

**PREFERENCES QUESTIONNAIRE**

**Circuit Court of the First Circuit**

**JUDGE VIRGINIA LEA CRANDALL**

**(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 weeks

**What days and times do you usually schedule hearings on motions?**

Mon.: Procedural Motions  
8:30 a.m. to 11:00 a.m.  
Status Conferences  
1:30 p.m. to 3:00 p.m.  
Tues., Wed., Thurs.: Motions  
8:30 a.m. and 9:00 a.m.  
Fri.: Open for continued hearings  
and motions

**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?** Cyn (also for status conf.), Wendy or any available clerk

**B. ATTENDANCE AT HEARINGS**

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

Telephone appearances by Neighbor Island attorneys are allowed if it's a non-substantive or non-contested hearing. Honolulu attorneys must appear in person.

**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?**

Discovery conferences will be held on a case-by-case basis. Parties must be in agreement that a conference should be held and must set forth in a letter the issues and what the parties have done to attempt to resolve the dispute(s).

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

Yes, if available.

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 "A."

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

Aloha attire is okay. Participation by Neighbor Island attorneys by telephone is okay. Contact Cyn to schedule status conferences.

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?**

For the first conference, parties and/or adjustors are not required to attend if they are available to participate by telephone and counsel has settlement authority. For subsequent conferences, the parties or adjusters may be required to attend.

Please see Exhibit "B."

VI. **TRIALS**

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

This is dependent on the attorneys' schedules and when the case will be ready to proceed to trial.

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?**

Be prepared.

**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"**

FIRST CIRCUIT COURT  
STATE OF HAWAII  
FILED

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
Clerk, 9th Division

IN THE CIRCUIT COURT OF THE FIRST CIRCUIT

STATE OF HAWAII

	)	Civil No.
	)	(            )
Plaintiffs,	)	
	)	
vs.	)	JUDGE VIRGINIA LEA CRANDALL
	)	HEARING DATE:
	)	
	)	
Defendants.	)	
	)	
	)	
	)	
	)	TRIAL SETTING STATUS CONFERENCE
	)	ORDER OF - (DATE OF CONFERENCE);
	)	ATTACHMENT "A"

TRIAL SETTING STATUS CONFERENCE ORDER OF - (DATE OF CONFERENCE)

A status conference was held before the Judge Virginia Lea Crandall, in her  
Chambers, on \_\_\_\_\_.

\_\_\_\_\_, attorney for \_\_\_\_\_,

\_\_\_\_\_, attorney for \_\_\_\_\_,

\_\_\_\_\_, attorney for \_\_\_\_\_,

\_\_\_\_\_, pro se \_\_\_\_\_, pro se \_\_\_\_\_

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: \_\_\_\_\_ trial days

Out/state party \_\_\_\_\_ Out/state witness \_\_\_\_\_ Expert witness \_\_\_\_\_

Alternative Dispute Resolution:

CAAP \_\_\_\_\_ Mediation/Other: \_\_\_\_\_

Deadline to complete Mediation/Other: \_\_\_\_\_

Exchange Expert's Report:

Plaintiff \_\_\_\_\_ to be determine \_\_\_\_\_ Defendant(s) \_\_\_\_\_ to be determine \_\_\_\_\_ Other \_\_\_\_\_

Pretrial Conf/Hearing: Date/Time \_\_\_\_\_ to be determine \_\_\_\_\_

Other: 1) Deadlines two (2) weeks before the Monday of trial week (See Attachment "A")

\_\_\_\_\_  
\_\_\_\_\_

DATED: Honolulu, Hawai'i, \_\_\_\_\_.

\_\_\_\_\_  
JUDGE OF THE ABOVE-ENTITLED COURT

APPROVED AS TO FORM:

\_\_\_\_\_  
Atty for

\_\_\_\_\_  
Atty for

\_\_\_\_\_

\_\_\_\_\_

Pro Se

Pro Se

COPIES TO:

COURT JACKET

U.S. MAIL

Attorney(s) for Plaintiff(s)

Attorney(s) for Defendant(s)

**ATTACHMENT "A"**  
(Revised: 10/14/2010)

JUDGE VIRGINIA LEA CRANDALL - NINTH DIVISION - FIRST JUDICIAL CIRCUIT

**DEADLINES TWO (2) WEEKS BEFORE TRIAL WEEK**

**TRIAL WEEK:** Parties, attorneys and witnesses shall be prepared to start trial any day during the trial week or the week after the scheduled trial week.  
The Court's non-trial day is Monday.

<b>Deadline</b>	<b>Issue</b>	<b>Action</b>
<b>Fourteen (14) days prior to the Monday of trial week</b>	<b>1) EXHIBITS</b>	ALL EXHIBITS must be marked and exchanged between parties with exhibit lists submitted to the court.
	<b>2) MOTIONS IN LIMINE; DEPOSITION DESIGNATIONS</b> (For witnesses not testifying in person)	File and serve any and all Motions in Limine and Deposition designations (for witnesses who will not personally appear at trial).
<b>Seven (7) days prior to the Monday of trial week</b>	<b>1) EXHIBITS</b>	File and serve a statement indicating the legal ground(s) for objection(s) as to each separate exhibit.
	<b>2) MOTIONS IN LIMINE; DEPOSITION COUNTERDESIGNATIONS</b>	File and serve any and all Memorandum in Opposition to the Motion(s) in Limine and objections to Deposition designations and/or counterdesignations.
<b>Thursday prior to the Monday of trial week</b>	<b>JURY TRIAL DOCUMENTS</b>	File and serve the following: 1. Witness list which will be read or submitted to Jury. 2. Attorney Firm List. 3. Brief factual statement to be read to Jury. 4. Jury Instructions. 5. Special Verdict Form.
	<b>ACTUAL EXHIBITS</b>	Deliver to Court actual exhibits and Court's copy of exhibits.

**EXPERTS:** *Note: Expert opinions not disclosed in deposition testimony, written report(s) and/or answers to interrogatories, by the discovery cut off date, will not be allowed at trial.*



## **EXHIBITS:**

**SEPARATE EXHIBITS:** Exhibits which have not been exchanged between the parties shall not be admitted into evidence except upon a showing of good cause. **Plaintiff shall have an exhibit which summarizes all damages. See, Hawai'i Rules of Evidence, Rule 1006.**

**OBJECTIONS TO SEPARATE EXHIBITS:** Failure to object to an exhibit shall be deemed a waiver of all objections thereto, and the exhibit may be admitted into evidence without further argument.

**PREPARATION OF EXHIBITS:** Exhibits with exhibit lists shall be appropriately marked and submitted to the Court the Thursday before the trial week, as follows:

1. Judge's copy shall be tabbed in 3 ring binder(s);
2. A clean set of the actual exhibits being offered into evidence shall be submitted in individually tabbed file folders labeled with appropriate Exhibit marking, i.e., P-1, P-2, D-1, D-2, etc;
3. Each exhibit must be marked on the reverse side of the last page of the exhibit (lower right hand corner) using one of the following marking guidelines:
  - a. **Plaintiff's exhibits:** identified numerically starting with the letter "P" followed by the number "1" (i.e., P1, P2, etc.);
  - b. **Defendant's exhibits:** identified numerically starting with the letter "D" followed by the number "1" (i.e., D1, D2, etc.);
  - c. **Multiple parties and/or oversized or voluminous exhibits:** Please call Judge's chambers for marking codes and/or further instructions.

## **MOTIONS IN LIMINE / DEPOSITION DESIGNATIONS**

A pretrial hearing re: Motions in Limine and objections to exhibits, deposition designations and/or counterdesignations shall be held on the date/time as set forth in the Trial Setting Status Conference Order attached hereto.

## **SETTLEMENT CONFERENCE:**

The CONFIDENTIAL SETTLEMENT CONFERENCE LETTER shall contain:

1. A brief statement of the issues;
2. Facts in favor of Plaintiff's case and against Plaintiff's case;
3. Facts in favor of Defendant's case and against Defendant's case;
4. Fees and costs expended to date;
5. Anticipated fees and costs to and through trial;
6. Best possible outcome following trial for each party;
7. Worst possible outcome following trial for each party;
8. Likelihood of the best/worst outcomes occurring (percentages);
9. Most recent demand/offer.

## GENERAL INFORMATION

### JURY TRIAL:

1. Jurors will be allowed to take notes.
2. Jurors will be provided copies of Jury Instructions when read.
3. Court instructs Jury before Closing Arguments.
4. 24 hr. notice of witnesses to be called to testify.
5. Witnesses only to be called to the stand one time.
6. Exclusionary rule will be invoked - counsel responsible for compliance.
7. Peremptory Challenges: 3 each side; 1 alternate each side.

### TIME LIMITS: (based on 2 party cases and subject to change on a case by case basis)

- a. Jury Selection: 30 min. each side  
3-5 min. replacement /alternates.
- b. Opening Statement: 20 min. each side
- c. Closing Arguments: 1 hr. each side
- d. Court's trial hours: 9:30 a.m. - noon and 1:30 p.m. - 4:15 p.m.

### VISUAL AIDS AND DEMONSTRATIVE EVIDENCE:

- a. Show all visual aids to the court and counsel before using them.
- b. The parties shall obtain and make available all equipment necessary to view any evidence. The equipment shall be available, set up and approved by the court before trial.
- c. The parties shall mutually review all such aids/evidence before trial.

### EXTENSIONS OF TIME LIMITS AND DEADLINES

Unless otherwise ordered herein, counsel shall comply with all deadlines required by the Hawai'i Rules of Civil Procedure and the Rules of the Circuit Courts of the State of Hawai'i (the Rules).

**EXHIBIT “B”**

FIRST CIRCUIT COURT  
STATE OF HAWAII  
FILED

Kaahumanu Hale  
777 Punchbowl Street  
4th Floor, Chambers 1  
Honolulu, HI 96813-5093

Telephone: (808)539-4054

\_\_\_\_\_ o'clock \_\_\_\_\_.M.

\_\_\_\_\_  
Clerk, 9th Division

**NOTICE OF SETTLEMENT CONFERENCE**

CASE NAME	CASE NO.
	CIVIL NO.
	TRIAL WEEK

JUDGE	DIVISION	DATE	TIME
Virginia L. Crandall	9th Division Courtroom 11 Chambers 1		

1. Counsel or parties pro se must be on time.
2. The presence of lead trial counsel is required. Substitute counsel will be allowed only upon prior approval by Judge Crandall.
3. Persons required to attend should bring their calendars to the settlement conference.
4. The attorney attending the settlement conference must have authority towards settlement. If authority is not secured, counsel must bring their client(s) or representative(s) who possess(es) such authority.

5. Counsel must have thoroughly evaluated the case, discussed and attempted settlement negotiations through an exchange of written bona fide and reasonable offers of settlement prior to the conference.
6. Settlement Conference Statements and Confidential Settlement Conference Letters must comply with the requirements set forth in Rule 12.1 of the Rules of the Circuit Courts ("RCC").

Settlement Conference Statements shall be **filed** not less than **five (5) working days** prior to the settlement conference date, with two (2) file-marked copies delivered, at the time of filing the original, to Judge Crandall's chambers.

Confidential Settlement Conference Letters shall be **delivered** to Judge Crandall's chambers not less than **five (5) working days** prior to the settlement conference date.

7. In addition to the information required by RCC 12.1 for the Confidential Settlement Conference Letter, the following information shall also be provided therein:
  - a) fees and costs expended to date;
  - b) anticipated fees and costs to and through trial;
  - c) best possible outcome at trial for each respective party;
  - d) worst possible outcome at trial for each respective party; and
  - e) likelihood of the best/worst outcomes occurring (i.e. chances of the best/worst outcome in percentages).
8. Failure to appear at said conference or to comply with any of the provisions of RCC 12.1 may result in sanctions by the Court as provided in RCC 12.1(a)(6).
9. If this case has been settled or is inactive, inform the clerk immediately. If you or your client are no longer involved in this case, please notify the clerk.
10. A stipulation for dismissal with or without prejudice or stipulated judgment shall be filed no later than ten (10) days prior to the settlement conference date.

NOTICE SENT TO:

Via U.S. Mail, Postage Prepaid

Via U.S. Mail, Postage Prepaid

Via U.S. Mail, Postage Prepaid

NOTICE OF ENTRY

The foregoing Notice of Settlement Conference in Civil No. 08-1-1003-05 has been entered and copies thereof served on the above-identified parties by placing the same in the United States mail, postage paid, on \_\_\_\_\_.

\_\_\_\_\_  
Clerk, Ninth Division