealed to
 Suggestion Improper
 Technical Terms Undefined or Misused
 Theory or Issue Omitted
 Weight of Evidence Assessed Improperly

Misstates the law