



## *Judicial Practices Survey*

### **PREFACE**

The MBA Court Liaison Committee is pleased to provide you with the 2013 *Judicial Practices Survey* for the Multnomah County Circuit Court. This survey provides information regarding individual judges' preferences for trial procedures and protocols.

The intent of the survey is to provide you with an easy reference that will help you in the courtroom. The survey is by no means comprehensive, nor is it meant to establish absolute guidelines for trial practice; each case is unique and any given procedure or preference may be modified to fit the particular circumstances of your case. You should always check with the judge or her/his staff regarding other practices or procedures not specifically covered in this survey. All answers to these surveys are subject to change without notice. For photos and profiles of Multnomah County Circuit Court judges, please visit [www.mbabar.org](http://www.mbabar.org) and go to the Courts page.

We express special thanks to those judges who participated in this survey for taking the time to share their practices and preferences with the members of the bar.

MBA Court Liaison Committee

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**JUDICIAL PRACTICES SURVEY  
MULTNOMAH COUNTY CIRCUIT COURT**

Conducted by the Multnomah Bar Association Court Liaison Committee

NAME OF JUDGE: **Cheryl Albrecht**  
JUDICIAL ASSISTANT: **Amber Coe**  
TELEPHONE NUMBER: **503.988.3835**  
FAX NUMBER (see § A below):  
EMAIL (see § A below): **cheryl.a.albrecht@ojd.state.or.us**

**A. PRETRIAL COMMUNICATIONS**

1. What mode of communication do you prefer counsel to use to contact you regarding scheduling, discovery and other pretrial matters (e.g. email, joint telephone calls, fax or mail)? Please list any restrictions or limitations that apply.

**Telephone, email or fax to Amber Coe.**

2. For bench copies of pretrial filings, do you prefer receiving hard copies or electronic copies of documents by email? If you prefer electronic copies, do you have any particular format specifications (e.g. Word or WordPerfect) or size limitations? Please list any restrictions or limitations that apply.

**Either is OK.**

3. Other comments regarding pretrial communications:

**B. VOIR DIRE**

1. How much time do you allow for voir dire?

**No limitations, as long as questions and procedures comply with applicable law.**

2. Do you require, or prefer, one type of voir dire procedure over another?

**For most trials, questioning with all jurors in courtroom. Jurors are called and seated and go through a pre-written list of questions. For cause challenges, I prefer a lawyer with concerns about a witness' qualifications ask all questions they would like to of that witness, and then ask if the court has any additional "qualification" questions. I allow the other attorney to ask questions at that time; however, I prefer cause challenges to be made in chambers with an in-court record made of the challenge outside the presence of the jurors. For jurors who will have a hardship serving for the entire length of trial, I ask the details of their hardship, and then discuss the hardships with attorneys in chambers. If I grant the excusal for hardship, it is later stated on the record outside the presence of jurors.**

3. Must counsel disclose witnesses to the court for voir dire?

**Yes. Upon request, court will read a list of names to jurors without indicating which side is calling the person as a witness.**

a. If so, does this apply to expert witnesses?

**Yes, but the court will consider requests not to disclose for good cause shown.**

4. Is the jury given a brief summary of the case as part of voir dire?

**Yes. In criminal cases, the court usually reads the indictment or information to the jury. If the parties stipulate to a different recitation of facts, the court would consider using the stipulated version.**

**In civil cases, the parties must confer before trial to come to an agreed-upon Summary of Facts to be given between the Pleadings and Issue Instruction and the Summary of Pleadings Not Evidence Instruction. A stipulated summary of the facts presented by me during the opening instruction is the preferable manner, but I am flexible as to format given the individual circumstances of the case.**

a. If so, is the summary given to the jury by you?

**See answer above.**

b. If so, do you require that its content be agreed upon by counsel?

**This is highly encouraged.**

c. Do you instead require counsel to give a brief (three minute or so) opening statement to the jury before voir dire?

**As stated, I am flexible as to format.**

d. If not required, do you allow counsel to give a brief opening statement to the jury?

**See answers above.**

5. Are challenges exercised in the courtroom or in chambers?

**Challenges are exercised in chambers if feasible, or in the courtroom outside the presence of jurors. See Answer in Question # B-2 for cause challenges and hardship excusals.**

6. Under what circumstances do you allow written jury questionnaires?

**In cases of a sensitive nature, or for complex cases. Written jury questionnaires and accompanying procedures should be addressed before trial.**

7. Other comments regarding voir dire:

## **C. OPENING STATEMENT/CLOSING ARGUMENT**

1. How close to the jury is counsel allowed?

**Attorneys should be mindful of jurors' need for space.**

2. Are counsel permitted to use visual aids and exhibits during opening?

**Yes, however the content should be discussed prior to trial. Exhibits should be pre-admitted or receive court approval for use in opening. Regarding demonstrative exhibits, the court reminds attorneys of the obligation in opening statements to discuss only facts about which there is a good faith belief as to admissibility.**

3. Do you limit the length of opening?

**No.**

4. Do you limit the length of closing? (Apart from ORCP 58B(7))  
**No.**

5. Other comments regarding opening statement/closing argument:

**D. PRESENTATION OF EVIDENCE**

1. Do you personally want a marked set of exhibits, and if so, when and in what format?  
**For trials with a larger number of exhibits, parties should provide an exhibit copies to the court and must provide an exhibit form to the clerk. Attorneys should, prior to trial, stipulate to admission. Exhibits not stipulated should be discussed with the court beforehand. Originals should be given to the clerk as exhibits are offered.**

2. Do you allow or encourage counsel to provide jurors copies of exhibits, witness information and/or other materials?  
**All exhibits admitted are provided to jurors during deliberations unless otherwise prohibited by law. Exhibits may be made immediately available, but attorneys should use discretion as to which exhibits and number of exhibits to be published to the jury during trial.**

3. May counsel hand admitted exhibits directly to the jury?  
**Counsel should request court's permission first.**

4. What is your preferred manner of reading deposition testimony during trial? Do you allow or prefer stipulated deposition summaries be used instead of the deposition transcript?  
**I'm flexible as to format.**

5. Do you permit re-cross examination? And then re-re-direct?  
**Only in rare circumstances.**

6. May counsel confer with a witness during breaks before the testimony is completed?  
**Generally, yes, but not if instructed otherwise. Also, opposing counsel can inquire about any witness "coaching."**

7. When witnesses are excluded, does that include experts?  
**Yes, but counsel may make a showing that the expert's testimony is required.**

8. Are jurors allowed to ask questions of witnesses during the course of the trial? If so, in both civil and criminal cases?  
**I allow jurors to ask questions unless an attorney objects. I typically do not allow juror questions in sexual abuse cases involving children.**

a. If so, what is the manner in which they may submit questions?  
**Jurors are instructed in opening instructions regarding the procedure for asking questions. I generally follow the format set out in the Uniform Criminal Jury Instructions for both criminal and civil trials. I do not invite jurors to submit questions after each witness as I do not want to appear to encourage the practice.**

b. If so, when do you ask the questions?

**Jurors submit questions in writing. Then I review them with attorneys in a chambers conference. The court will ask the question, ask the question as modified or not ask the question. Attorneys are allowed to ask follow-up questions. The written questions are made part of the record.**

9. Other comments regarding presentation of evidence:

**I am flexible with calling witnesses out of order if there are scheduling issues, but following the traditional mode and order of witness presentation is encouraged. Any anticipated objections to questions or evidence should be addressed in pre-trial Motions in Limine to avoid trial delays.**

#### **E. JURY INSTRUCTIONS**

1. Do you prefer a copy of the instructions and verdict form on a disk, and if so, in what format (e.g., do you prefer a clean copy of the instructions, without authorities, to submit to the jury)?

**Yes. Counsel can submit one list of requested instructions on pleading paper and should email an electronic version to the court. Word format preferred.**

2. Do you prefer to summarize the pleadings or would you prefer counsel to submit a short summary of the case to be read to the jury?

**I prefer counsel submit a short stipulated sentence which I read to the jury, but I am flexible on this. See Question B-4 above.**

3. Other comments regarding jury instructions:

**To the extent possible, special jury instructions should be addressed before trial.**

#### **F. ATTORNEY CONTACT WITH JURORS POST VERDICT**

1. Do you invite jurors to talk to the attorneys following receipt of the verdict?

**If requested by counsel outside presence of jurors and parties agree on format of discussion, this can be done.**

2. If so, do you do so in every case? If not in every case, under what circumstances do you invite jurors to talk to the attorneys?

**See answer above.**

3 Other comments regarding attorney contact with jurors post verdict:

Completed by: **Cheryl Albrecht**

Date: **January 23, 2012; updated April, 2013**

**JUDICIAL PRACTICES SURVEY  
MULTNOMAH COUNTY CIRCUIT COURT**

Conducted by the Multnomah Bar Association Court Liaison Committee

NAME OF JUDGE: **Beth A. Allen**  
JUDICIAL ASSISTANT: **Elaine Gudekunst**  
TELEPHONE NUMBER: **503.988.3250**  
FAX NUMBER (see § A below): **503.297.0961**  
EMAIL (see § A below): **elaine.m.gudekunst@ojd.state.or.us**  
**beth.a.allen@ojd.state.or.us**

**A. PRETRIAL COMMUNICATIONS**

1. What mode of communication do you prefer counsel to use to contact you regarding scheduling, discovery and other pretrial matters (e.g. email, joint telephone calls, fax or mail)? Please list any restrictions or limitations that apply.

**Email, copied to Elaine, preferred, although if it is an imminent matter, please call.**

2. For bench copies of pretrial filings, do you prefer receiving hard copies or electronic copies of documents by email? If you prefer electronic copies, do you have any particular format specifications (e.g. Word or WordPerfect) or size limitations? Please list any restrictions or limitations that apply.

**Electronic documents are preferred. Word is best. Length limitation is reasonableness. Do not include any exhibits to which opposing counsel/party has not previously stipulated.**

3. Other comments regarding pretrial communications:

**If I do not see an indication that opposing counsel/party has received a copy, I will not read the communication.**

**B. VOIR DIRE**

1. How much time do you allow for voir dire?

**Half hour per side, generally.**

2. Do you require, or prefer, one type of voir dire procedure over another?

**No.**

3. Must counsel disclose witnesses to the court for voir dire?

**Yes.**

a. If so, does this apply to expert witnesses?

**Yes.**

4. Is the jury given a brief summary of the case as part of voir dire?

**Yes. See E2.**

a. If so, is the summary given to the jury by you?

**Me.**

b. If so, do you require that its content be agreed upon by counsel?

**Yes.**

c. Do you instead require counsel to give a brief (three minute or so) opening statement to the jury before voir dire?

**No.**

d. If not required, do you allow counsel to give a brief opening statement to the jury?

**No, other than as may be done as introduction to actual voir dire.**

5. Are challenges exercised in the courtroom or in chambers?

**Chambers.**

6. Under what circumstances do you allow written jury questionnaires?

**Not allowing at this time.**

7. Other comments regarding voir dire:

#### **C. OPENING STATEMENT/CLOSING ARGUMENT**

1. How close to the jury is counsel allowed?

**Do not touch or intrude past the jury box.**

2. Are counsel permitted to use visual aids and exhibits during opening?

**Yes, so long as they are short and not disruptive or delaying.**

3. Do you limit the length of opening?

**No, but it should be reasonable in light of the matters at issue at trial.**

4. Do you limit the length of closing? (*Apart from ORCP 58B(7)*)

**No, but see above.**

5. Other comments regarding opening statement/closing argument:

#### **D. PRESENTATION OF EVIDENCE**

1. Do you personally want a marked set of exhibits, and if so, when and in what format?

**A judge's notebook is my preference; provided just before trial begins is fine.**

2. Do you allow or encourage counsel to provide jurors copies of exhibits, witness information and/or other materials?

**Yes to copies of exhibits. Otherwise, generally, no.**

3. May counsel hand admit exhibits directly to the jury?

**Only after checking with me.**



4. What is your preferred manner of reading deposition testimony during trial? Do you allow or prefer stipulated deposition summaries be used instead of the deposition transcript?  
**I prefer actual transcript, to be read by attorney introducing, and without any emotive inflection.**

5. Do you permit re-cross examination? And then re-re-direct?  
**Yes.**

6. May counsel confer with a witness during breaks before the testimony is completed?  
**Prefer not, and would like a specific request if something unique has come up.**

7. When witnesses are excluded, does that include experts?  
**Generally not.**

8. Are jurors allowed to ask questions of witnesses during the course of the trial? If so, in both civil and criminal cases?  
**No, not at this time.**

a. If so, what is the manner in which they may submit questions?

b. If so, when do you ask the questions?

9. Other comments regarding presentation of evidence:  
**I expect that exhibits will be shared in a reasonably organized fashion at least a half an hour before trial so that opposing counsel/party may review and be prepared with objections in advance of trial.**

#### **E. JURY INSTRUCTIONS**

1. Do you prefer a copy of the instructions and verdict form on a disk, and if so, in what format (e.g., do you prefer a clean copy of the instructions, without authorities, to submit to the jury)?

**Electronic copy, without authorities. Preference for one file that includes all requested instructions to which both sides agree and then separate files for contested instructions.**

2. Do you prefer to summarize the pleadings or would you prefer counsel to submit a short summary of the case to be read to the jury?

**Counsel to provide an agreed upon summary.**

3. Other comments regarding jury instructions:

**I expect good faith efforts regarding agreement of jury instructions and summary before day of trial.**

#### **F. ATTORNEY CONTACT WITH JURORS POST VERDICT**

1. Do you invite jurors to talk to the attorneys following receipt of the verdict?

**If attorneys specifically ask in advance.**

2. If so, do you do so in every case? If not in every case, under what circumstances do you invite jurors to talk to the attorneys?

**See above. If the case is particularly emotionally difficult for the jurors, then probably I would not invite discussion with counsel.**

3. Other comments regarding attorney contact with jurors post verdict:

**I plan to talk to jurors about their experiences when possible, and am happy to share whatever I learn with any attorney who asks.**

All answers to this survey are subject to change without notice.

Completed by: **Beth A. Allen**

Date: **April 5, 2013**

**JUDICIAL PRACTICES SURVEY  
MULTNOMAH COUNTY CIRCUIT COURT**

Conducted by the Multnomah Bar Association Court Liaison Committee

NAME OF JUDGE:	<b>Eric J. Bergstrom</b>
JUDICIAL ASSISTANT:	<b>Lauren Dillard</b>
TELEPHONE NUMBER:	<b>503.988.5029</b>
FAX NUMBER (see § A below):	<b>503.276.0966</b>
EMAIL (see § A below):	<b>Eric.J.Bergstrom@ojd.state.or.us</b>

**A. PRETRIAL COMMUNICATIONS**

1. What mode of communication do you prefer counsel to use to contact you regarding scheduling, discovery and other pretrial matters (e.g. email, joint telephone calls, fax or mail)?  
**Please list any restrictions or limitations that apply. Counsel may either telephone or email my Judicial Assistant, Susan Hull, 503.988.5029, susan.e.hull@ojd.state.or.us**

2. For bench copies of pretrial filings, do you prefer receiving hard copies or electronic copies of documents by email? If you prefer electronic copies, do you have any particular format specifications (e.g. Word or WordPerfect) or size limitations? Please list any restrictions or limitations that apply.

**I prefer hard copies, except for jury instructions. For jury instructions, I prefer both hard copies and electronic copies in Word format.**

3. Other comments regarding pretrial communications:  
**Before sending anything via fax that exceeds 5 pages, first telephone my Judicial Assistant and get permission. Do not send documents that are needed for the next morning at 5 p.m.**

**B. VOIR DIRE**

1. How much time do you allow for voir dire?  
**No restrictions although if it looks like it will interfere with the time allotted for the trial I will ask counsel to speed things up.**

2. Do you require, or prefer, one type of voir dire procedure over another?  
**No – whatever is best for the lawyers is fine with me.**

3. Must counsel disclose witnesses to the court for voir dire?  
**Criminal: yes; Civil – upon agreement of counsel.**

a. If so, does this apply to expert witnesses?  
**Only upon agreement of counsel.**

4. Is the jury given a brief summary of the case as part of voir dire?  
**Yes**

a. If so, is the summary given to the jury by you?  
**Yes**

b. If so, do you require that its content be agreed upon by counsel?  
**I prefer counsel to agree in advance on a short summary.**

c. Do you instead require counsel to give a brief (three minute or so) opening statement to the jury before voir dire?  
**Whatever the lawyers prefer is fine with me.**

d. If not required, do you allow counsel to give a brief opening statement to the jury?

5. Are challenges exercised in the courtroom or in chambers?  
**For civil and criminal cases I do challenges in chambers.**

6. Under what circumstances do you allow written jury questionnaires?  
**When the case has issues that make it necessary. I require the lawyers to agree on the contents of the questionnaire, and I must approve it as well.**

7. Other comments regarding voir dire:  
**I don't like questions that are intended to condition the jury and will stop lawyers who do so.**

#### **C. OPENING STATEMENT/CLOSING ARGUMENT**

1. How close to the jury is counsel allowed?  
**As close as they want as long as they do not touch the jury box.**

2. Are counsel permitted to use visual aids and exhibits during opening?  
**Yes, but they should show them to each other in advance to avoid problems and objections.**

3. Do you limit the length of opening?  
**No.**

4. Do you limit the length of closing? (*Apart from ORCP 58B(7)*)  
**No**

5. Other comments regarding opening statement/closing argument:  
**Use of exhibits are fine but they need to be previously admitted or used by agreement of opposing counsel.**

#### **D. PRESENTATION OF EVIDENCE**

1. Do you personally want a marked set of exhibits, and if so, when and in what format?  
**Only in cases where there are a large number of exhibits.**

2. Do you allow or encourage counsel to provide jurors copies of exhibits, witness information and/or other materials?

**I leave this up to counsel. In complex cases or cases with lots of exhibits I find it to be very helpful to jurors.**

3. May counsel hand admitted exhibits directly to the jury?

**Yes, but the lawyer must continue examination of the witness while the jury is looking at the exhibit.**

4. What is your preferred manner of reading deposition testimony during trial? Do you allow or prefer stipulated deposition summaries be used instead of the deposition transcript?

**I have no preferred method.**

5. Do you permit re-cross examination? And then re-re-direct?

**No**

6. May counsel confer with a witness during breaks before the testimony is completed?

**Yes**

7. When witnesses are excluded, does that include experts?

**No**

8. Are jurors allowed to ask questions of witnesses during the course of the trial? If so, in both civil and criminal cases?

**Yes in civil, No in criminal.**

a. If so, what is the manner in which they may submit questions?

**In writing**

b. If so, when do you ask the questions?

**After direct examination, cross examination and re-direct.**

9. Other comments regarding presentation of evidence:

#### **E. JURY INSTRUCTIONS**

1. Do you prefer a copy of the instructions and verdict form on a disk, and if so, in what format (e.g., do you prefer a clean copy of the instructions, without authorities, to submit to the jury)?

**Yes on disk in Word format.**

2. Do you prefer to summarize the pleadings or would you prefer counsel to submit a short summary of the case to be read to the jury?

**I prefer counsel to submit an agreed upon summary.**

3. Other comments regarding jury instructions:

#### **F. ATTORNEY CONTACT WITH JURORS POST VERDICT**

1. Do you invite jurors to talk to the attorneys following receipt of the verdict?

**No**

2. If so, do you do so in every case? If not in every case, under what circumstances do you invite jurors to talk to the attorneys?

3. Other comments regarding attorney contact with jurors post verdict:

Completed by: **Eric J. Bergstrom**

Date: **5/12/08**

**JUDICIAL PRACTICES SURVEY  
MULTNOMAH COUNTY CIRCUIT COURT**

Conducted by the Multnomah Bar Association Court Liaison Committee

NAME OF JUDGE: **Eric J. Bloch**  
JUDICIAL ASSISTANT: **Joanne Gratton**  
TELEPHONE NUMBER: **503.988.3954**  
FAX NUMBER (see § A below): **503.276.0964**  
EMAIL (see § A below): **eric.j.bloch@ojd.state.or.us**

**A. PRETRIAL COMMUNICATIONS**

1. What mode of communication do you prefer counsel to use to contact you regarding scheduling, discovery and other pretrial matters (e.g. email, joint telephone calls, fax or mail)? Please list any restrictions or limitations that apply.

**Any written form is preferred so as to assure clarity of positions. Joint conference calls only as needed.**

2. For bench copies of pretrial filings, do you prefer receiving hard copies or electronic copies of documents by email? If you prefer electronic copies, do you have any particular format specifications (e.g. Word or WordPerfect) or size limitations? Please list any restrictions or limitations that apply.

**Please provide electronic versions in WordPerfect format. Hard copies, in addition, would be appreciated.**

3. Other comments regarding pretrial communications:

**B. VOIR DIRE**

1. How much time do you allow for voir dire?

**Typically, no more than 30-45 minutes.**

2. Do you require, or prefer, one type of voir dire procedure over another?

**We use the "standard" approach of attorneys asking general questions of the panel, with specific follow-ups.**

3. Must counsel disclose witnesses to the court for voir dire?

**Yes.**

a. If so, does this apply to expert witnesses?

**Yes.**

4. Is the jury given a brief summary of the case as part of voir dire?

**Yes.**

a. If so, is the summary given to the jury by you?

**Yes, and drafted by counsel as well.**

b. If so, do you require that its content be agreed upon by counsel?  
**Yes.**

c. Do you instead require counsel to give a brief (three minute or so) opening statement to the jury before voir dire?  
**No.**

d. If not required, do you allow counsel to give a brief opening statement to the jury?  
**Briefly, as part of voir dire.**

5. Are challenges exercised in the courtroom or in chambers?  
**"Peremptory" in chambers, but "for cause" in court.**

6. Under what circumstances do you allow written jury questionnaires?  
**When the parties come prepared with questionnaires and using them will make voir dire more efficient and purposeful, particularly in complex litigation.**

7. Other comments regarding voir dire:

#### **C. OPENING STATEMENT/CLOSING ARGUMENT**

1. How close to the jury is counsel allowed?  
**Use your judgment, respecting personal space of jurors.**

2. Are counsel permitted to use visual aids and exhibits during opening?  
**Exhibits, yes, if pre-admitted. Visual aids with permission of the court.**

3. Do you limit the length of opening?  
**Typically, no longer than 30 minutes each side.**

4. Do you limit the length of closing? (Apart from ORCP 58B(7))  
**Typically, no longer than 45 minutes each side.**

5. Other comments regarding opening statement/closing argument:

#### **D. PRESENTATION OF EVIDENCE**

1. Do you personally want a marked set of exhibits, and if so, when and in what format?  
**Yes for court trials, in a notebook.**

2. Do you allow or encourage counsel to provide jurors copies of exhibits, witness information and/or other materials?  
**I encourage it to better inform the jury, but require notice to opposing counsel and approval of court.**

3. May counsel hand admitted exhibits directly to the jury?  
**See answer to D(2).**



4. What is your preferred manner of reading deposition testimony during trial? Do you allow or prefer stipulated deposition summaries be used instead of the deposition transcript?  
**No real preference, but summaries should be used in lieu of lengthy (more than 2-3 pages) readings.**

5. Do you permit re-cross examination? And then re-re-direct?  
**Very rarely.**

6. May counsel confer with a witness during breaks before the testimony is completed?  
**Yes.**

7. When witnesses are excluded, does that include experts?  
**Typically, yes.**

8. Are jurors allowed to ask questions of witnesses during the course of the trial? If so, in both civil and criminal cases?  
**Yes.**

a. If so, what is the manner in which they may submit questions?  
**After re-direct, in writing, passed to the judge via the clerk.**

b. If so, when do you ask the questions?  
**After conferring with counsel side-bar.**

9. Other comments regarding presentation of evidence:  
**Attorneys get to follow-up on any questions posed by jurors. I may ask questions, too, if sitting as the finder-of-fact.**

#### **E. JURY INSTRUCTIONS**

1. Do you prefer a copy of the instructions and verdict form on a disk, and if so, in what format (e.g., do you prefer a clean copy of the instructions, without authorities, to submit to the jury)?  
**Hard copies with authorities to court, disk without authorities.**

2. Do you prefer to summarize the pleadings or would you prefer counsel to submit a short summary of the case to be read to the jury?  
**Counsel should submit.**

#### **F. ATTORNEY CONTACT WITH JURORS POST VERDICT**

1. Do you invite jurors to talk to the attorneys following receipt of the verdict?  
**Yes, but not as to any attorney who objects.**

2. If so, do you do so in every case? If not in every case, under what circumstances do you invite jurors to talk to the attorneys?

**Yes, in most cases, but the length, tenor and subject matter of the case may militate against it.**

3. Other comments regarding attorney contact with jurors post verdict:

Completed by: **Eric J. Bloch**

Date: **March 20, 2007**

**JUDICIAL PRACTICES SURVEY  
MULTNOMAH COUNTY CIRCUIT COURT**

Conducted by the Multnomah Bar Association Court Liaison Committee

NAME OF JUDGE: **Stephen K. Bushong**  
JUDICIAL ASSISTANT: **Susan Hildebrand**  
TELEPHONE NUMBER: **503.988.3546**  
FAX NUMBER (see § A below): **503.276.0497**  
EMAIL (see § A below): **stephen.k.bushong@ojd.state.or.us**

**A. PRETRIAL COMMUNICATIONS**

1. What mode of communication do you prefer counsel to use to contact you regarding scheduling, discovery and other pretrial matters (e.g. email, joint telephone calls, fax or mail)? Please list any restrictions or limitations that apply.

**For scheduling, counsel should call my judicial assistant at the number listed above. She will schedule pretrial or discovery conferences—including telephone conference calls—if requested in appropriate cases. Counsel should not send emails to me directly without prior approval or a request from me to respond to an email that I sent.**

2. For bench copies of pretrial filings, do you prefer receiving hard copies or electronic copies of documents by email? If you prefer electronic copies, do you have any particular format specifications (e.g. Word or WordPerfect) or size limitations? Please list any restrictions or limitations that apply.

**I prefer receiving hard copies of all pretrial filings, plus an electronic copy of jury instructions and verdict form (Word format is preferred).**

3. Other comments regarding pretrial communications:

**Counsel should not copy me on emails or correspondence between counsel without my prior approval.**

**B. VOIR DIRE**

1. How much time do you allow for voir dire?

**I have not yet found it necessary to set time limits for voir dire.**

2. Do you require, or prefer, one type of voir dire procedure over another?

**No specific procedure is required. Unless otherwise requested, ordinarily, I will elicit some general information (occupation, educational background, etc.) from the prospective jurors and inquire about any potential hardships that might prevent them from serving on the jury in a particular case. Counsel will then be allowed to question prospective jurors individually and/or as a group. Counsel should not use this as an opportunity to argue the case or attempt to commit from jurors to decide the case in a particular way.**

3. Must counsel disclose witnesses to the court for voir dire?

**Yes.**

a. If so, does this apply to expert witnesses?

**No.**

4. Is the jury given a brief summary of the case as part of voir dire?  
**Yes.**

a. If so, is the summary given to the jury by you?

**Ordinarily, yes.**

b. If so, do you require that its content be agreed upon by counsel?

**Yes, if possible.**

c. Do you instead require counsel to give a brief (three minute or so) opening statement to the jury before voir dire?

**Not required, but allowed in appropriate cases.**

d. If not required, do you allow counsel to give a brief opening statement to the jury?

**In some cases, yes.**

5. Are challenges exercised in the courtroom or in chambers?

**Challenges for cause are exercised in the courtroom; peremptory challenges are exercised in chambers.**

6. Under what circumstances do you allow written jury questionnaires?

**If requested by the parties, I will allow written jury questionnaires if I am satisfied that it will improve the efficiency of the jury selection process for that case.**

7. Other comments regarding voir dire:

## **C. OPENING STATEMENT/CLOSING ARGUMENT**

1. How close to the jury is counsel allowed?

**I do not require counsel to remain at counsel table during opening statement and closing argument; counsel may stand directly in front of the jury box, leaving sufficient room to respect the jurors' personal space. Counsel should remember that the courtroom's recording equipment may not pick up their statements if they stray too far from a microphone.**

2. Are counsel permitted to use visual aids and exhibits during opening?

**Ordinarily, yes.**

3. Do you limit the length of opening?

**I have not yet found it necessary to limit the length of opening.**

4. Do you limit the length of closing? (*Apart from ORCP 58B(7)*)

**I have not yet found it necessary to limit the length of closing.**

5. Other comments regarding opening statement/closing argument:

**D. PRESENTATION OF EVIDENCE**

1. Do you personally want a marked set of exhibits, and if so, when and in what format?  
**Yes. If voluminous, I prefer 3-ring binders with tabs.**

2. Do you allow or encourage counsel to provide jurors copies of exhibits, witness information and/or other materials?  
**Allowed.**

3. May counsel hand admitted exhibits directly to the jury?  
**Ordinarily, yes.**

4. What is your preferred manner of reading deposition testimony during trial? Do you allow or prefer stipulated deposition summaries be used instead of the deposition transcript?  
**If lengthy, I prefer to have counsel read the questions and a reader in the witness chair reading deposition answers. If not lengthy, counsel may read both question and answer.**

5. Do you permit re-cross examination? And then re-re-direct?  
**Re-cross examination is not permitted as a matter of course, but I will allow it if the witness testifies about a new subject on re-direct and counsel has objected to that testimony as beyond the scope of cross. The same is true of re-re-direct.**

6. May counsel confer with a witness during breaks before the testimony is completed?  
**Ordinarily, yes.**

7. When witnesses are excluded, does that include experts?  
**Yes, unless the parties request that expert witnesses be allowed to remain in the courtroom. Such requests are addressed on a case-by-case basis.**

8. Are jurors allowed to ask questions of witnesses during the course of the trial? If so, in both civil and criminal cases?  
**I allow juror questions in all civil cases; in criminal cases, I allow juror questions if the parties do not object.**

a. If so, what is the manner in which they may submit questions?  
**I ask jurors to submit their questions in writing (1 question per page), which I mark as a court exhibit. I show the question to counsel and ask them to note on the court exhibit if they have any objection. I then decide whether to ask the question (or modify it). I will then read the question to the witness. Counsel are allowed to ask follow up questions.**

b. If so, when do you ask the questions?  
**At the very end of the witness's testimony.**

9. Other comments regarding presentation of evidence:

**E. JURY INSTRUCTIONS**

1. Do you prefer a copy of the instructions and verdict form on a disk, and if so, in what format (e.g., do you prefer a clean copy of the instructions, without authorities, to submit to the jury)?

**I prefer to receive a hard copy of requested instructions and verdict form, plus an electronic copy (Word format). It is not necessary to submit a clean copy without authorities, but counsel should fill in blanks or select from suggested alternatives in requested uniform jury instructions.**

2. Do you prefer to summarize the pleadings or would you prefer counsel to submit a short summary of the case to be read to the jury?

**The parties should submit a written summary of the pleadings as one of their requested jury instructions. A summary agreed to by all parties is preferred.**

3. Other comments regarding jury instructions:

**F. ATTORNEY CONTACT WITH JURORS POST VERDICT**

1. Do you invite jurors to talk to the attorneys following receipt of the verdict?

**I tell jurors that they may talk to the attorneys if they wish, but that they are not required to talk to the attorneys. I don't invite them to talk to the attorneys.**

2. If so, do you do so in every case? If not in every case, under what circumstances do you invite jurors to talk to the attorneys?

**I do this in every civil case.**

3. Other comments regarding attorney contact with jurors post verdict:

All answers to this survey are subject to change without notice.

Completed by: **Stephen K. Bushong, Circuit Court Judge**

Date: **April 6, 2009**

**JUDICIAL PRACTICES SURVEY  
MULTNOMAH COUNTY CIRCUIT COURT**

Conducted by the Multnomah Bar Association Court Liaison Committee

NAME OF JUDGE: **Kathleen M. Dailey**  
JUDICIAL ASSISTANT: **Coleen G. Allen**  
TELEPHONE NUMBER: **503.988.3062**  
FAX NUMBER (see § A below): **503.276.0942**  
EMAIL (see § A below): **kathleen.m.dailey@ojd.state.or.us**  
**coleen.g.allen@ojd.state.or.us**

**A. PRETRIAL COMMUNICATIONS**

1. What mode of communication do you prefer counsel to use to contact you regarding scheduling, discovery and other pretrial matters (e.g. email, joint telephone calls, fax or mail)? Please list any restrictions or limitations that apply.

**Any of the above through my Judicial Assistant**

2. For bench copies of pretrial filings, do you prefer receiving hard copies or electronic copies of documents by email? If you prefer electronic copies, do you have any particular format specifications (e.g. Word or WordPerfect) or size limitations? Please list any restrictions or limitations that apply.

**Hard Copies**

3. Other comments regarding pretrial communications:

**Payment of trial fees and hearing fees: Pursuant to SLR 6.025, a fee receipt or fee deferral must be presented to the courtroom clerk prior to the commencement of trial or hearing. Please see the Multnomah County Attorney Reference Manual for a schedule of civil fees.**

**B. VOIR DIRE**

1. How much time do you allow for voir dire?

**No time limit.**

2. Do you require, or prefer, one type of voir dire procedure over another?

**Standard Q/A from list of questions then panel format. Attorneys are not to argue case or condition jury.**

3. Must counsel disclose witnesses to the court for voir dire?

**Yes.**

a. If so, does this apply to expert witnesses?

**Yes.**

4. Is the jury given a brief summary of the case as part of voir dire?

**At the request of parties.**

a. If so, is the summary given to the jury by you?

**Me or counsel as agreed by the parties.**

b. If so, do you require that its content be agreed upon by counsel?  
**Yes.**

c. Do you instead require counsel to give a brief (three minute or so) opening statement to the jury before voir dire?  
**At the request of parties.**

d. If not required, do you allow counsel to give a brief opening statement to the jury?  
**They can, upon stipulation.**

5. Are challenges exercised in the courtroom or in chambers?  
**In chambers. For in custody defendants challenges are exercised in the courtroom with jury out. Challenges for cause are in the courtroom at the time challenge for cause arises. Counsel can ask the court to inquire further.**

6. Under what circumstances do you allow written jury questionnaires?  
**Depends on the case. The questionnaire needs to be approved by the court.**

7. Other comments regarding voir dire:  
**In my observation, it is the trial skill that could use the most improvement overall.**

#### **C. OPENING STATEMENT/CLOSING ARGUMENT**

1. How close to the jury is counsel allowed?  
**A reasonable distance under the circumstances, without touching the rail (about 3 feet).**

2. Are counsel permitted to use visual aids and exhibits during opening?  
**Yes, if pre-admitted and objections have been resolved.**

3. Do you limit the length of opening?  
**No.**

4. Do you limit the length of closing? (*Apart from ORCP 58B(7)*)  
**No.**

5. Other comments regarding opening statement/closing argument:  
**None.**

#### **D. PRESENTATION OF EVIDENCE**

1. Do you personally want a marked set of exhibits, and if so, when and in what format?  
**Annotation: Pursuant to UTCR 6.080, parties must mark exhibits before the commencement of the trial in the following manner: 1) Plaintiff's exhibits must be marked consecutively from 1-99. 2) Defendant's exhibits must be marked consecutively from 101-199. 3) In cases involving multiple parties or a large number of exhibits, the parties shall**



agree on the assignment of numbers. The parties must submit to the court at the time of the trial a list of premarked exhibits. Exhibits not available at the commencement of trial, exhibits not anticipated to be used, and exhibits intended for impeachment purposes only do not need to be premarked.

Depends on the number of exhibits. A three ring binder for larger number of exhibits. Counsel need to show exhibits to each other pretrial. Confer with opposing counsel on evidentiary issues to minimize time jury is not participating. Discuss disputes with opposing counsel before going on the record with them.

2. Do you allow or encourage counsel to provide jurors copies of exhibits, witness information and/or other materials?

**Depends on the case.**

3. May counsel hand admitted exhibits directly to the jury?

**No. Counsel needs to get court approval to publish to jury.**

4. What is your preferred manner of reading deposition testimony during trial? Do you allow or prefer stipulated deposition summaries be used instead of the deposition transcript?

**Counsel can determine, but a reader in the witness stand works well.**

5. Do you permit re-cross examination? And then re-re-direct?

**Rarely.**

6. May counsel confer with a witness during breaks before the testimony is completed?

**Yes.**

7. When witnesses are excluded, does that include experts?

**No, unless otherwise agreed by the parties or ordered by the court upon motion of counsel.**

8. Are jurors allowed to ask questions of witnesses during the course of the trial? If so, in both civil and criminal cases?

**Yes, in civil cases.**

a. If so, what is the manner in which they may submit questions?

**The jurors are instructed to put questions in writing and they will be reviewed with counsel.**

b. If so, when do you ask the questions?

**If answered, it will be at the end of a witness's testimony.**

9. Other comments regarding presentation of evidence:

**Counsel are free to move about the courtroom without asking, including approaching the witness.**

## **E. JURY INSTRUCTIONS**

1. Do you prefer a copy of the instructions and verdict form on a disk, and if so, in what format (e.g., do you prefer a clean copy of the instructions, without authorities, to submit to the jury)?

**Annotation: Unless otherwise requested by the trial judge on timely notice to counsel, proposed instructions must be submitted at the commencement of the trial. ORCP 59. If the instructions are upon questions of law developed by the evidence, and not to be reasonably anticipated, they may have submitted at any time before the court instructs the jury. ORCP 59. The requested jury instructions and verdict forms must be in writing and delivered concurrently to the court and to opposing parties. UTCR 6.6o. The original and one copy of the requested jury instructions and verdict forms must be submitted to the court. UTCR 6.o6o. Please see UTCR 6.o6o and UTCR 6.o7o for further information regarding the preparation of requested jury instructions.**

**In addition to the hard copy, Counsel should email the JA an electronic Word copy of the Jury Instructions.**

2. Do you prefer to summarize the pleadings or would you prefer counsel to submit a short summary of the case to be read to the jury?

**Counsel should submit a short neutral summary.**

3. Other comments regarding jury instructions:

**If counsel agree will read instructions before closing.**

#### **F. ATTORNEY CONTACT WITH JURORS POST VERDICT**

1. Do you invite jurors to talk to the attorneys following receipt of the verdict?

**Not in every case.**

2. If so, do you do so in every case? If not in every case, under what circumstances do you invite jurors to talk to the attorneys?

**Civil cases when counsel requests and stipulates will not be used for post trial proceedings.**

3. Other comments regarding attorney contact with jurors post verdict:

**Not allowed.**

All answers to this survey are subject to change without notice.

Completed by: **Kathleen M. Dailey** Date: **4/9/13**

**JUDICIAL PRACTICES SURVEY  
MULTNOMAH COUNTY CIRCUIT COURT**

Conducted by the Multnomah Bar Association Court Liaison Committee

NAME OF JUDGE: Julie E. Frantz  
JUDICIAL ASSISTANT: Donna D. Taggart  
TELEPHONE NUMBER: 503.988.3045  
FAX NUMBER (see § A below): 503.276.0950  
EMAIL (see § A below): julie.e.frantz@ojd.state.or.us

**A. PRETRIAL COMMUNICATIONS**

1. What mode of communication do you prefer counsel to use to contact you regarding scheduling, discovery and other pretrial matters (e.g. email, joint telephone calls, fax or mail)? Please list any restrictions or limitations that apply.

**No preference between regular mail, email or joint conference calls. All parties should be consulted as to a mutually agreeable time for placement of a joint call and either be on the line or have authorized the ex parte contact. All parties should be copied on any emails sent to the court (as with other forms of correspondence). Note that delivery of faxes may be delayed if my Judicial Assistant is not present or if the fax is too long.**

2. For bench copies of pretrial filings, do you prefer receiving hard copies or electronic copies of documents by email? If you prefer electronic copies, do you have any particular format specifications (e.g. Word or WordPerfect) or size limitations? Please list any restrictions or limitations that apply.

**Primary concern is the receipt of copies of the pretrial filings (trial memoranda, exhibits, motions in limine) no later than the day prior to trial. If lengthy (i.e., more than ten pages) prefer delivery of hard copy; otherwise email (in WordPerfect format preferably) or hard copy is fine.**

3. Other comments regarding pretrial communications:

**Be very careful about inadvertent unauthorized ex parte contact or ex parte contact that goes to the merits.**

**B. VOIR DIRE**

1. How much time do you allow for voir dire?

**No set limit, but generally discuss the anticipated length prior to trial as part of a general discussion about trial scheduling issues. Counsel may be encouraged to move on if the questioning becomes irrelevant, rambling or repetitive.**

2. Do you require, or prefer, one type of voir dire procedure over another?

**The method of asking questions of the group as a whole, followed by individual inquiries, has proven to be the most effective and efficient in the majority of cases - and thus the preferred method. (This follows the jurors' responses to a list of routine background questions to which may be added some agreed upon case specific questions.)**

3. Must counsel disclose witnesses to the court for voir dire?

**Yes.**

a. If so, does this apply to expert witnesses?

**Yes.**

4. Is the jury given a brief summary of the case as part of voir dire?

**Yes.**

a. If so, is the summary given to the jury by you?

**Yes, unless the lawyers jointly request to do otherwise.**

b. If so, do you require that its content be agreed upon by counsel?

**Yes.**

c. Do you instead require counsel to give a brief (three minute or so) opening statement to the jury before voir dire?

**No.**

d. If not required, do you allow counsel to give a brief opening statement to the jury?

**Will allow if both sides agree to the procedure and agree to abide by the time limitation.**

5. Are challenges exercised in the courtroom or in chambers?

**Challenges for cause are exercised in the courtroom and may prompt further inquiry by the court before a ruling on the challenge.**

**Challenges are done either in chambers, or in the courtroom after the jurors have returned to the jury room, as agreed by the parties.**

6. Under what circumstances do you allow written jury questionnaires?

**Only if there are exceptionally complex or sensitive areas of inquiry that the parties and the court agree would best be disclosed by potential jurors prior to the questioning conducted in court. (Note: costs must be assumed by the parties in civil cases.)**

7. Other comments regarding voir dire:

## **C. OPENING STATEMENT/CLOSING ARGUMENT**

1. How close to the jury is counsel allowed?

**Counsel may approach the box, but not extend over the rail or engage so closely as to create juror discomfort.**

2. Are counsel permitted to use visual aids and exhibits during opening?

**Yes, but it is wise to show these to opposing counsel prior to their use to avoid objections and a possible mistrial.**

3. Do you limit the length of opening?

**No.**

4. Do you limit the length of closing? (Apart from ORCP 58B(7))

**No.**

5. Other comments regarding opening statement/closing argument:

**The length of opening statements and closing arguments are not limited but may in extreme circumstances be "interrupted" if become rambling and repetitive.**

#### **D. PRESENTATION OF EVIDENCE**

1. Do you personally want a marked set of exhibits, and if so, when and in what format?

**Yes, if there are only a few exhibits then clipping them together is fine; if a substantial number then a three ring binder with tabs is preferred.**

2. Do you allow or encourage counsel to provide jurors copies of exhibits, witness information and/or other materials?

**Yes, copies of exhibits if stipulated to by all counsel are very helpful. A list of witnesses and identifying information about each (perhaps photos in complex cases involving many witnesses) is helpful; witness summaries would require greater scrutiny.**

3. May counsel hand admitted exhibits directly to the jury?

**To avoid inadvertent error (e.g., the exhibits not yet received in evidence), permission must first be requested and granted. Note that providing complex exhibits to jurors may call for a pause in the testimony in some instances.**

4. What is your preferred manner of reading deposition testimony during trial? Do you allow or prefer stipulated deposition summaries be used instead of the deposition transcript?

**Deposition summaries are acceptable and preferable in lieu of reading from the transcript if all counsel have reviewed the summary and agreed to it.**

**Otherwise, it depends somewhat on the length of the excerpt. If short, it is appropriate for counsel to read it; if it is a long excerpt involving numerous exchanges between counsel and deponent, my preference is have it presented by counsel and a pseudo witness to enhance clarity. Agreeing to delete some of the irrelevant stops and starts will allow for easier flow.**

5. Do you permit re-cross examination? And then re-re-direct?

**No.**

6. May counsel confer with a witness during breaks before the testimony is completed?

**No, other than with the defendant in a criminal case.**

7. When witnesses are excluded, does that include experts?

**Normally, I allow experts to remain in the courtroom when requested by counsel, but do not rule out the possibility that in some circumstances there may be a compelling basis to do otherwise.**

8. Are jurors allowed to ask questions of witnesses during the course of the trial? If so, in both civil and criminal cases?

**Yes, in civil cases; not allowed at this time in criminal cases.**

a. If so, what is the manner in which they may submit questions?

**The questions are to be put in writing and handed to the clerk at the conclusion of the testimony of the particular witness or at a break in the testimony.**

b. If so, when do you ask the questions?

**Questions are reviewed with the lawyers. Jurors are advised the answers to their questions may be elicited during the course of the testimony. If this does not occur, the court will either ask the question(s) of the witness if the question is appropriate, or allow the lawyers to formulate follow up questions incorporating those of the jury.**

9. Other comments regarding presentation of evidence:

#### **E. JURY INSTRUCTIONS**

1. Do you prefer a copy of the instructions and verdict form on a disk, and if so, in what format (e.g., do you prefer a clean copy of the instructions, without authorities, to submit to the jury)?

**Yes, a clean copy in WordPerfect absent authorities to print for the jury. (An annotated version for the court's review is helpful prior to settling with counsel the instructions that shall be given to the jury.)**

2. Do you prefer to summarize the pleadings or would you prefer counsel to submit a short summary of the case to be read to the jury?

**A brief summary of the case prepared by and agreed to by counsel is preferable. Otherwise, I will prepare a summary of pleadings.**

3. Other comments regarding jury instructions:

#### **F. ATTORNEY CONTACT WITH JURORS POST VERDICT**

1. Do you invite jurors to talk to the attorneys following receipt of the verdict?

**No. I advise the jurors the lawyers are not allowed to contact the jurors, but can respond if the jurors initiate the contact.**

2. If so, do you do so in every case? If not in every case, under what circumstances do you invite jurors to talk to the attorneys?

Other comments regarding attorney contact with jurors post verdict

Completed by: **Honorable Julie E. Frantz** Date: **March 26, 2007**

**JUDICIAL PRACTICES SURVEY  
MULTNOMAH COUNTY CIRCUIT COURT**

Conducted by the Multnomah Bar Association Court Liaison Committee

NAME OF JUDGE: **Alicia A. Fuchs**  
JUDICIAL ASSISTANT: **Christine Cappel & Marta Traver**  
TELEPHONE NUMBER: **503.988.5544**  
FAX NUMBER (see § A below): **503.276.0965**  
EMAIL (see § A below): **alicia.fuchs@ojd.state.or.us**

**A. PRETRIAL COMMUNICATIONS**

1. What mode of communication do you prefer counsel to use to contact you regarding scheduling, discovery and other pretrial matters (e.g. email, joint telephone calls, fax or mail)? Please list any restrictions or limitations that apply.

**I would prefer that counsel work these issues out themselves and once that is done, to contact my JA to get actual dates, or inform us of what was decided as mutually agreeable. It becomes difficult if my JA is expected to make multiple calls to figure out who is available when.**

**It is fine to contact us by email as long as all parties, as well as my JA and law clerk, are copied in the email.**

2. For bench copies of pretrial filings, do you prefer receiving hard copies or electronic copies of documents by email? If you prefer electronic copies, do you have any particular format specifications (e.g. Word or WordPerfect) or size limitations? Please list any restrictions or limitations that apply.

**I prefer getting hard copies, and early enough for me to actually read them before the hearing. Additionally, I would like electronic copies to be sent to my law clerk.**

3. Other comments regarding pretrial communications:

**B. VOIR DIRE**

1. How much time do you allow for voir dire?

**I do not generally have a time limit for voir dire. If counsel is going on for an inordinate amount of time covering issues that seem to be not relevant, I may have a brief discussion regarding how much longer they are planning on going.**

2. Do you require, or prefer, one type of voir dire procedure over another?  
**No.**

3. Must counsel disclose witnesses to the court for voir dire?

**In criminal cases, this is customary. In civil cases, I have not "forced" anyone to do so; however, I believe it is a good practice to announce witnesses since Portland is a relatively small community. It has happened that a juror during the trial discovers he know one of the witnesses which can be a problem.**

a. If so, does this apply to expert witnesses?

**See above. I would add that non-disclosure also can result in delays during trial due to opposing counsel "getting up to speed" with the particular witness.**

4. Is the jury given a brief summary of the case as part of voir dire?  
**Yes.**

a. If so, is the summary given to the jury by you?  
**In criminal cases, the summary of charges is part of the instructions. In civil cases, I generally ask the attorneys to either give a "mini" opening, or to agree on a "neutral" summary of the case for me to read to the jury.**

b. If so, do you require that its content be agreed upon by counsel?  
**Yes. So far at least, this has not been a problem.**

c. Do you instead require counsel to give a brief (three minute or so) opening statement to the jury before voir dire?  
**See above.**

d. If not required, do you allow counsel to give a brief opening statement to the jury?  
**See above.**

5. Are challenges exercised in the courtroom or in chambers?  
**This depends. For example, if there is an actual court reporter, I generally do them in the courtroom. If there are multiple parties, lawyers, clients etc... I also will do them in the courtroom. In criminal cases with an in custody defendant, I will do them in the courtroom.**

6. Under what circumstances do you allow written jury questionnaires?  
**This is rare. The attorneys would have to request this on a case by case basis and explain the circumstances that they believe require this.**

7. Other comments regarding voir dire:

#### **C. OPENING STATEMENT/CLOSING ARGUMENT**

1. How close to the jury is counsel allowed?  
**I do not have a set "standard" for this. I assume that counsel will respect the space of the jurors, which doesn't mean they won't approach the jury box while speaking, or handling exhibits; however, any behavior that seems to be infringing on jurors' comfort would clearly not be allowed.**

2. Are counsel permitted to use visual aids and exhibits during opening?  
**Yes, in a limited manner. There needs to be a sharing of the exhibit with opposing counsel prior to showing it to the jury.**

3. Do you limit the length of opening?  
**I have had no reason to do so.**



4. Do you limit the length of closing? (Apart from ORCP 58B(7))  
**Again, no reason to do so so far.**

5. Other comments regarding opening statement/closing argument:

#### **D. PRESENTATION OF EVIDENCE**

1. Do you personally want a marked set of exhibits, and if so, when and in what format?  
**If the attorneys have many objections about the exhibits and their admissibility, then yes; it is easier for me to have my own hard copy so that I can avoid the passing back and forth of the particular exhibit at issue. If the exhibits are not being contested, I generally don't need my own copy.**

2. Do you allow or encourage counsel to provide jurors copies of exhibits, witness information and/or other materials?  
**I do allow this. It is a good idea when there are many as it allows the jurors to follow along with their own copy both in court and while deliberating.**

3. May counsel hand admitted exhibits directly to the jury?  
**It depends. If a brief moment for the jurors to view them is enough, then yes, but not if there is a lot to study.**

4. What is your preferred manner of reading deposition testimony during trial? Do you allow or prefer stipulated deposition summaries be used instead of the deposition transcript?  
**I have no preference. However, counsel should be aware of jury boredom. Summaries are fine if parties agree.**

5. Do you permit re-cross examination? And then re-re-direct?  
**No.**

6. May counsel confer with a witness during breaks before the testimony is completed?  
**I don't have a rule on this. It is something that attorneys should be careful of, if only due to the appearance it gives to other witnesses, parties, and jurors. If there is an objection made by the opposing counsel, I will consider it.**

7. When witnesses are excluded, does that include experts?  
**Yes, except during the testimony of a witness whose testimony is integral to the expert's testimony.**

8. Are jurors allowed to ask questions of witnesses during the course of the trial? If so, in both civil and criminal cases?  
**Not in criminal cases.**

**In civil cases, I ask the attorneys prior to beginning trial as to their preference and generally will follow that.**

a. If so, what is the manner in which they may submit questions?  
**I ask the jurors to write their questions and pass them to the juror on the end, that juror will pass them up at the end of the witness testimony; I will read them with**

the attorneys, listen to objections, and after sorting that out, either the attorneys or I will read the questions to the witness.

b. If so, when do you ask the questions?  
**See above.**

9. Other comments regarding presentation of evidence:

#### **E. JURY INSTRUCTIONS**

1. Do you prefer a copy of the instructions and verdict form on a disk, and if so, in what format (e.g., do you prefer a clean copy of the instructions, without authorities, to submit to the jury)?

**I prefer the instructions in hard copy, and a disk is good if in addition. These should be submitted to my Law Clerk. Clean copy of all to go to the jury is good.**

2. Do you prefer to summarize the pleadings or would you prefer counsel to submit a short summary of the case to be read to the jury?

**If the case requires a summary, e.g. the facts aren't clear from the case, or are complicated, then a summary is much preferred to reading the pleadings.**

3. Other comments regarding jury instructions:

**I think that things go much more smoothly and quickly if each side has prepared their jury instructions prior to coming to court the first day. I am particularly interested in the attorneys having an instruction for each claim or defense that is essentially an "element" sheet so the jury has a list of what each party needs to prove. (This is similar to the criminal jury instructions.)**

#### **F. ATTORNEY CONTACT WITH JURORS POST VERDICT**

1. Do you invite jurors to talk to the attorneys following receipt of the verdict?

**If the attorneys or the jurors ask me to, I am happy to.**

2. If so, do you do so in every case? If not in every case, under what circumstances do you invite jurors to talk to the attorneys?

**See above. Also, the longer the trial, the more likely I am to do it; although if I am in another trial during the verdict, I am less likely to do so.**

Completed by: **Judge Alicia Fuchs**

Date: **April 10, 2013**

**JUDICIAL PRACTICES SURVEY  
MULTNOMAH COUNTY CIRCUIT COURT**

Conducted by the Multnomah Bar Association Court Liaison Committee

NAME OF JUDGE:	<b>Jerry B. Hodson</b>
JUDICIAL ASSISTANT:	<b>Jennifer K. Flynt</b>
TELEPHONE NUMBER:	<b>503.988.5101</b>
FAX NUMBER:	<b>503.276.0948</b>

**A. PRETRIAL COMMUNICATIONS**

1. What mode of communication do you prefer counsel to use to contact you regarding scheduling, discovery and other pretrial matters (e.g. email, joint telephone calls, fax or mail)? Please list any restrictions or limitations that apply.

a. **Scheduling - Please follow local rules. Please call or email my Judicial Assistant (JA) to schedule a matter that has been assigned to me. Please keep in mind that parties are to confer, prior to calling the JA, about their available dates/times.**

b. **Written Documents - To ensure I have enough time to read the motion, please hand-deliver all briefs related to motions to my chambers (Room 408) or the courtroom (410) one week prior to the hearing date or as soon as the brief is filed.**

c. **Cancelling Motions - The moving party is required to call my JA and cancel the motion as soon as the parties have determined that the motion is no longer necessary, and no later than one judicial day prior to the hearing date. Also, it is the responsibility of the cancelling party to call opposing counsel regarding such cancellation.**

2. For bench copies of pretrial filings, do you prefer receiving hard copies or electronic copies of documents by email? If you prefer electronic copies, do you have any particular format specifications (e.g. Word or WordPerfect) or size limitations? Please list any restrictions or limitations that apply.

**Please provide all pretrial filings in hard copy to my chambers/courtroom (408/410) and email them in electronic format (Word) to my law clerk.**

3. Other comments regarding pretrial communications:  
**Please do not assume original documents are in the court file and that I therefore have access to them. It is important to provide a courtesy copy to me.**

**B. VOIR DIRE**

1. How much time do you allow for voir dire?  
**I do not have a time limitation. At the beginning of the trial, please estimate the length of your voir dire. This is helpful for scheduling matters.**

2. Do you require, or prefer, one type of voir dire procedure over another?  
**I prefer questions be addressed to the entire panel and then follow up with questions of specific jurors.**

3. Must counsel disclose witnesses to the court for voir dire?  
**Yes. Please provide a copy of your witness list to the clerk.**

a. If so, does this apply to expert witnesses?  
**Yes.**

4. Is the jury given a brief summary of the case as part of voir dire?  
**Usually in civil cases but not in criminal cases.**

a. If so, is the summary given to the jury by you?  
**Yes.**

b. If so, do you require that its content be agreed upon by counsel?  
**Yes.**

c. Do you instead require counsel to give a brief (three minute or so) opening statement to the jury before voir dire?  
**No.**

d. If not required, do you allow counsel to give a brief opening statement to the jury?  
**Not typically but I am willing to consider it.**

5. Are challenges exercised in the courtroom or in chambers?  
**All challenges for cause must be exercised in the courtroom, on the record. Peremptory challenges are usually done in chambers.**

6. Under what circumstances do you allow written jury questionnaires?  
**Generally in more complex cases where the parties convince me that the effort involved in obtaining questionnaires is justified by the nature of the case.**

7. Other comments regarding voir dire:  
**Jurors rarely appreciate more than a half an hour of voir dire. An hour of voir dire would be pushing the limits of their patience, unless you are really engaging or the case really justifies it.**

## **C. OPENING STATEMENT/CLOSING ARGUMENT**

1. How close to the jury is counsel allowed?  
**No restrictions, but please respect their personal space.**

2. Are counsel permitted to use visual aids and exhibits during opening?  
**Yes, if pre-admitted. Visual aids should be shown to opposing counsel prior to use so that the court can address any objections.**

3. Do you limit the length of opening?

**No.**

4. Do you limit the length of closing? (*Apart from ORCP 58B(7)*)

**No.**

5. Other comments regarding opening statement/closing argument:

**Except in rare cases, a half an hour should be adequate for opening and for closing.**

#### **D. PRESENTATION OF EVIDENCE**

1. Do you personally want a marked set of exhibits, and if so, when and in what format?

**Generally a marked set for the Judge is appreciated, but it is not required. Use your own judgment as to whether it will be helpful to me in a given case.**

**The parties must submit to the court at the time of trial a list of pre-marked exhibits. Exhibits not available at the commencement of trial, exhibits not anticipated to be used, and exhibits intended for impeachment purposes only do not need to be pre-marked. Follow UTCR 6.080 unless otherwise instructed.**

2. Do you allow or encourage counsel to provide jurors copies of exhibits, witness information and/or other materials?

**I allow it if admitted and with prior approval.**

3. May counsel hand admitted exhibits directly to the jury?

**No. I much prefer that you ask if an exhibit may be published, and if I say yes, then the clerk can hand it to the jurors.**

4. What is your preferred manner of reading deposition testimony during trial? Do you allow or prefer stipulated deposition summaries be used instead of the deposition transcript?

**No preference. I do not recall anyone ever proposing a stipulated summary, but I would consider it.**

5. Do you permit re-cross examination? And then re-re-direct?

**Only for good cause in exceptional circumstances.**

6. May counsel confer with a witness during breaks before the testimony is completed?

**Not on the subject of the testimony.**

7. When witnesses are excluded, does that include experts?

**Not if they need to be present to assist them in giving their testimony, but if a party intends to have an expert present then this should be discussed with the court and opposing counsel.**

8. Are jurors allowed to ask questions of witnesses during the course of the trial? If so, in both civil and criminal cases?

**Criminal cases – Yes. Civil cases - Yes.**

a. If so, what is the manner in which they may submit questions?

**Jurors are instructed to write any questions they have on a piece of paper after the witness is done testifying (after re-direct examination). The clerk collects all questions and hands them to me. I, along with the attorneys, go into chambers and read the questions. Parties may object to a question but I will make the decision whether to read the question to the witness. Lawyers for all parties are allowed to ask follow-up questions.**

b. If so, when do you ask the questions?

**Please see above.**

9 Other comments regarding presentation of evidence:

**Be efficient with the jurors' time.**

## **E. JURY INSTRUCTIONS**

1. Do you prefer a copy of the instructions and verdict form on a disk, and if so, in what format (e.g., do you prefer a clean copy of the instructions, without authorities, to submit to the jury)?

**I prefer that they be emailed to my clerk in word format, especially any special instructions, so that I can revise and incorporate them into a final version for the jury. Be sure to submit them in a timely fashion. SLR 6.015 requires submission by noon the day before trial. I begin working on them as soon as I learn of a trial assignment, so the sooner you get them to me the better. I do not need a clean copy, as I will be creating a clean copy for the jury.**

2. Do you prefer to summarize the pleadings or would you prefer counsel to submit a short summary of the case to be read to the jury?

**If parties request a summary of the pleadings, then parties should confer and come up with a joint summary.**

3. Other comments regarding jury instructions:

**I will create a draft of the jury instructions once I receive the parties' proposed instructions. I will distribute this to the parties as early as possible, sometimes before trial begins. Please review the opposing party's jury instructions as soon as possible, as well as my first draft, so that we can meaningfully discuss any issues early in the trial.**

## **F. ATTORNEY CONTACT WITH JURORS POST VERDICT**

1. Do you invite jurors to talk to the attorneys following receipt of the verdict?

**No.**

Completed by: **Judge Jerry B. Hodson** Date: **February 9, 2012**

**JUDICIAL PRACTICES SURVEY  
MULTNOMAH COUNTY CIRCUIT COURT**

Conducted by the Multnomah Bar Association Court Liaison Committee

NAME OF JUDGE: **Karin J. Immergut**  
JUDICIAL ASSISTANT: **Susan E. Hull**  
TELEPHONE NUMBER: **503.988.5008**  
FAX NUMBER: **503.276.0971 (short documents only)**  
EMAIL: **susan.e.hull@ojd.state.or.us**

**A. PRETRIAL COMMUNICATIONS**

1. What mode of communication do you prefer counsel to use to contact you regarding scheduling, discovery and other pretrial matters (e.g. email, joint telephone calls, fax or mail)? Please list any restrictions or limitations that apply.

**We prefer telephone calls or email to the Judicial Assistant.**

2. For bench copies of pretrial filings, do you prefer receiving hard copies or electronic copies of documents by email? If you prefer electronic copies, do you have any particular format specifications (e.g. Word or WordPerfect) or size limitations? Please list any restrictions or limitations that apply.

**We prefer a hard copy but may occasionally request electronic copies in Word.**

3. Other comments regarding pretrial communications:

**B. VOIR DIRE**

1. How much time do you allow for voir dire?

**I do not impose strict time limitations on voir dire, but expect attorneys to be succinct, not argue their case, and not waste potential jurors' time.**

2. Do you require, or prefer, one type of voir dire procedure over another?

**No.**

3. Must counsel disclose witnesses to the court for voir dire?

**Yes.**

a. If so, does this apply to expert witnesses?

**Yes.**

4. Is the jury given a brief summary of the case as part of voir dire?

**Yes.**

a. If so, is the summary given to the jury by you?

**Yes.**

b. If so, do you require that its content be agreed upon by counsel?

**Yes.**

c. Do you instead require counsel to give a brief (three minute or so) opening statement to the jury before voir dire?

**No.**

d. If not required, do you allow counsel to give a brief opening statement to the jury?

**No.**

5. Are challenges exercised in the courtroom or in chambers?

**In the courtroom outside the presence of the jurors**

6. Under what circumstances do you allow written jury questionnaires?

**I would allow them very rarely, and only in the most complicated and lengthy trials.**

7. Other comments regarding voir dire:

#### **C. OPENING STATEMENT/CLOSING ARGUMENT**

1. How close to the jury is counsel allowed?

**I allow the attorneys to be a few feet away from the jury box.**

2. Are counsel permitted to use visual aids and exhibits during opening?

**Yes, if the exhibits are pre-admitted.**

3. Do you limit the length of opening?

**No, but I expect the time to be reasonably related to the complexity and length of the case.**

4. Do you limit the length of closing? (*Apart from ORCP 58B(7)*)

**No, but the same answer as #4.**

5. Other comments regarding opening statement/closing argument:

#### **D. PRESENTATION OF EVIDENCE**

1. Do you personally want a marked set of exhibits, and if so, when and in what format?  
**It is helpful for me to have a hard copy of the marked exhibits when we start trial.**

2. Do you allow or encourage counsel to provide jurors copies of exhibits, witness information and/or other materials?

**I encourage counsel to show admitted exhibits to the jury as trial is proceeding, particularly in lengthy or complex trials.**

3. May counsel hand admitted exhibits directly to the jury?

**Yes, if they request permission and if it does not take an unreasonable amount of time.**

4. What is your preferred manner of reading deposition testimony during trial? Do you allow or prefer stipulated deposition summaries be used instead of the deposition transcript?



**I expect the manner of presenting deposition testimony to be as clear and as brief as possible. If parties are able to stipulate to summaries, that is preferable.**

5. Do you permit re-cross examination? And then re-re-direct?  
**No.**

6. May counsel confer with a witness during breaks before the testimony is completed?  
**Yes, but they should not coach the witness.**

7. When witnesses are excluded, does that include experts?  
**No, but the parties should seek court permission.**

8. Are jurors allowed to ask questions of witnesses during the course of the trial? If so, in both civil and criminal cases?  
**No.**

a. If so, what is the manner in which they may submit questions?

b. If so, when do you ask the questions?

9. Other comments regarding presentation of evidence:

#### **E. JURY INSTRUCTIONS**

1. Do you prefer a copy of the instructions and verdict form on a disk, and if so, in what format (e.g., do you prefer a clean copy of the instructions, without authorities, to submit to the jury)?

**I prefer to receive jury instructions by email and prefer both a clean copy of instructions and a copy with authorities.**

2. Do you prefer to summarize the pleadings or would you prefer counsel to submit a short summary of the case to be read to the jury?

**I prefer for counsel to submit a joint neutral summary of the case, which I will read to the jury.**

3. Other comments regarding jury instructions:

#### **F. ATTORNEY CONTACT WITH JURORS POST VERDICT**

1. Do you invite jurors to talk to the attorneys following receipt of the verdict?  
**I have not done that, but would consider doing so, particularly in lengthy cases.**

2. If so, do you do so in every case? If not in every case, under what circumstances do you invite jurors to talk to the attorneys?

3. Other comments regarding attorney contact with jurors post verdict:

Completed by: **Karin J. Immergut**

Date: **4/15/10**

**JUDICIAL PRACTICES SURVEY  
MULTNOMAH COUNTY CIRCUIT COURT**

Conducted by the Multnomah Bar Association Court Liaison Committee

NAME OF JUDGE: **Edward J. Jones**  
JUDICIAL ASSISTANT: **Jan Napier**  
TELEPHONE NUMBER: **503.988.3540**  
FAX NUMBER: **503.276.0954**  
EMAIL: **edward.j.jones@ojd.state.or.us**

**A. PRETRIAL COMMUNICATIONS**

1. What mode of communication do you prefer counsel to use to contact you regarding scheduling, discovery and other pretrial matters (e.g. email, joint telephone calls, fax or mail)? Please list any restrictions or limitations that apply.

**Whatever. No restrictions other than prior arrangement with court staff for joint phone calls.**

2. For bench copies of pretrial filings, do you prefer receiving hard copies or electronic copies of documents by email? If you prefer electronic copies, do you have any particular format specifications (e.g. Word or WordPerfect) or size limitations? Please list any restrictions or limitations that apply.

**Fewer than 10 pages by fax or email. Longer documents in hard copy.**

**B. VOIR DIRE**

1. How much time do you allow for voir dire?

**No fixed limit. I ask the lawyers to predict a length and expect them to live within it.**

2. Do you require, or prefer, one type of voir dire procedure over another?

**I have all the jurors seated on the benches, with none in the jury box. They are seated in the order of the jury room computer printout, which the lawyers have a copy of. After introductions and a brief description of the case I predict the length of the trial and ask if any of the jurors might suffer from a substantial hardship if they were required to serve. I make note of all offered excuses but make no decisions about them. Then I have all the jurors answer the general questions (which I vary from case to case based on the nature of case and issues and input from the lawyers). Then each attorney is allowed to ask questions. I prefer for cause challenges be made by asking the court to excuse a particular juror from "having to serve on this case." When such a challenge is made I offer opposing counsel an opportunity to question that juror, then I make my own inquiry and a ruling. After all questioning is done I take the lawyers and the parties into chambers, determine which excuses for service will be honored, and then take challenges. Once the selection process is completed we return to the courtroom, announce the winners, put them in the jury box, excuse those who were not picked, and start the trial.**

3. Must counsel disclose witnesses to the court for voir dire?

**Yes, including experts.**

4. Is the jury given a brief summary of the case as part of voir dire?

**Yes. I ask the lawyers to attempt to agree on a brief (ten sentences, more or less) summary, if they fail to do so I take their individual efforts and draft my own summary. I read it to the jury. I have not used pre-voir dire openings by lawyers but would be willing to consider it.**

5. Are challenges exercised in the courtroom or in chambers?

**In chambers.**

6. Under what circumstances do you allow written jury questionnaires?

**If a case were likely to be more than a week long, and the parties wished to use a questionnaire, and could agree on the questions, I would use one.**

#### **C. OPENING STATEMENT/CLOSING ARGUMENT**

1. How close to the jury is counsel allowed?

**Up to, but not over, the rail.**

2. Are counsel permitted to use visual aids and exhibits during opening?

**Yes, with prior approval of the court. Agreement of opposing counsel is not necessary.**

3. Do you limit the length of opening?

**No, if there are consequences, they are imposed by the jury.**

4. Do you limit the length of closing? (Apart from ORCP 58B(7))

**See #3 above.**

#### **D. PRESENTATION OF EVIDENCE**

1. Do you personally want a marked set of exhibits, and if so, when and in what format?

**Yes. Morning of trial is fine. Three ring binder or similar is helpful.**

2. Do you allow or encourage counsel to provide jurors copies of exhibits, witness information and/or other materials?

**I encourage it when done by agreement of counsel, rarely permit it when attempted without prior discussion.**

3. May counsel hand admitted exhibits directly to the jury?

**I allow it even though I question the wisdom of the practice.**

4. What is your preferred manner of reading deposition testimony during trial? Do you allow or prefer stipulated deposition summaries be used instead of the deposition transcript?

**I encourage stipulated summaries. I have no preferred method for reading deposition testimony.**

5. Do you permit re-cross examination? And then re-re-direct?

**No. But since I allow written juror questions, lawyers often get another opportunity to ask questions.**

6. May counsel confer with a witness during breaks before the testimony is completed?  
**I do not routinely forbid it.**

7. When witnesses are excluded, does that include experts?  
**Yes, although exceptions are granted in some situations.**

8. Are jurors allowed to ask questions of witnesses during the course of the trial? If so, in both civil and criminal cases?  
**Yes, I allow questions in both classes of cases. Questions are submitted in writing after re-direct and asked by the court. If there are questions, the lawyers get an opportunity to ask additional questions related to the topics addressed by the juror's questions.**

#### **E. JURY INSTRUCTIONS**

1. Do you prefer a copy of the instructions and verdict form on a disk, and if so, in what format (e.g., do you prefer a clean copy of the instructions, without authorities, to submit to the jury)?  
**I do not need a "clean copy." We prepare the instructions for submission to the jury in writing. An electronic copy (email or disk) that functions in WordPerfect is helpful.**

2. Do you prefer to summarize the pleadings or would you prefer counsel to submit a short summary of the case to be read to the jury?  
**I draft my own summary of the pleadings for inclusion in the instructions.**

#### **F. ATTORNEY CONTACT WITH JURORS POST VERDICT**

1. Do you invite jurors to talk to the attorneys following receipt of the verdict?  
**When circumstances allow it I ask jurors if they are interested in discussing the trial with the lawyers. If some or all of them are interested, I invite the lawyers into the jury room.**

2. If so, do you do so in every case? If not in every case, under what circumstances do you invite jurors to talk to the attorneys?  
**The time of day and the tenor of the trial determine it.**

Completed by: **Judge Edward Jones**

Date: **March 16, 2007**

**JUDICIAL PRACTICES SURVEY  
MULTNOMAH COUNTY CIRCUIT COURT**

Conducted by the Multnomah Bar Association Court Liaison Committee

NAME OF JUDGE: **Henry Kantor**  
JUDICIAL ASSISTANT: **Audra Henderson**  
TELEPHONE NUMBER: **503.988.3972**  
FAX NUMBER (see § A below): **503.276.0958**  
EMAIL (see § A below): **henry.kantor@ojd.state.or.us**

**A. PRETRIAL COMMUNICATIONS**

1. What mode of communication do you prefer counsel to use to contact you regarding scheduling, discovery and other pretrial matters (e.g. email, joint telephone calls, fax or mail)? Please list any restrictions or limitations that apply.

**First, telephone my judicial assistant. If it is necessary to contact me, I prefer email, with careful attention to showing that copies have been sent to all opposing parties or counsel.**

2. For bench copies of pretrial filings, do you prefer receiving hard copies or electronic copies of documents by email? If you prefer electronic copies, do you have any particular format specifications (e.g. Word or WordPerfect) or size limitations? Please list any restrictions or limitations that apply.

**I prefer hard copies.**

3. Other comments regarding pretrial communications:

**Please do not abuse the convenience of email with informality. Compose an email to a judge just like you would compose a letter to a judge. This does not apply if the email is not about a court case.**

**B. VOIR DIRE**

1. How much time do you allow for voir dire?

**As much time as the lawyers tell me they need. If I disagree, we work out a solution.**

2. Do you require, or prefer, one type of voir dire procedure over another?

**Not really. However, my default is the method of talking with all jurors at the same time.**

3. Must counsel disclose witnesses to the court for voir dire?

**Yes.**

a. If so, does this apply to expert witnesses?

**Usually just by subject of expertise and location.**

4. Is the jury given a brief summary of the case as part of voir dire?

**Yes if the lawyers request and/or the case warrants it.**

a. If so, is the summary given to the jury by you?

**Only if the lawyers ask me to do it.**

b. If so, do you require that its content be agreed upon by counsel?  
**At least generally.**

c. Do you instead require counsel to give a brief (three minute or so) opening statement to the jury before voir dire?  
**No.**

d. If not required, do you allow counsel to give a brief opening statement to the jury?  
**Yes.**

5. Are challenges exercised in the courtroom or in chambers?  
**Chambers, unless the criminal defendant is in custody.**

6. Under what circumstances do you allow written jury questionnaires?  
**Whenever the case warrants it.**

7. Other comments regarding voir dire:  
**Know your courtroom and your judge. Be ready to use a microphone.**

#### **C. OPENING STATEMENT/CLOSING ARGUMENT**

1. How close to the jury is counsel allowed?  
**Not too close. If you have to ask, you probably are too close.**

2. Are counsel permitted to use visual aids and exhibits during opening?  
**Yes, with advance approval of opposing counsel or the court.**

3. Do you limit the length of opening?  
**Counsel and I discuss the necessary length of opening.**

4. Do you limit the length of closing? (Apart from ORCP 58B(7))  
**Counsel and I discuss the necessary length of closing.**

5. Other comments regarding opening statement/closing argument:  
**Know your courtroom and your judge. Be ready to use a microphone.**

#### **D. PRESENTATION OF EVIDENCE**

1. Do you personally want a marked set of exhibits, and if so, when and in what format?  
**Only in a court trial. The format depends on the number of the exhibits. A single notebook works well.**

2. Do you allow or encourage counsel to provide jurors copies of exhibits, witness information and/or other materials?  
**I allow it if approved in advance by the court.**

3. May counsel hand admitted exhibits directly to the jury?

**Only with prior approval of the court, which is rarely given.**

4. What is your preferred manner of reading deposition testimony during trial? Do you allow or prefer stipulated deposition summaries be used instead of the deposition transcript?

**I have no policy on this.**

5. Do you permit re-cross examination? And then re-re-direct?

**Rarely and limited.**

6. May counsel confer with a witness during breaks before the testimony is completed?

**Yes but the conversation becomes fair game at trial.**

7. When witnesses are excluded, does that include experts?

**Generally not.**

8. Are jurors allowed to ask questions of witnesses during the course of the trial? If so, in both civil and criminal cases?

**Yes in civil cases. So far, not in criminal cases but I am keeping an open mind.**

a. If so, what is the manner in which they may submit questions?

**In writing, signed and submitted before the witness is excused. Counsel are given an opportunity to object.**

b. If so, when do you ask the questions?

**I give the lawyer then examining the first crack at the question.**

9. Other comments regarding presentation of evidence:

**Listen to the juror's question and the witness' answer. The jurors definitely are.**

## **E. JURY INSTRUCTIONS**

1. Do you prefer a copy of the instructions and verdict form on a disk, and if so, in what format (e.g., do you prefer a clean copy of the instructions, without authorities, to submit to the jury)?

**Yes, in Word. I only want the clean copy on the disk.**

2. Do you prefer to summarize the pleadings or would you prefer counsel to submit a short summary of the case to be read to the jury?

**I prefer counsel to prepare the summary.**

3. Other comments regarding jury instructions:

**Don't leave the disputed instructions until the last day of trial.**

## **F. ATTORNEY CONTACT WITH JURORS POST VERDICT**

1. Do you invite jurors to talk to the attorneys following receipt of the verdict?

**Yes.**

2. If so, do you do so in every case? If not in every case, under what circumstances do you invite jurors to talk to the attorneys?

**No. When I remember or am reminded.**

3. Other comments regarding attorney contact with jurors post verdict:

All answers to this survey are subject to change without notice **and are subject to whatever the law actually is at the time.**

Completed by: **Henry Kantor**

Date: **Feb. 21, 2007; updated March, 2013**



**JUDICIAL PRACTICES SURVEY  
MULTNOMAH COUNTY CIRCUIT COURT**

Conducted by the Multnomah Bar Association Court Liaison Committee

NAME OF JUDGE: **Paula J. Kurshner**  
JUDICIAL ASSISTANT: **Mary Jane Simpson**  
TELEPHONE NUMBER: **503.988.5010**  
FAX NUMBER (see § A below): **503.276.0972**  
EMAIL (see § A below): **paula.j.kurshner@ojd.state.or.us**

**A. PRETRIAL COMMUNICATIONS**

1. What mode of communication do you prefer counsel to use to contact you regarding scheduling, discovery and other pretrial matters (e.g. email, joint telephone calls, fax or mail)? Please list any restrictions or limitations that apply.

**Joint telephone calls.**

2. For bench copies of pretrial filings, do you prefer receiving hard copies or electronic copies of documents by email? If you prefer electronic copies, do you have any particular format specifications (e.g. Word or WordPerfect) or size limitations? Please list any restrictions or limitations that apply.

**Hard copies. If using fax, 10 pages or less.**

3. Other comments regarding pretrial communications:

**B. VOIR DIRE**

**Not applicable.**

**C. OPENING STATEMENT/CLOSING ARGUMENT**

1. How close to the jury is counsel allowed?

**Not applicable.**

2. Are counsel permitted to use visual aids and exhibits during opening?

**Yes.**

3. Do you limit the length of opening?

**No.**

4. Do you limit the length of closing? (Apart from ORCP 58B(7))

**No.**

5. Other comments regarding opening statement/closing argument:

**D. PRESENTATION OF EVIDENCE**

1. Do you personally want a marked set of exhibits, and if so, when and in what format?

**Yes.**

2. Do you allow or encourage counsel to provide jurors copies of exhibits, witness information and/or other materials?

**Not applicable.**

3. May counsel hand admitted exhibits directly to the jury?

**Not applicable.**

4. What is your preferred manner of reading deposition testimony during trial? Do you allow or prefer stipulated deposition summaries be used instead of the deposition transcript?

**Since no juries for me, I just want to read the relevant testimony.**

5. Do you permit re-cross examination? And then re-re-direct?

**No and No.**

6. May counsel confer with a witness during breaks before the testimony is completed?

**Yes.**

7. When witnesses are excluded, does that include experts?

**Yes unless stipulation expert may be in the courtroom.**

8. Are jurors allowed to ask questions of witnesses during the course of the trial? If so, in both civil and criminal cases?

**Not applicable.**

a. If so, what is the manner in which they may submit questions?

**Not applicable.**

b. If so, when do you ask the questions?

**Not applicable.**

9. Other comments regarding presentation of evidence:

#### **E. JURY INSTRUCTIONS**

**Not applicable.**

#### **F. ATTORNEY CONTACT WITH JURORS POST VERDICT**

**Not applicable.**

Completed by: **Judge Paula Kurshner**

Date: **February 6, 2007**

**JUDICIAL PRACTICES SURVEY  
MULTNOMAH COUNTY CIRCUIT COURT**

Conducted by the Multnomah Bar Association Court Liaison Committee

NAME OF JUDGE: **Jerome LaBarre**  
JUDICIAL ASSISTANT: **Pamela Burns**  
TELEPHONE NUMBER: **503.988.3348**  
FAX NUMBER: **503.276.0946**  
EMAIL: **Jerome.LaBarre@ojd.state.or.us**

**A. PRETRIAL COMMUNICATIONS**

1. What mode of communication do you prefer counsel to use to contact you regarding scheduling, discovery and other pretrial matters (e.g. email, joint telephone calls, fax or mail)? Please list any restrictions or limitations that apply.

**I prefer counsel to contact me by mail. I ask that no emails be sent directly to the Judge.**

2. For bench copies of pretrial filings, do you prefer receiving hard copies or electronic copies of documents by email? If you prefer electronic copies, do you have any particular format specifications (e.g. Word or WordPerfect) or size limitations? Please list any restrictions or limitations that apply.

**I prefer receiving hard copies.**

3. Other comments regarding pretrial communications:

**B. VOIR DIRE**

1. How much time do you allow for voir dire?

**No limits, but I ask for time estimates for this and all trial phases.**

2. Do you require, or prefer, one type of voir dire procedure over another?

**No.**

3. Must counsel disclose witnesses to the court for voir dire?

**Yes.**

a. If so, does this apply to expert witnesses?

**Yes.**

4. Is the jury given a brief summary of the case as part of voir dire?

**Yes.**

a. If so, is the summary given to the jury by you?

**Yes.**

b. If so, do you require that its content be agreed upon by counsel?

**No.**

c. Do you instead require counsel to give a brief (three minute or so) opening statement to the jury before voir dire?

**Optional.**

d. If not required, do you allow counsel to give a brief opening statement to the jury?

**Optional by stipulation.**

5. Are challenges exercised in the courtroom or in chambers?

**For Cause - In Courtroom**

**Preemptory - In Chambers**

6. Under what circumstances do you allow written jury questionnaires?

**Complex cases with Court permission.**

7. Other comments regarding voir dire:

**None.**

#### **C. OPENING STATEMENT/CLOSING ARGUMENT**

1. How close to the jury is counsel allowed?

**3 feet.**

2. Are counsel permitted to use visual aids and exhibits during opening?

**Yes.**

3. Do you limit the length of opening?

**No, see B.1.**

4. Do you limit the length of closing? (Apart from ORCP 58B(7))

**No, see B.1.**

5. Other comments regarding opening statement/closing argument:

**No.**

#### **D. PRESENTATION OF EVIDENCE**

1. Do you personally want a marked set of exhibits, and if so, when and in what format?

**Yes. Noon day before trial. In notebook preferably.**

2. Do you allow or encourage counsel to provide jurors copies of exhibits, witness information and/or other materials?

**Yes. With prior Court approval.**

3. May counsel hand admitted exhibits directly to the jury?

**No.**

4. What is your preferred manner of reading deposition testimony during trial? Do you allow or prefer stipulated deposition summaries be used instead of the deposition transcript?  
**Depositions - up to attorneys with prior Court approval.**

5. Do you permit re-cross examination? And then re-re-direct?  
**No.**

6. May counsel confer with a witness during breaks before the testimony is completed?  
**Yes.**

7. When witnesses are excluded, does that include experts?  
**No, with Court approval.**

8. Are jurors allowed to ask questions of witnesses during the course of the trial? If so, in both civil and criminal cases?  
**Civil Only.**

a. If so, what is the manner in which they may submit questions?  
**Written.**

b. If so, when do you ask the questions?  
**At end of re-direct.**

9. Other comments regarding presentation of evidence:  
**No.**

#### **E. JURY INSTRUCTIONS**

1. Do you prefer a copy of the instructions and verdict form on a disk, and if so, in what format (e.g., do you prefer a clean copy of the instructions, without authorities, to submit to the jury)?  
**Varies - case to case.**

2. Do you prefer to summarize the pleadings or would you prefer counsel to submit a short summary of the case to be read to the jury?  
**Prefer counsel to submit written summary.**

3. Other comments regarding jury instructions:  
**No.**

#### **F. ATTORNEY CONTACT WITH JURORS POST VERDICT**

1. Do you invite jurors to talk to the attorneys following receipt of the verdict?  
**Varies.**

2. If so, do you do so in every case? If not in every case, under what circumstances do you invite jurors to talk to the attorneys?  
**Varies.**

3. Other comments regarding attorney contact with jurors post verdict:  
**No.**

Completed by: **Honorable Jerome LaBarre**

Date: **02/15/07**

**JUDICIAL PRACTICES SURVEY  
MULTNOMAH COUNTY CIRCUIT COURT**

Conducted by the Multnomah Bar Association Court Liaison Committee

NAME OF JUDGE: **Marilyn E. Litzenberger**  
JUDICIAL ASSISTANT: **Claudia J. Cogle**  
JUDICIAL CLERK: **Elizabeth Plass**  
TELEPHONE NUMBER: **503.988.3365**

**A. PRETRIAL COMMUNICATIONS**

1. What mode of communication do you prefer counsel to use to contact you regarding scheduling, discovery and other pretrial matters (e.g. email, joint telephone calls, fax or mail)? Please list any restrictions or limitations that apply.

**Counsel should schedule all matters through the Judge's Judicial Assistant (JA), Claudia Cogle. Scheduling may be by telephone, letter, fax or email. Any communications with Ms. Cogle should be copied to opposing counsel, any other counsel of record and all self-represented litigants.**

**Our phone number is 503.988.3365. This phone is answered and monitored for voice mail messages by JA Claudia Cogle; however, she is also assigned to work in other areas of the courthouse during the afternoon hours two to three days a week. When Ms. Cogle is not at her desk, there is no one to answer the telephone. Our Judicial Clerk's desk is in the courtroom. The telephone does not ring on her phone or on the judge's phone in chambers. If Ms. Cogle is absent on vacation or for another reason, the Judicial Clerk will do her best to monitor voice mail messages. Please understand that when court is in session or in trial, the Judicial Clerk is with the judge in the courtroom and cannot retrieve or monitor voice mail messages.**

**Our fax number is 503.276.0979. Ms. Cogle's email address is: Claudia.Cogle@ojd.state.or.us. All faxes are delivered directly to Ms. Cogle's email inbox. When she is working in other areas of the courthouse, Ms. Cogle does not have access to her email account and your fax will not be delivered to the judge until she returns to her desk and reviews the email messages that have been delivered in her absence.**

**Judge Litzenberger and her Judicial Clerk do not have access to Ms. Cogle's email account so if Ms. Cogle is absent, any email messages you have sent will not be communicated to the judge. For this reason, it is advisable to include our Judicial Clerk as a recipient of any email message you send. Our Judicial Clerk, Elizabeth Plass, may be reached via email at: Elizabeth.F.Plass@ojd.state.or.us.**

**Your office, witnesses and family may leave messages with the court's Judicial Assistant during trial.**

2. For bench copies of pretrial filings, do you prefer receiving hard copies or electronic copies of documents by email? If you prefer electronic copies, do you have any particular format specifications (e.g. Word or WordPerfect) or size limitations? Please list any restrictions or limitations that apply.

**Hard copies are preferred. The court will notify the parties if electronic copies are needed. Electronic transmissions should be sent to Ms. Cogle directly and served contemporaneously on other parties.**

3. Other comments regarding pretrial communications:

**Letter submissions to the court are strongly discouraged, whether related to pretrial matters or otherwise. If a party is asking for further relief or direction from the court, that request should be submitted in the form of a motion that is subject to the rules of procedure for motion practice.**

**The court will accommodate legitimate requests for expedited hearings and alternation of the briefing schedule established in the ORCP and UTRC. Please advise the court if the parties have agreed to alter these deadlines, as such agreements may necessitate rescheduling of the motion hearing. The judge needs time to review the parties' submissions, at least 7 days is preferred.**

## **B. VOIR DIRE**

1. How much time do you allow for voir dire?

**The court believes that jury selection generally can be accomplished within a ½-day. If counsel anticipates exceeding this general guideline, that should be brought to the court's attention prior to the commencement of the jury selection process.**

2. Do you require, or prefer, one type of voir dire procedure over another?

**Each juror will be asked to introduce themselves by answering standard background questions. Counsel can and should submit case specific questions to the court for the judge to use during her examination of prospective jurors.**

**Lengthy voir dire intended to extract obvious promises by the jury or general questions designed to condition the jury are disfavored by the court (and jurors!). Questions from the lawyers are restricted to those intended to elicit jurors' past experiences and that are designed to test individual jurors' qualifications. Conditioning of the jury panel is not permitted. Lawyers are not permitted to instruct the panel on the law or other legal standards that pertain to the case; however, they may ask questions regarding a jurors' understanding of the law, whether they believe the law is fair or should be changed, and whether they can follow the legal instructions given by the court.**

3. Must counsel disclose witnesses to the court for voir dire?

**Yes.**

a. If so, does this apply to expert witnesses?

**Yes.**

4. Is the jury given a brief summary of the case as part of voir dire?

**Yes.**

a. If so, is the summary given to the jury by you?

**Yes.**

b. If so, do you require that its content be agreed upon by counsel?

**Consistent with the Recommended Practices for Civil Jury Trials in Multnomah County, counsel should confer and provide the court with a summary of the pleadings prior to voir dire. If the parties do not provide a Neutral Statement of the Case for the court to read to the jury panel, the court will read its own summary of**



the pleadings prior to any questioning of the panel.

c. Do you instead require counsel to give a brief (three minute or so) opening statement to the jury before voir dire?

**With advance permission of the court, the parties may present a short (2-3 minute) mini-opening statement to the jury panel. If the parties intend to use this alternative approach, they must be prepared to discuss what they expect to tell the jury at the time the court entertains preliminary matters. This is especially important if the trial involves multiple parties.**

d. If not required, do you allow counsel to give a brief opening statement to the jury?

**No.**

5. Are challenges exercised in the courtroom or in chambers?

**For cause challenges must be exercised before counsel finishes his/her voir dire of the panel. These challenges may not be reserved and must be made before any preemptory challenge is communicated. A party wishing to challenge a potential juror for cause may choose to do so by making that challenge in open court or by asking permission to approach the bench for that purpose.**

**Peremptory challenges are generally made on the record in the courtroom. In civil cases, peremptory challenges may be made in chambers at counsel's request with knowledge that those proceedings will not be recorded unless the parties have retained the services of a certified court reporter.**

6. Under what circumstances do you allow written jury questionnaires?

**Written jury questionnaires may be used in any case. Questionnaires are subject to court approval and must be submitted by noon the day before trial.**

**If one of the parties wishes to use a jury questionnaire, that party should confer with opposing counsel well in advance of trial. If agreement cannot be reached: (a) as to whether to use a questionnaire or not; or (b) as to any or all of the questions on the proposed questionnaire, then a motion to compel the use of a written juror questionnaire should be filed with the court. Counsel should add a full day to the expected length of trial if a jury questionnaire is going to be used.**

**In cases that have been specially assigned to this department for trial, the court will hold a pretrial conference 1-2 weeks before the scheduled trial date. It is appropriate to discuss the use of a jury questionnaire and the logistics for doing so at that time.**

7. Other comments regarding voir dire:

**The court encourages the parties to ask questions regarding its expectations for the jury selection process as part of the preliminary matters conference conducted prior to calling for the jury panel.**

**Jurors are seated in the number drawn, with the first seven jurors seated in the back row and the second seven jurors seated in the front row. Other prospective jurors are seated in order in the courtroom gallery benches. Courtroom observers should not sit in the same rows as prospective jurors.**

**In cases expected to last more than four judicial days (1 week), the Court does not inquire separately as to whether serving on the jury would pose a hardship to any juror. If a**

case is expected to last two weeks, the court may consider jurors' individual requests to be excused due to hardship (financial, family, health). For specially assigned cases anticipated to take more than 2 weeks for trial, a special juror summons is advisable and a separate day is used by the court to screen the panel for hardship issues. Please advise the court at least 6 weeks in advance of your trial date if a special juror summons is needed.

#### **C. OPENING STATEMENT/CLOSING ARGUMENT**

1. How close to the jury is counsel allowed?

A reasonable distance from the jury box would be at least 2-3 feet from the rail. As a practical matter, however, counsel must stand within close proximity to the microphones on counsel table to insure that an appropriate record is made for any possible appeal. If jurors appear uncomfortable with counsel's proximity, I will ask counsel to step away from the jury box.

2. Are counsel permitted to use visual aids and exhibits during opening?

The court approves all visual aids or exhibits before they are used during opening statements. Opposing counsel's objections, if any, will be considered and ruled on before opening statements are presented to the jury. Exhibits that are not pre-admitted may not be used (and published to the jury) during opening statements.

3. Do you limit the length of opening?

No, with one caveat – even in the most complex case, jurors will not retain much of what they are told during opening statements.

In some cases there appears to be a trend to present all of the evidence to the jury during opening statements. Opening statement is intended to be a summary of the evidence expected to be presented through witness testimony and exhibits. The jury is better served by a road map that informs them of which witnesses will say what and when they are expected to testify. Moreover, as part of the jury's initial instructions from the court, members of the jury are told that what they have heard during opening statements is not evidence from which they can reach a verdict.

4. Do you limit the length of closing? (*Apart from ORCP 58B(7)*)

No, closing arguments are one of the most important phases of a trial.

5. Other comments regarding opening statement/closing argument.

The importance of argument is overlooked by most trial lawyers in today's world. At this stage of the trial, jurors are anxious to begin their deliberations but they also expect you to persuade them why they should return a verdict in your client's favor. A persuasive summary of the evidence, discussing key witness testimony and key exhibits, is more effective than a statement that the jurors can review the exhibits for themselves in the jury room.

#### **D. PRESENTATION OF EVIDENCE**

1. Do you personally want a marked set of exhibits, and if so, when and in what format?

Yes, in a 3-ring binder with tabs separating exhibits by exhibit number and an index identifying each exhibit by number and summary description.

Before trying a case in Judge Litzenberger's courtroom, please request a copy of the court's "Best Practices for Using Exhibits" from Ms. Cogle or Ms. Plass. This document details the court's specific expectations with regard to the pretrial submission of exhibits and the use of exhibits during trial.

2. Do you allow or encourage counsel to provide jurors copies of exhibits, witness information and/or other materials?

**Yes.**

3. May counsel hand admitted exhibits directly to the jury?

**Yes, provided they have asked permission of the court to publish the exhibit to the jury. Questioning of the witness will be suspended while the jury is reviewing the published exhibit so the practice of publishing exhibits to the jury is not encouraged and should be used sparingly.**

4. What is your preferred manner of reading deposition testimony during trial? Do you allow or prefer stipulated deposition summaries be used instead of the deposition transcript?

**Please refer to the Recommended Practices for Civil Jury Trials in Multnomah County, published on the court's website.**

**A copy of the deposition transcript should be provided to the court at the beginning of trial so the court may rule on any objections to the testimony offered. If the witness has been shown exhibits during the deposition or asked to draw a diagram, counsel should be prepared to offer those documents prior to the deposition being read.**

5. Do you permit re-cross examination? And then re-re-direct?

**Almost never. When allowed, only with respect to new issues covered in re-direct.**

6. May counsel confer with a witness during breaks before the testimony is completed?

**No, not for the purpose of discussing prior witness testimony when the court has issued an exclusion order. This pertains to witnesses that have testified, are testifying or may testify later during the trial.**

7. When witnesses are excluded, does that include experts?

**No, but a party seeking permission for its expert(s) to observe testimony must be prepared to make a showing under ORS 40.385(3) if an objection is made by another party.**

8. Are jurors allowed to ask questions of witnesses during the course of the trial? If so, in both civil and criminal cases?

**Yes.**

a. If so, what is the manner in which they may submit questions?

**Jurors must submit questions in writing. The court will confer with counsel before any question is presented to the witness.**

**The court receives written juror questions after conclusion of parties' examinations of the witness, then reviews each question at the bench with counsel, who must make their objections in writing on the juror question form. Assuming no objections are made or those objections are overruled, the judge then reads the jurors' question(s) to the witness "in no particular order." After the witness**

answers, the parties are given an opportunity to follow-up with the witness on that specific issue only. Some questions presented by jurors depend on whether the witness has knowledge of the facts presumed by the question; in that case, the judge adds “if you know” when the question is presented to the witness.

b. If so, when do you ask the questions?  
At the conclusion of the witness’s testimony.

9. Other comments regarding presentation of evidence:

If you make an objection during trial, be prepared to cite the applicable evidence rule, but do not use speaking objections in the presence of the jury or witness.

Please respect the jurors’ time by streamlining the presentation of evidence whenever possible. The parties’ lawyers are expected to confer in advance of trial regarding the use of demonstrative evidence and the admissibility of exhibits and deposition testimony or other out of court statements that will be offered as evidence.

## **E. JURY INSTRUCTIONS**

1. Do you prefer a copy of the instructions and verdict form on a disk, and if so, in what format (e.g., do you prefer a clean copy of the instructions, without authorities, to submit to the jury)?

Yes, preferably by email sent to Claudia Cogle, Judicial Assistant at [claudia.cogle@ojd.state.or.us](mailto:claudia.cogle@ojd.state.or.us) and to Beth Plass, Judicial Clerk, at [Elizabeth.Plass@ojd.state.or.us](mailto:Elizabeth.Plass@ojd.state.or.us).

Proposed jury instructions (uniform and special) must be submitted to the court at the commencement of trial, or pursuant to ORCP 59. Special instructions should be sent to the court’s Judicial Assistant by email in Word (or compatible) format, with a copy sent concurrently to opposing counsel. Any instructions submitted must include citation to and a copy of the authorities relied upon attached to the proposed instruction.

The court provides written instructions to the jury for use during deliberations. It is especially important in short trials that these instructions be finalized as soon as practicable so that the written set of instructions is available for instructing the jury at the end of closing arguments.

2. Do you prefer to summarize the pleadings or would you prefer counsel to submit a short summary of the case to be read to the jury?

Counsel should submit a stipulated neutral summary to the court for this purpose.

3. Other comments regarding jury instructions:

The court will conduct a preliminary jury instructions conference when it considers other preliminary matters before the trial begins. During this initial conference, the court is interested in knowing which instructions will be disputed. Toward the end of the evidentiary phase of the trial, the court will conduct a second jury instructions conference, at which time the parties are expected to present their legal and factual arguments regarding any disputed instructions. If time permits, the court will provide the parties with an advance copy of the written jury instructions. The jury will be instructed prior to closing arguments. Exceptions will be taken immediately thereafter at the bench. It is appropriate

for counsel to incorporate their prior arguments as the basis for exception to any instruction that is not given or that was given over their client's objection.

**F. ATTORNEY CONTACT WITH JURORS POST VERDICT**

1. Do you invite jurors to talk to the attorneys following receipt of the verdict?  
**Yes, however before the jury is discharged, jurors are told they cannot be compelled to speak to the attorneys or their clients and the court explains the reasons lawyers may not ethically approach or contact jurors to ask them about the trial.**
2. If so, do you do so in every case? If not in every case, under what circumstances do you invite jurors to talk to the attorneys?  
**See above.**
3. Other comments regarding attorney contact with jurors post verdict:  
**Attorneys should never put a juror in the position of defending his/her verdict or make the juror perceive s/he is being asked to defend the jury's verdict.**

All answers to this survey are subject to change without notice.

Completed by: **Judge Marilyn Litzenberger**      Date: **April 23, 2013**

**JUDICIAL PRACTICES SURVEY  
MULTNOMAH COUNTY CIRCUIT COURT**

Conducted by the Multnomah Bar Association Court Liaison Committee

NAME OF JUDGE: **Angel Lopez**  
JUDICIAL ASSISTANT: **Jessica Morilon**  
TELEPHONE NUMBER: **503.988.3068**  
FAX NUMBER (see § A below): **503.276.0941**  
EMAIL (see § A below): **angel.lopez@ojd.state.or.us**

**A. PRETRIAL COMMUNICATIONS**

1. What mode of communication do you prefer counsel to use to contact you regarding scheduling, discovery and other pretrial matters (e.g. email, joint telephone calls, fax or mail)? Please list any restrictions or limitations that apply.

**First, check with opposing counsel for their availability, then contact my JA Suanne York for scheduling.**

2. For bench copies of pretrial filings, do you prefer receiving hard copies or electronic copies of documents by email? If you prefer electronic copies, do you have any particular format specifications (e.g. Word or WordPerfect) or size limitations? Please list any restrictions or limitations that apply.

**I prefer hard copy. Faxes are okay. If email, WordPerfect is fine.**

3. Other comments regarding pretrial communications:

**B. VOIR DIRE**

1. How much time do you allow for voir dire?

**In most cases, I find that 20 minutes per side is adequate. This is not an absolute rule however, I give lawyers the time they need to cover the ground they deem appropriate in voir dire.**

2. Do you require, or prefer, one type of voir dire procedure over another?

**I require the prevailing voir dire approach. I found it worked best for me when I was a trial attorney.**

3. Must counsel disclose witnesses to the court for voir dire?

**I prefer to have the parties disclose their witnesses prior to voir dire when I give the introduction jury instruction. This would include expert witnesses.**

4. Is the jury given a brief summary of the case as part of voir dire?

**If the parties can agree in a brief objective statement of the case, I will give it in conjunction with the introduction jury instruction. I would prefer that counsel not give mini-openings themselves as part of the voir dire process.**

5. Are challenges exercised in the courtroom or in chambers?

**On a six-person jury, I will take challenges in the courtroom. 12-person jury strikes are done in chambers. This is because I have a small courtroom and an even smaller jury room.**

6. Under what circumstances do you allow written jury questionnaires?

**I would allow written jury questionnaires in a complex case or when we need a large group of jurors from which to select a panel.**

7. Other comments regarding voir dire:

**Do not ask for special concessions for jurors. I also do not appreciate parties referring to current news events for the purpose of garnering jury sympathy or bias. Factors about the current case that test the juror qualifications are, of course, appropriate.**

#### **C. OPENING STATEMENT/CLOSING ARGUMENT**

1. How close to the jury is counsel allowed?

**I allow counsel to approach jurors at their own risk.**

2. Are counsel permitted to use visual aids and exhibits during opening?

**Counsel may use visual aids at opening. They may use exhibits subject to stipulation for admission at trial by opposing counsel.**

3. Do you limit the length of opening?

**I leave it to the discretion of counsel as to how long opening should be. Remember, however, if opening is too long or repetitive, you will lose your audience.**

4. Do you limit the length of closing? (*Apart from ORCP 58B(7)*)

**Apart from ORCP 58B(7), I do not limit the length of closing. The same considerations as for opening should, however, apply.**

5. Other comments regarding opening statement/closing argument:

**None.**

#### **D. PRESENTATION OF EVIDENCE**

1. Do you personally want a marked set of exhibits, and if so, when and in what format?

**If there will be more than 25 exhibits, I would appreciate a tabbed notebook with the Exhibits marked in sequential order.**

2. Do you allow or encourage counsel to provide jurors copies of exhibits, witness information and/or other materials?

**If asked, I allow counsel to publish exhibits to the jury. If counsel wishes to submit a complete copy of exhibits, witness information or other materials, please take it up with me pre-trial.**

3. May counsel hand admitted exhibits directly to the jury?

**Counsel, if publishing one exhibit or a batch of exhibits at a time, may hand it directly to the jury. Otherwise, it will be done by my clerk.**

4. What is your preferred manner of reading deposition testimony during trial? Do you allow or prefer stipulated deposition summaries be used instead of the deposition transcript? **The party seeking entry of the deposition material will read it directly on the record. If there is to be a summary of deposition materials, its form and content must be stipulated to by opposing counsel.**

5. Do you permit re-cross examination? And then re-re-direct? **In my court there is no such thing as re-cross or re-direct. There are exceptions I do make, such as when a party forgets to ask an opposing witness a significant question or line of questions. I then allow that party to "re-open" cross subject and to "re-direct" from opposing counsel.**

6. May counsel confer with a witness during breaks before the testimony is completed? **Yes.**

7. When witnesses are excluded, does that include experts? **Yes, except upon motion of the requesting party with good cause shown regarding expert witnesses. Of course, in criminal cases certain witnesses are allowed to remain in compliance with the victim's rights provisions.**

8. Are jurors allowed to ask questions of witnesses during the course of the trial? If so, in both civil and criminal cases?

a. If so, what is the manner in which they may submit questions? **I prefer jurors not ask questions. However, I will allow if both sides wish it to happen.**

b. If so, when do you ask the questions? **As appropriate, after reviewing the questions with counsel out of the presence of the jury, regarding admissibility.**

9. Other comments regarding presentation of evidence: **Please try to have your exhibits marked and organized before trial. If you can stipulate to admission for some or all exhibits before trial, please do so. If you have a question about exhibit admissibility, it is better to take it up pre-trial than to be "turned away at the trough" before the jury. Do not object to exhibit admissibility before the jury unless you are real sure you will prevail. If the exhibit is admitted over your objection, you have lost ground with the jury, plus it makes you look like a rookie.**

## **E. JURY INSTRUCTIONS**

1. Do you prefer a copy of the instructions and verdict form on a disk, and if so, in what format (e.g., do you prefer a clean copy of the instructions, without authorities, to submit to the jury)? **I prefer the jury instructions in paper form. I have the instructions collated and cleaned up by my JA.**

2. Do you prefer to summarize the pleadings or would you prefer counsel to submit a short summary of the case to be read to the jury?



**I prefer a jointly approved summary of the pleadings to be submitted to the court by the parties.**

3. Other comments regarding jury instructions:  
**Where possible, stick to the Uniform Jury Instructions.**

**F. ATTORNEY CONTACT WITH JURORS POST VERDICT**

1. Do you invite jurors to talk to the attorneys following receipt of the verdict?  
**No.**

2. If so, do you do so in every case? If not in every case, under what circumstances do you invite jurors to talk to the attorneys?  
**If the parties were to request, I would inquire of the jurors if any would like to stay to discuss the case with court and counsel.**

3. Other comments regarding attorney contact with jurors post verdict:  
**Sometimes ignorance is bliss. As a trial lawyer, I came to recognize that trials are driven by the facts addressed much more so than by the skill of the advocates. When I was a trial lawyer, I knew I was never as good as I thought I was when I won a case, nor was I ever as bad as I imagined when I lost. I never felt the need to have these impressions ratified by a tired juror.**

All answers to this survey are subject to change without notice.

**Additional information:**

**Counsel should look up the rules and procedures for my court on my Multnomah County Court web page.**

Completed by: **Judge Angel Lopez**      Date: **April, 2010**

**JUDICIAL PRACTICES SURVEY  
MULTNOMAH COUNTY CIRCUIT COURT**

Conducted by the Multnomah Bar Association Court Liaison Committee

NAME OF JUDGE: **Michael S. Loy**  
JUDICIAL ASSISTANT:  
TELEPHONE NUMBER: **503.988.3813**  
FAX NUMBER (see § A below): **503.276.0973**  
EMAIL (see § A below):

**A. PRETRIAL COMMUNICATIONS**

1. What mode of communication do you prefer counsel to use to contact you regarding scheduling, discovery and other pretrial matters (e.g. email, joint telephone calls, fax or mail)? Please list any restrictions or limitations that apply.

**Call, Fax or Mail, no Email.**

2. For bench copies of pretrial filings, do you prefer receiving hard copies or electronic copies of documents by email? If you prefer electronic copies, do you have any particular format specifications (e.g. Word or WordPerfect) or size limitations? Please list any restrictions or limitations that apply.

**Hard Copies.**

3. Other comments regarding pretrial communications:

**B. VOIR DIRE  
N/A**

1. How much time do you allow for voir dire?

2. Do you require, or prefer, one type of voir dire procedure over another?

3. Must counsel disclose witnesses to the court for voir dire?

a. If so, does this apply to expert witnesses?

4. Is the jury given a brief summary of the case as part of voir dire?

a. If so, is the summary given to the jury by you?

b. If so, do you require that its content be agreed upon by counsel?

c. Do you instead require counsel to give a brief (three minute or so) opening statement to the jury before voir dire?

d. If not required, do you allow counsel to give a brief opening statement to the jury?

5. Are challenges exercised in the courtroom or in chambers?
6. Under what circumstances do you allow written jury questionnaires?
7. Other comments regarding voir dire:

**C. OPENING STATEMENT/CLOSING ARGUMENT**

1. How close to the jury is counsel allowed?  
**N/A**
2. Are counsel permitted to use visual aids and exhibits during opening?  
**Yes**
3. Do you limit the length of opening?  
**No**
4. Do you limit the length of closing? (*Apart from ORCP 58B(7)*)  
**No**
5. Other comments regarding opening statement/closing argument:

**D. PRESENTATION OF EVIDENCE**

1. Do you personally want a marked set of exhibits, and if so, when and in what format?  
**Yes, at the beginning of trial.**
2. Do you allow or encourage counsel to provide jurors copies of exhibits, witness information and/or other materials?  
**N/A**
3. May counsel hand admitted exhibits directly to the jury?  
**N/A**
4. What is your preferred manner of reading deposition testimony during trial? Do you allow or prefer stipulated deposition summaries be used instead of the deposition transcript?  
**N/A**
5. Do you permit re-cross examination? And then re-re-direct?  
**When appropriate.**
6. May counsel confer with a witness during breaks before the testimony is completed?
7. When witnesses are excluded, does that include experts?
8. Are jurors allowed to ask questions of witnesses during the course of the trial? If so, in both civil and criminal cases?  
**N/A**

- a. If so, what is the manner in which they may submit questions?
- b. If so, when do you ask the questions?
- 9. Other comments regarding presentation of evidence:

**E. JURY INSTRUCTIONS**  
**N/A**

- 1. Do you prefer a copy of the instructions and verdict form on a disk, and if so, in what format (e.g., do you prefer a clean copy of the instructions, without authorities, to submit to the jury)?
- 2. Do you prefer to summarize the pleadings or would you prefer counsel to submit a short summary of the case to be read to the jury?
- 3. Other comments regarding jury instructions:

**F. ATTORNEY CONTACT WITH JURORS POST VERDICT**  
**N/A**

- 1. Do you invite jurors to talk to the attorneys following receipt of the verdict?
- 2. If so, do you do so in every case? If not in every case, under what circumstances do you invite jurors to talk to the attorneys?
- 3. Other comments regarding attorney contact with jurors post verdict:

All answers to this survey are subject to change without notice.

Completed by: **Michael S. Loy**

Date: **04/15/2013**

**JUDICIAL PRACTICES SURVEY  
MULTNOMAH COUNTY CIRCUIT COURT**

Conducted by the Multnomah Bar Association Court Liaison Committee

NAME OF JUDGE: **Christopher J. Marshall**  
JUDICIAL ASSISTANT: **Jimie Weedling**  
TELEPHONE NUMBER: **503.988.3274**  
FAX NUMBER (see § A below): **503.276.0951**  
EMAIL (see § A below):

**A. PRETRIAL COMMUNICATIONS**

1. What mode of communication do you prefer counsel to use to contact you regarding scheduling, discovery and other pretrial matters (e.g. email, joint telephone calls, fax or mail)? Please list any restrictions or limitations that apply.

**I prefer contact by telephone, fax or mail. (Prefer faxes be limited to 10 pages or less.)**

2. For bench copies of pretrial filings, do you prefer receiving hard copies or electronic copies of documents by email? If you prefer electronic copies, do you have any particular format specifications (e.g. Word or WordPerfect) or size limitations? Please list any restrictions or limitations that apply.

**I prefer receiving hard copies. No restrictions or limitations.**

3. Other comments regarding pretrial communications:  
**None.**

**B. VOIR DIRE**

1. How much time do you allow for voir dire?  
**Generally no limitations.**

2. Do you require, or prefer, one type of voir dire procedure over another?  
**No.**

3. Must counsel disclose witnesses to the court for voir dire?  
**Yes.**

a. If so, does this apply to expert witnesses?  
**Yes.**

4. Is the jury given a brief summary of the case as part of voir dire?  
**Yes.**

a. If so, is the summary given to the jury by you?  
**Yes.**

b. If so, do you require that its content be agreed upon by counsel?  
**Yes.**

c. Do you instead require counsel to give a brief (three minute or so) opening statement to the jury before voir dire?

**No, I don't require it but I allow it if all parties agree.**

d. If not required, do you allow counsel to give a brief opening statement to the jury?

**Yes.**

5. Are challenges exercised in the courtroom or in chambers?

**Generally in the courtroom but in chambers if all parties request.**

6. Under what circumstances do you allow written jury questionnaires?

**If requested by the parties.**

7. Other comments regarding voir dire:

**None.**

#### **C. OPENING STATEMENT/CLOSING ARGUMENT**

1. How close to the jury is counsel allowed?

**It depends on the circumstances.**

2. Are counsel permitted to use visual aids and exhibits during opening?

**Yes.**

3. Do you limit the length of opening?

**No.**

4. Do you limit the length of closing? (Apart from ORCP 58B(7))

**No.**

5. Other comments regarding opening statement/closing argument:

**None.**

#### **D. PRESENTATION OF EVIDENCE**

1. Do you personally want a marked set of exhibits, and if so, when and in what format?

**Yes. Before trial. Numbered and in a notebook.**

2. Do you allow or encourage counsel to provide jurors copies of exhibits, witness information and/or other materials?

**I allow it depending on the circumstances.**

3. May counsel hand admitted exhibits directly to the jury?

**It depends on the circumstances. Counsel should inquire with the Court before doing so.**

4. What is your preferred manner of reading deposition testimony during trial? Do you allow or prefer stipulated deposition summaries be used instead of the deposition transcript?  
**No preference for reading of deposition testimony. Stipulated summaries are allowed.**

5. Do you permit re-cross examination? And then re-re-direct?  
**Generally not.**

6. May counsel confer with a witness during breaks before the testimony is completed?  
**It depends upon the circumstances. Counsel should ask the Court before doing so.**

7. When witnesses are excluded, does that include experts?  
**It depends upon the circumstances. Counsel should raise the issue with the Court before having expert witnesses sit in courtroom.**

8. Are jurors allowed to ask questions of witnesses during the course of the trial? If so, in both civil and criminal cases?  
**Yes, if all parties agree.**

a. If so, what is the manner in which they may submit questions?  
**In writing.**

b. If so, when do you ask the questions?  
**At the time jurors submit them.**

9. Other comments regarding presentation of evidence:  
**None.**

#### **E. JURY INSTRUCTIONS**

1. Do you prefer a copy of the instructions and verdict form on a disk, and if so, in what format (e.g., do you prefer a clean copy of the instructions, without authorities, to submit to the jury)?  
**Yes, clean copy without authorities.**

2. Do you prefer to summarize the pleadings or would you prefer counsel to submit a short summary of the case to be read to the jury?  
**Prefer counsel to agree on a short summary.**

3. Other comments regarding jury instructions:  
**None.**

#### **F. ATTORNEY CONTACT WITH JURORS POST VERDICT**

1. Do you invite jurors to talk to the attorneys following receipt of the verdict?  
**Will generally do if all parties request.**

2. If so, do you do so in every case? If not in every case, under what circumstances do you invite jurors to talk to the attorneys?

**See above.**

3. Other comments regarding attorney contact with jurors post verdict:  
**No additional comments.**

Completed by: **Christopher J. Marshall**

Date: **March 26, 2007**



**JUDICIAL PRACTICES SURVEY  
MULTNOMAH COUNTY CIRCUIT COURT**

Conducted by the Multnomah Bar Association Court Liaison Committee

NAME OF JUDGE: **Judith H. Matarazzo**  
JUDICIAL ASSISTANT: **Tiffany Fox**  
JUDICIAL CLERK: **Sean Pank**  
TELEPHONE NUMBER: **503.988.3227**  
FAX NUMBER (see § A below): **503.276.0949**  
EMAIL (see § A below): **judith.h.matarazzo@ojd.state.or.us**

**A. PRETRIAL COMMUNICATIONS**

1. What mode of communication do you prefer counsel to use to contact you regarding scheduling, discovery and other pretrial matters (e.g. email, joint telephone calls, fax or mail)? Please list any restrictions or limitations that apply.

**All scheduling matters can be managed through my Judicial Assistant via phone, mail, or fax. Email communication is fine assuming all parties are included. Discovery and Pretrial matters need to be in writing (Email, Fax, or Mail).**

2. For bench copies of pretrial filings, do you prefer receiving hard copies or electronic copies of documents by email? If you prefer electronic copies, do you have any particular format specifications (e.g. Word or WordPerfect) or size limitations? Please list any restrictions or limitations that apply.

**Hard copies are preferred. Electronic copies are acceptable so long as the text may be copied and pasted into other documents (Especially with jury instructions and verdict forms).**

3. Other comments regarding pretrial communications:

**B. VOIR DIRE**

1. How much time do you allow for voir dire?

**I allow as much time as necessary.**

2. Do you require, or prefer, one type of voir dire procedure over another?

**I allow the parties to decide the procedure for voir dire.**

3. Must counsel disclose witnesses to the court for voir dire?

**Yes, I ask for the names of all potential witnesses.**

a. If so, does this apply to expert witnesses?

**Yes**

4. Is the jury given a brief summary of the case as part of voir dire?

**Yes, but very brief.**

a. If so, is the summary given to the jury by you?

**Yes, unless the parties request that I not.**

b. If so, do you require that its content be agreed upon by counsel?

**Yes**

c. Do you instead require counsel to give a brief (three minute or so) opening statement to the jury before voir dire?

**No.**

d. If not required, do you allow counsel to give a brief opening statement to the jury?

**Not typically.**

5. Are challenges exercised in the courtroom or in chambers?

**Chambers.**

6. Under what circumstances do you allow written jury questionnaires?

**I consider the requests of the parties, the length of the trial, and the type of case. I will allow written questionnaires if appropriate.**

7. Other comments regarding voir dire:

#### **C. OPENING STATEMENT/CLOSING ARGUMENT**

1. How close to the jury is counsel allowed?

**Within a few feet. I have a small courtroom, therefore counsel may be close to the jury by default at any point that they stand.**

2. Are counsel permitted to use visual aids and exhibits during opening?

**Yes, subject to objection from opposing counsel.**

3. Do you limit the length of opening?

**No.**

4. Do you limit the length of closing? (*Apart from ORCP 58B(7)*)

**No.**

5. Other comments regarding opening statement/closing argument:

#### **D. PRESENTATION OF EVIDENCE**

1. Do you personally want a marked set of exhibits, and if so, when and in what format?

**It is helpful in some cases, but it is NOT required. Marked copies of exhibits that are organized and tabbed in a binder work well.**

2. Do you allow or encourage counsel to provide jurors copies of exhibits, witness information and/or other materials?

**Less frequently, but it depends on the nature of the case. I have found it helpful in some**

**cases.**

3. May counsel hand admitted exhibits directly to the jury?

**Counsel should ask before doing so.**

4. What is your preferred manner of reading deposition testimony during trial? Do you allow or prefer stipulated deposition summaries be used instead of the deposition transcript?

**I will allow and honor the stipulations of the parties as to depositions summaries.**

5. Do you permit re-cross examination? And then re-re-direct?

**Generally not, but it depends on the matter.**

6. May counsel confer with a witness during breaks before the testimony is completed?

**No.**

7. When witnesses are excluded, does that include experts?

**No**

8. Are jurors allowed to ask questions of witnesses during the course of the trial? If so, in both civil and criminal cases?

**Yes, in both civil and criminal cases. If both sides agree, I will allow questions from the jury.**

a. If so, what is the manner in which they may submit questions?

**After redirect, a juror may submit a question to me in writing.**

b. If so, when do you ask the questions?

**I show the question to counsel at the bench. Assuming there are no objections, I will then read the question to the witness.**

9. Other comments regarding presentation of evidence:

**I prefer that counsel from all parties confer pretrial and attempt to stipulate to as many exhibits as possible to help facilitate the presentation of evidence.**

**I typically allow the parties as long as they need for the presentation of evidence, however, in the event a case is getting out of hand, or has the potential to get out of hand, I may impose discussed time limitations equally on all parties to facilitate the presentation of evidence. This is especially so if the parties represented the case to take a certain amount of time and it appears the calculation was grossly miscalculated for no apparent reason.**

## **E. JURY INSTRUCTIONS**

1. Do you prefer a copy of the instructions and verdict form on a disk, and if so, in what format (e.g., do you prefer a clean copy of the instructions, without authorities, to submit to the jury)?

**I prefer both a printed hard copy and an electronic copy of jury instructions and proposed verdict forms. The electronic copy should be a clean copy without authorities, and the text of the electronic copy should be able to be copied and pasted into other documents.**

2. Do you prefer to summarize the pleadings or would you prefer counsel to submit a short summary of the case to be read to the jury?

**Counsel should submit a short summary.**

3. Other comments regarding jury instructions:

**I would like to receive the instructions and verdict form before the start of the trial.**

**F. ATTORNEY CONTACT WITH JURORS POST VERDICT**

1. Do you invite jurors to talk to the attorneys following receipt of the verdict?

**Yes.**

2. If so, do you do so in every case? If not in every case, under what circumstances do you invite jurors to talk to the attorneys?

**Generally, I meet with the jury after the verdict is received and ask them whether they are willing to talk to the attorneys. If the jurors do not want to talk to the attorneys, I ask if they will give comments that I can relay back to the attorneys.**

3. Other comments regarding attorney contact with jurors post verdict:

All answers to this survey are subject to change without notice.

Completed by: **Judith H. Matarazzo** Date: **March 27, 2013**

**JUDICIAL PRACTICES SURVEY**  
**MULTNOMAH COUNTY CIRCUIT COURT**  
Conducted by the Multnomah Bar Association Court Liaison Committee

NAME OF JUDGE: **Jean Kerr Maurer**  
JUDICIAL ASSISTANT: **Gloria Marti**  
TELEPHONE NUMBER: **503.988.3668**  
FAX NUMBER (see § A below): **503.276.0962**  
EMAIL (see § A below): **jean.k.maurer@ojd.state.or.us**

**A. PRETRIAL COMMUNICATIONS**

1. What mode of communication do you prefer counsel to use to contact you regarding scheduling, discovery and other pretrial matters (e.g. email, joint telephone calls, fax or mail)? Please list any restrictions or limitations that apply.

**On occasion, lawyers will need to communicate with me by way of fax, email or telephone conference. All such modes of communication are acceptable if necessary, however, I prefer the modes described below.**

**Scheduling: Call my JA with several dates that are mutually satisfactory for the lawyers. My JA will select a date on which I am available to hear the motion.**

**Pre-trial motions: Either mail or hand-deliver a "hard" bench copy to my chambers immediately upon being assigned to my court for hearing. DO NOT deliver the bench copy to the file room with the original motion. DO NOT deliver the bench copy to the mail room. DO NOT file the original document with me or my clerk. Original filings MUST be filed with our court filing clerks. Bench copies must come to chambers directly. There is no need to fax materials in most cases, particularly if you are mailing the materials simultaneously.**

2. For bench copies of pretrial filings, do you prefer receiving hard copies or electronic copies of documents by email? If you prefer electronic copies, do you have any particular format specifications (e.g. Word or WordPerfect) or size limitations? Please list any restrictions or limitations that apply.

**I am happy to receive an emailed copy but I want it followed up with a hard copy immediately. See answer to #1 above.**

3. Other comments regarding pretrial communications:

**B. VOIR DIRE**

1. How much time do you allow for voir dire?

**I do not place any particular time limit on the lawyers, but I do ask them to be as succinct as possible, to estimate accurately the time necessary, and to live within those time estimates.**

2. Do you require, or prefer, one type of voir dire procedure over another?

**I will screen the jurors for hardship-related reasons but only rarely will excuse a juror on the spot. Thereafter, the first 12 jurors are the presumptive trial jurors until challenged by the attorneys. The jurors answer preliminary standard questions printed on a large board in the courtroom, along with any case-specific questions which the lawyers would like me to ask. I**

prefer that the lawyers ask questions of the group, with subsequent questions put to individual jurors. Challenges based on cause must be made immediately and I will follow-up with questions of my own before I rule on the challenge. At the conclusion of all questioning of the jury, the jurors leave the courtroom, and I announce the names of the jurors whose hardships preclude them from sitting. I then take challenges from the attorneys. I then fill the jury box with 12 jurors after all of the jurors have returned to the courtroom. I excuse the remaining jurors after thanking them for their participation.

3. Must counsel disclose witnesses to the court for voir dire?  
**Yes.**

a. If so, does this apply to expert witnesses?  
**Yes, if the expert is local. No, if the expert is not.**

4. Is the jury given a brief summary of the case as part of voir dire?  
**Yes.**

a. If so, is the summary given to the jury by you?  
**Yes. I prefer that the lawyers agree on a neutral statement that can be read to the jury by the court.**

b. If so, do you require that its content be agreed upon by counsel?  
**If at all possible.**

c. Do you instead require counsel to give a brief (three minute or so) opening statement to the jury before voir dire?  
**Rarely, since I tend to use the procedure identified above, however, I would be open to considering such an approach if requested to do so.**

d. If not required, do you allow counsel to give a brief opening statement to the jury?  
**Again, I would consider such an approach if requested to do so.**

5. Are challenges exercised in the courtroom or in chambers?  
**In the courtroom on the record, outside the presence of the jury.**

6. Under what circumstances do you allow written jury questionnaires?  
**I would always allow questionnaires in capital cases. Otherwise, I allow them in very few cases. Typically the lawyers must convince me that sensitive issues in the case require it.**

7. Other comments regarding voir dire:  
**Practice brevity and refrain from arguing the case or attempting to "condition" the jurors through questioning.**

## **C. OPENING STATEMENT/CLOSING ARGUMENT**

1. How close to the jury is counsel allowed?

**Within a foot or so of the jury box if the jurors appear to be comfortable. If the jurors are pressing back into their seats, the lawyer is too close.**

2. Are counsel permitted to use visual aids and exhibits during opening?

**Yes, if the lawyers have sought and received permission of the court in advance.**

3. Do you limit the length of opening?

**No, but I want the lawyers accurately to estimate the time, and to live within the estimate. Rarely should opening exceed 20-30 minutes.**

4. Do you limit the length of closing? (Apart from ORCP 58B(7))

**No, but see above.**

5. Other comments regarding opening statement/closing argument:

**Use the jury instructions to underscore the points you believe you made during the trial. Do not argue evidence that has not been received during the trial. Keep your argument brief and tightly focused on the points you want the jury to remember. Use visual aids.**

#### **D. PRESENTATION OF EVIDENCE**

1. Do you personally want a marked set of exhibits, and if so, when and in what format?  
**Yes, preferably in a binder at the beginning of the trial.**

2. Do you allow or encourage counsel to provide jurors copies of exhibits, witness information and/or other materials?

**It depends on the case. The more complex it is, the more important it is to provide jurors with their own copies of the exhibits, etc.**

3. May counsel hand admitted exhibits directly to the jury?

**No. Ask permission of the court first. If granted, then ask the clerk to hand the exhibits to the jury. Do not continue questioning a witness during "publication" of the exhibits to the jury.**

4. What is your preferred manner of reading deposition testimony during trial? Do you allow or prefer stipulated deposition summaries be used instead of the deposition transcript?

**There is no truly effective way to use deposition testimony. That said, the best way to offer such testimony is through a witness who reads the testimony. If the parties have stipulated to deposition summaries, I would allow it.**

5. Do you permit re-cross examination? And then re-re-direct?

**No, although I have done so on the rare occasion when I was convinced that there was a good reason for it.**

6. May counsel confer with a witness during breaks before the testimony is completed?

**It depends. I do not want a lawyer to confer with a witness during cross-examination of that witness. I typically allow conferring during direct examination of the witness unless the lawyers convince me otherwise.**

7. When witnesses are excluded, does that include experts?

**Yes, unless I have ruled otherwise upon motion by an attorney seeking such relief.**

8. Are jurors allowed to ask questions of witnesses during the course of the trial? If so, in both civil and criminal cases?

**Yes in civil, no in criminal, unless both parties agree and I have decided to allow it.**

a. If so, what is the manner in which they may submit questions?

**At the conclusion of the testimony of the witness on the stand, the juror will present a question written on a single sheet of note-paper, which is handed to the clerk. The question is reviewed by me and then handed to the lawyers for review. The lawyers will note any objections in summary fashion and return the note to my clerk for my review.**

b. If so, when do you ask the questions?

**If I approve the juror question, I will ask the question of the witness and allow the lawyers the opportunity to follow-up.**

9. Other comments regarding presentation of evidence:

**Clients and lawyers should refrain from visual reactions to testimony or court rulings. Lawyers must direct all comments to the court, never to one another. Use visual aids if they have met with the court's approval. Do not show exhibits to the jury until they have been marked and received. Do not have side-bars with the witness which block the juror's opportunity to hear and observe the witness.**

#### **E. JURY INSTRUCTIONS**

1. Do you prefer a copy of the instructions and verdict form on a disk, and if so, in what format (e.g., do you prefer a clean copy of the instructions, without authorities, to submit to the jury)?

**I want a hard and disk copy of the instructions with authorities and without. My clerk will format the final instructions and print them for the jury to have in the jury room. Clean copies are not necessary, although at least one clean copy of the verdict form is necessary.**

2. Do you prefer to summarize the pleadings or would you prefer counsel to submit a short summary of the case to be read to the jury?

**I want counsel to prepare a short summary of the pleadings which I can read to the jury.**

3. Other comments regarding jury instructions:

**Identify a group to which the lawyers stipulate, and a separate group on which I will have to make a ruling. Plan to review jury instructions before the jury is empanelled.**

#### **F. ATTORNEY CONTACT WITH JURORS POST VERDICT**

1. Do you invite jurors to talk to the attorneys following receipt of the verdict?

**Occasionally. If the lawyers want me to do this, I will consider such a request. The lawyers must agree on the record that nothing learned by the lawyer will be used for any future purpose in the case.**



2. If so, do you do so in every case? If not in every case, under what circumstances do you invite jurors to talk to the attorneys?

**See above.**

3. Other comments regarding attorney contact with jurors post verdict:

**Jurors are free to contact lawyers but the reverse is not true. Make sure to heed this rule.**

Completed by: **Jean Kerr Maurer**

Date: **4/9/2013**

**JUDICIAL PRACTICES SURVEY  
MULTNOMAH COUNTY CIRCUIT COURT**

Conducted by the Multnomah Bar Association Court Liaison Committee

NAME OF JUDGE: **Maureen McKnight**  
JUDICIAL ASSISTANT: **Rylee Gilmore**  
TELEPHONE NUMBER: **503.988.3986**  
FAX NUMBER (see § A below): **503.276.0967**  
EMAIL (see § A below): **maureen.mcknight@ojd.state.or.us**

**A. PRETRIAL COMMUNICATIONS**

1. What mode of communication do you prefer counsel to use to contact you regarding scheduling, discovery and other pretrial matters (e.g. email, joint telephone calls, fax or mail)? Please list any restrictions or limitations that apply.

**All initial contact should be made through the Judicial Assistant. Depending on the issue, she or the parties may recommend a joint telephone call, email communications, or other approach, depending on the urgency of the matter.**

2. For bench copies of pretrial filings, do you prefer receiving hard copies or electronic copies of documents by email? If you prefer electronic copies, do you have any particular format specifications (e.g. Word or WordPerfect) or size limitations? Please list any restrictions or limitations that apply.

**Electronic copies are fine if the total content does not exceed 10 pages. Documents longer than 10 pages should be delivered in hard copy or by email (sending a copy to the Judicial Assistant as well as Judge). I have no format specifications.**

3. Other comments regarding pretrial communications:

**B. VOIR DIRE**

1. How much time do you allow for voir dire?  
**Depends on the case.**

2. Do you require, or prefer, one type of voir dire procedure over another?  
**I have all the jurors seated in their random number, starting with seating in the jury box due to the size of the courtroom. I cover introductions, a short description of type of cases, expected length of trial, and a reminder of one-day-or-one-trial notice (reserving any substantial hardship issues). I ask several general questions, then the jurors answer the "poster board" general questions followed by individual attorney inquiries. Jurors then get a break while attorneys and parties and I retire to chambers for challenges. Each side caucuses separately (one side in JA office, the other in chambers) before we all meet in chambers for challenges. Jurors have been told to all take seats in the back of the courtroom when we return, so the selected jurors are then called up and seated.**

3. Must counsel disclose witnesses to the court for voir dire?  
**Yes, as a general rule.**

a. If so, does this apply to expert witnesses?

4. Is the jury given a brief summary of the case as part of voir dire?

**At present, the only jury trials I am handling are criminal cases, so the summary the jury receives derives from the description of the charge and the elements.**

a. If so, is the summary given to the jury by you?

**Yes, see above.**

b. If so, do you require that its content be agreed upon by counsel?

**N/A**

c. Do you instead require counsel to give a brief (three minute or so) opening statement to the jury before voir dire?

**N/A**

d. If not required, do you allow counsel to give a brief opening statement to the jury?

5. Are challenges exercised in the courtroom or in chambers?

**In Chambers, with record made subsequently if needed.**

6. Under what circumstances do you allow written jury questionnaires?

**Not been asked.**

7. Other comments regarding voir dire:

#### **C. OPENING STATEMENT/CLOSING ARGUMENT**

1. How close to the jury is counsel allowed?

**May approach/rest on jury box panel.**

2. Are counsel permitted to use visual aids and exhibits during opening?

**Yes**

3. Do you limit the length of opening?

**No**

4. Do you limit the length of closing? (Apart from ORCP 58B(7))

**Not had to yet.**

5. Other comments regarding opening statement/closing argument:

#### **D. PRESENTATION OF EVIDENCE**

1. Do you personally want a marked set of exhibits, and if so, when and in what format?

**Yes. Labeled binder with numerical tabs if exhibits are numerous. Otherwise, clipped section of exhibits already numbered/marked. List or table is helpful.**

2. Do you allow or encourage counsel to provide jurors copies of exhibits, witness information and/or other materials?

**Copies of exhibits situationally. Need to request permission.**

3. May counsel hand admitted exhibits directly to the jury?

**Usually through clerk.**

4. What is your preferred manner of reading deposition testimony during trial? Do you allow or prefer stipulated deposition summaries be used instead of the deposition transcript?

**No preference but where deposition is lengthy, attorney should consider summary.**

5. Do you permit re-cross examination? And then re-re-direct?

**Rarely. Only if re-direct covered/broached new material.**

6. May counsel confer with a witness during breaks before the testimony is completed?

**I have not had occasion to prohibit this.**

7. When witnesses are excluded, does that include experts?

**Yes, unless exception has been granted under ORS 40.385(3)/OEC 615.**

8. Are jurors allowed to ask questions of witnesses during the course of the trial? If so, in both civil and criminal cases?

**Yes. I allow them in criminal cases, the only jury trials I am currently handling.**

a. If so, what is the manner in which they may submit questions?

**Written questions are collected after attorney examination of the witnesses is complete. I review the question, provide it to each attorney to object or allow, and then collect the question with the attorneys' comments annotated. If I allow the question, I pose it to the witness and allow attorney follow-up on that issue.**

b. If so, when do you ask the questions?

**See above.**

9. Other comments regarding presentation of evidence:

## **E. JURY INSTRUCTIONS**

1. Do you prefer a copy of the instructions and verdict form on a disk, and if so, in what format (e.g., do you prefer a clean copy of the instructions, without authorities, to submit to the jury)?

**Disk, hard copy, or even list of numbered instructions is fine. On criminal misdemeanors, I need them as early as possible when voir dire starts, as most of these cases are one-day trials.**

2. Do you prefer to summarize the pleadings or would you prefer counsel to submit a short summary of the case to be read to the jury?

**N/A**

3. Other comments regarding jury instructions:

**F. ATTORNEY CONTACT WITH JURORS POST VERDICT**

1. Do you invite jurors to talk to the attorneys following receipt of the verdict?

**Yes, whenever my schedule allows.**

2. If so, do you do so in every case? If not in every case, under what circumstances do you invite jurors to talk to the attorneys?

**See #1.**

3. Other comments regarding attorney contact with jurors post verdict:

**Whenever my schedule allows, I offer the jury an opportunity to meet with me. It is only when I am with them alone do I inquire whether they wish the attorneys to join us. Some juries do; other juries do not.**

Completed by: **Maureen McKnight**      Date    **March 30, 2007; updated April 9, 2013**

**JUDICIAL PRACTICES SURVEY  
MULTNOMAH COUNTY CIRCUIT COURT**

Conducted by the Multnomah Bar Association Court Liaison Committee

NAME OF JUDGE:	<b>Michael McShane</b>
JUDICIAL ASSISTANT:	<b>John Wood, john.m.wood@ojd.state.or.us</b>
JUDICIAL CLERK:	<b>Paul Shoen, paul.w.shoen@ojd.state.or.us</b>
TELEPHONE NUMBER:	<b>503.988.3214</b>
FAX NUMBER (see § A below):	<b>503.276.0981</b>
EMAIL (see § A below):	<b>michael.mcshane@ojd.state.or.us</b>

**A. PRETRIAL COMMUNICATIONS**

1. What mode of communication do you prefer counsel to use to contact you regarding scheduling, discovery and other pretrial matters (e.g. email, joint telephone calls, fax or mail)? Please list any restrictions or limitations that apply.

**I have no preference or restrictions on the mode of communication as long as it does not violate rules regarding ex parte contact.**

2. For bench copies of pretrial filings, do you prefer receiving hard copies or electronic copies of documents by email? If you prefer electronic copies, do you have any particular format specifications (e.g. Word or WordPerfect) or size limitations? Please list any restrictions or limitations that apply.

**As long as I get a copy, I am happy. Email is perfectly fine and I can typically convert whatever format you send. I have no restrictions on length although I do appreciate concise analysis and brevity. I prefer not to see creative jabs and cheap shots leveled at opposing counsel's argument within the brief.**

3. Other comments regarding pretrial communications:

**B. VOIR DIRE**

1. How much time do you allow for voir dire?

**I have no time limitations, but I will interrupt if it is not focused on the selection of a fair and impartial jury.**

2. Do you require, or prefer, one type of voir dire procedure over another?

**With the exception of Death Penalty cases, we do group voir dire.**

3. Must counsel disclose witnesses to the court for voir dire?

**Yes.**

a. If so, does this apply to expert witnesses?

**No, unless counsel could reasonably believe that jurors might have treated with the expert.**

4. Is the jury given a brief summary of the case as part of voir dire?

**I allow this in complex cases.**

a. If so, is the summary given to the jury by you?

**Yes.**

b. If so, do you require that its content be agreed upon by counsel?

**Yes ... if counsel cannot agree on the summary, I won't give one.**

c. Do you instead require counsel to give a brief (three minute or so) opening statement to the jury before voir dire?

d. If not required, do you allow counsel to give a brief opening statement to the jury?

**No. I would prefer a neutral statement that both sides can agree upon.**

5. Are challenges exercised in the courtroom or in chambers?

**I prefer to do challenges in chambers. I believe that the statute requires both sides to agree on this. Let me know in advance if you wish to take challenges in the courtroom.**

6. Under what circumstances do you allow written jury questionnaires?

**I require them in death penalty cases. I might allow them in certain complex cases if the attorneys agree on the questions and prepare in advance. This is something that has to be discussed well in advance of trial.**

7. Other comments regarding voir dire:

**I tend to be more restrictive than most judges. Please read my bench book prior to the trial. I do not allow conditioning, arguing the facts of the case, or long lectures on the law. I will interrupt without objection. Really, I will.**

## **C. OPENING STATEMENT/CLOSING ARGUMENT**

1. How close to the jury is counsel allowed?

**I would prefer you not to crawl into the box with them.**

2. Are counsel permitted to use visual aids and exhibits during opening?

**Yes, but be careful here. In more and more cases, I am seeing point slides that are inadmissible and we end up delaying the trial. If you are using a power point, you must provide slides to opposing counsel in advance.**

3. Do you limit the length of opening?

**No. Unless it gets repetitive and dull.**

4. Do you limit the length of closing? (Apart from ORCP 58B(7))

**See question #3.**

5. Other comments regarding opening statement/closing argument:

## **D. PRESENTATION OF EVIDENCE**

1. Do you personally want a marked set of exhibits, and if so, when and in what format?  
**I find it very helpful in cases that have many documents being entered as exhibits.**
2. Do you allow or encourage counsel to provide jurors copies of exhibits, witness information and/or other materials?  
**I encourage it.**
3. May counsel hand admitted exhibits directly to the jury?  
**My clerk will do this.**
4. What is your preferred manner of reading deposition testimony during trial? Do you allow or prefer stipulated deposition summaries be used instead of the deposition transcript?  
**My preferred method is that the deposition testimony is read in silence by the attorney from his or her home. Short of that, I have leave it up to the attorneys on how they wish to bore the jurors. Please take the time to introduce what it is you are reading and try to make it sound more interesting than a grocery list.**
5. Do you permit re-cross examination? And then re-re-direct?  
**Rarely. Only if a new matter has been raised.**
6. May counsel confer with a witness during breaks before the testimony is completed?  
**Not without permission of the court.**
7. When witnesses are excluded, does that include experts?  
**No.**
8. Are jurors allowed to ask questions of witnesses during the course of the trial? If so, in both civil and criminal cases?  
**I allow juror questions in both civil and criminal. In criminal cases, both attorneys must agree.**
  - a. If so, what is the manner in which they may submit questions?  
**Jurors may raise their hands and ask questions orally if they are simply trying to clarify or understand the answer. If they have an independent question, they are to put it in writing. I will review the question and, if it is not patently objectionable, I give the question to the attorneys. I leave it up to the attorneys whether they wish to ask the question. If the attorney wishes to ask the question, then they should do so without commenting on what a great question it is from our hardworking jury... just ask the question.**
  - b. If so, when do you ask the questions?
9. Other comments regarding presentation of evidence:  
**Sometimes the questions of jurors are very helpful. More often, they highlight the confusion or collateral concern of a single juror. This can be of great benefit for the attorneys because they can address the issue in closing. Don't be afraid of juror questions. They are a good thing.**



Please mark your exhibits in advance and exchange with opposing counsel. Give the exhibits that you agree on to the clerk and the clerk will enter them as admitted. This will save you the need to lay foundations during trial.

**E. JURY INSTRUCTIONS**

1. Do you prefer a copy of the instructions and verdict form on a disk, and if so, in what format (e.g., do you prefer a clean copy of the instructions, without authorities, to submit to the jury)?

**A hard copy of uniform instructions w/a clean copy. Special instructions and verdict form on disk in Word format.**

2. Do you prefer to summarize the pleadings or would you prefer counsel to submit a short summary of the case to be read to the jury?

**I insist that counsel submit a summary and that both sides agree to it. I will not summarize on my own.**

3. Other comments regarding jury instructions:

**Get them to my clerk early and fill in the blanks on the uniform instructions or he will be very unhappy.**

**F. ATTORNEY CONTACT WITH JURORS POST VERDICT**

1. Do you invite jurors to talk to the attorneys following receipt of the verdict?

**No.**

2. If so, do you do so in every case? If not in every case, under what circumstances do you invite jurors to talk to the attorneys?

3. Other comments regarding attorney contact with jurors post verdict:

Completed by: **Michael McShane**

Date: **January 23, 2012**

**JUDICIAL PRACTICES SURVEY  
MULTNOMAH COUNTY CIRCUIT COURT**

Conducted by the Multnomah Bar Association Court Liaison Committee

NAME OF JUDGE: **Judge Adrienne Nelson**  
JUDICIAL ASSISTANT: **Brenda Beck**  
TELEPHONE NUMBER: **503.988.5047**  
FAX NUMBER (see § A below): **503.276.0952**  
EMAIL (see § A below): **adrienne.nelson@ojd.state.or.us**

**A. PRETRIAL COMMUNICATIONS**

1. What mode of communication do you prefer counsel to use to contact you regarding scheduling, discovery and other pretrial matters (e.g. email, joint telephone calls, fax or mail)? Please list any restrictions or limitations that apply.

**Mail or email with both attorneys copied.**

2. For bench copies of pretrial filings, do you prefer receiving hard copies or electronic copies of documents by email? If you prefer electronic copies, do you have any particular format specifications (e.g. Word or WordPerfect) or size limitations? Please list any restrictions or limitations that apply.

**Hard copies are preferred.**

3. Other comments regarding pretrial communications:

**B. VOIR DIRE**

1. How much time do you allow for voir dire?

**As much time as needed. There are no limits.**

2. Do you require, or prefer, one type of voir dire procedure over another?

**Prefer entire panel address as much as possible.**

3. Must counsel disclose witnesses to the court for voir dire?

**Yes. The court will read a list of names to jurors without indicating which side is calling the person as a witness.**

a. If so, does this apply to expert witnesses?

**Yes.**

4. Is the jury given a brief summary of the case as part of voir dire?

**Yes.**

a. If so, is the summary given to the jury by you?

**Yes.**

b. If so, do you require that its content be agreed upon by counsel?

**Yes.**

c. Do you instead require counsel to give a brief (three minute or so) opening statement to the jury before voir dire?

**No.**

d. If not required, do you allow counsel to give a brief opening statement to the jury?

**Yes, summary of positions and evidence only – no argument.**

5. Are challenges exercised in the courtroom or in chambers?

**In chambers.**

6. Under what circumstances do you allow written jury questionnaires?

**If requested by the parties, I will allow written jury questionnaires if I am satisfied that it will improve the efficiency of the jury selection process for the case.**

7. Other comments regarding voir dire:

#### **C. OPENING STATEMENT/CLOSING ARGUMENT**

1. How close to the jury is counsel allowed?

**No limitation, but 2-3 feet at most is preferred.**

2. Are counsel permitted to use visual aids and exhibits during opening?

**Yes.**

3. Do you limit the length of opening?

**No.**

4. Do you limit the length of closing? (Apart from ORCP 58B(7))

**No.**

5. Other comments regarding opening statement/closing argument:

#### **D. PRESENTATION OF EVIDENCE**

1. Do you personally want a marked set of exhibits, and if so, when and in what format?  
**Yes, at the beginning of trial. If extensive number of exhibits, in a binder format.**

2. Do you allow or encourage counsel to provide jurors copies of exhibits, witness information and/or other materials?

**Rarely advisable.**

3. May counsel hand admitted exhibits directly to the jury?

**Yes. Counsel should request court's permission first.**

4. What is your preferred manner of reading deposition testimony during trial? Do you allow or prefer stipulated deposition summaries be used instead of the deposition transcript?

**The deposition testimony is read and if opposing counsel wants to complete it, I allow it. I do allow stipulated deposition summaries to be used instead of the deposition transcript.**

5. Do you permit re-cross examination? And then re-re-direct?

**No, absent extraordinary circumstances.**

6. May counsel confer with a witness during breaks before the testimony is completed?

**Yes, subject to Code of Professional Conduct.**

7. When witnesses are excluded, does that include experts?

**Yes.**

8. Are jurors allowed to ask questions of witnesses during the course of the trial? If so, in both civil and criminal cases?

**No.**

a. If so, what is the manner in which they may submit questions?

b. If so, when do you ask the questions?

9. Other comments regarding presentation of evidence:

#### **E. JURY INSTRUCTIONS**

1. Do you prefer a copy of the instructions and verdict form on a disk, and if so, in what format (e.g., do you prefer a clean copy of the instructions, without authorities, to submit to the jury)?

**A clean copy of the instructions, without authorities.**

2. Do you prefer to summarize the pleadings or would you prefer counsel to submit a short summary of the case to be read to the jury?

**I prefer counsel to confer and submit a short summary of the case to be read to the jury.**

3. Other comments regarding jury instructions:

#### **F. ATTORNEY CONTACT WITH JURORS POST VERDICT**

1. Do you invite jurors to talk to the attorneys following receipt of the verdict?

**Yes.**

2. If so, do you do so in every case? If not in every case, under what circumstances do you invite jurors to talk to the attorneys?

**Yes, as long as it is agreed upon the attorneys.**

3. Other comments regarding attorney contact with jurors post verdict:

**Both attorneys must be present with the jurors post verdict.**

Completed by: **Judge Adrienne Nelson**

Date: **April 16, 2012**

**JUDICIAL PRACTICES SURVEY  
MULTNOMAH COUNTY CIRCUIT COURT**

Conducted by the Multnomah Bar Association Court Liaison Committee

NAME OF JUDGE: **David F. Rees**  
JUDICIAL ASSISTANT: **Deborah Spencer**  
TELEPHONE NUMBER: **503.988.3803**  
FAX NUMBER (see § A below): **503.276.0943**  
EMAIL (see § A below): **David.F.Rees@ojd.state.or.us**

**A. PRETRIAL COMMUNICATIONS**

1. What mode of communication do you prefer counsel to use to contact you regarding scheduling, discovery and other pretrial matters (e.g. email, joint telephone calls, fax or mail)? Please list any restrictions or limitations that apply.

**All forms of communication involving all of the parties are acceptable, but lawyers should use their judgment on what form of communication is best for the facts and circumstances.**

2. For bench copies of pretrial filings, do you prefer receiving hard copies or electronic copies of documents by email? If you prefer electronic copies, do you have any particular format specifications (e.g. Word or WordPerfect) or size limitations? Please list any restrictions or limitations that apply.

**Verdict forms and jury instructions should be submitted electronically (via email or on CD) in Word, as well as in hard copy. Other pretrial filings may be provided either in hard copy or electronic pdf via email.**

3. Other comments regarding pretrial communications:

**B. VOIR DIRE**

1. How much time do you allow for voir dire?

**I do not have a set time for voir dire, other than a rule of reason given the facts of the case. In other words, I regulate voir dire to avoid unnecessary delay. See ORCP 57C.**

2. Do you require, or prefer, one type of voir dire procedure over another?

**I use standard written questions that each prospective juror answers before the lawyers question. I generally have the lawyers exercise challenges (both for cause and peremptory) outside the presence of the prospective jurors but in court on the record.**

3. Must counsel disclose witnesses to the court for voir dire?

**Yes.**

a. If so, does this apply to expert witnesses?

**Yes.**

4. Is the jury given a brief summary of the case as part of voir dire?

**Yes.**

a. If so, is the summary given to the jury by you?

**Yes.**

b. If so, do you require that its content be agreed upon by counsel?

**I require the parties to confer and provide input on the summary. I prefer if the parties agree on a summary, but I will resolve any disputes about the content.**

c. Do you instead require counsel to give a brief (three minute or so) opening statement to the jury before voir dire?

**No.**

d. If not required, do you allow counsel to give a brief opening statement to the jury?

**I would consider it in complicated cases.**

5. Are challenges exercised in the courtroom or in chambers?

**Challenges are exercised in court on the record, but outside the presence of the prospective jurors.**

6. Under what circumstances do you allow written jury questionnaires?

**I would consider requests for questionnaires in complex cases that are set for longer than 2 weeks.**

#### **C. OPENING STATEMENT/CLOSING ARGUMENT**

1. How close to the jury is counsel allowed?

**Lawyers are allowed to roam free in the courtroom.**

2. Are counsel permitted to use visual aids and exhibits during opening?

**Yes, but they should be shared in advance with opposing counsel and any issues or disagreements about the use of visual aids and exhibits during opening should be raised in advance with the court.**

3. Do you limit the length of opening?

**Only by rule of reason.**

4. Do you limit the length of closing? (*Apart from ORCP 58B(7)*)

**Again, only by rule of reason.**

5. Other comments regarding opening statement/closing argument:

#### **D. PRESENTATION OF EVIDENCE**

1. Do you personally want a marked set of exhibits, and if so, when and in what format?

**I like to have marked set if exhibits either in hard copy (in a notebook of voluminous) or pdfs.**

2. Do you allow or encourage counsel to provide jurors copies of exhibits, witness information and/or other materials?

**I allow and encourage jury notebooks with exhibits that are admitted into evidence. Any other materials proposed to be provided to the jury should be pre-screened by opposing counsel and the court.**

3. May counsel hand admitted exhibits directly to the jury?

**Yes, but only upon request.**

4. What is your preferred manner of reading deposition testimony during trial? Do you allow or prefer stipulated deposition summaries be used instead of the deposition transcript?

**The offering lawyer should read questions, and a stand-in person should read the witness testimony from the witness stand. Stipulated summaries may be used.**

5. Do you permit re-cross examination? And then re-re-direct?

**No, unless there is a good reason.**

6. May counsel confer with a witness during breaks before the testimony is completed?

**Yes, but not while a question is pending. If appropriate, opposing counsel may inquire regarding any such conferences held during breaks in cross-examination (especially if no privilege applies).**

7. When witnesses are excluded, does that include experts?

**No, unless the parties agree otherwise or if the expert witness is also a fact witness.**

8. Are jurors allowed to ask questions of witnesses during the course of the trial? If so, in both civil and criminal cases?

**Yes, in both civil and criminal cases.**

a. If so, what is the manner in which they may submit questions?

**Questions must be submitted by the juror in writing. I mark the question as a court's exhibit. I go over the question with the lawyers before asking it, and allow lawyers to state objections outside the hearing of the jury.**

b. If so, when do you ask the questions?

**I ask juror questions after completion of the lawyer's examinations and only if the question complies with the rules of evidence. I allow lawyers to follow-up on juror questions if appropriate.**

9. Other comments regarding presentation of evidence:

**Attorneys are encouraged to confer prior to the day of trial to attempt to resolve evidentiary issues and agree on the admission of exhibits.**

## **E. JURY INSTRUCTIONS**

1. Do you prefer a copy of the instructions and verdict form on a disk, and if so, in what format (e.g., do you prefer a clean copy of the instructions, without authorities, to submit to the jury)?

**An electronic copy of instructions provided via email or on disk is preferable. With an electronic copy, it is no problem for us to eliminate the authorities before submitting the written version to the jury.**

2 Do you prefer to summarize the pleadings or would you prefer counsel to submit a short summary of the case to be read to the jury?

**I prefer counsel to confer and attempt to submit a stipulated summary to be read to the jury before voir dire. If the parties cannot agree on a summary, I will resolve disputes.**

3. Other comments regarding jury instructions:

**Attorneys are strongly encouraged to confer prior to trial and attempt to agree on instructions and identify areas of disagreement for resolution by the court.**

**F. ATTORNEY CONTACT WITH JURORS POST VERDICT**

1 Do you invite jurors to talk to the attorneys following receipt of the verdict?

**Only upon request of the parties, and only if all parties agree.**

2. If so, do you do so in every case? If not in every case, under what circumstances do you invite jurors to talk to the attorneys?

**See response to question F. 1.**

3. Other comments regarding attorney contact with jurors post verdict:

All answers to this survey are subject to change without notice.

Completed by: **David Rees**

Date: **4/23/13**



**JUDICIAL PRACTICES SURVEY  
MULTNOMAH COUNTY CIRCUIT COURT**

Conducted by the Multnomah Bar Association Court Liaison Committee

NAME OF JUDGE: **Leslie Roberts**  
JUDICIAL ASSISTANT: **Ling Lee**  
TELEPHONE NUMBER: **503.988.6760**  
FAX NUMBER (see § A below): **503.276.0976**  
EMAIL (see § A below): **Leslie.Roberts@ojd.state.or.us**

**(Please note: do not submit documents by email, except as to instructions a digital copy of which should be submitted to my clerk, Michael Gibson, or my J.A.; do not submit documents to judge's email address, do not communicate by email to the judge regarding a case before the court).**

**A. PRETRIAL COMMUNICATIONS**

1. What mode of communication do you prefer counsel to use to contact you regarding scheduling, discovery and other pretrial matters (e.g. email, joint telephone calls, fax or mail)? Please list any restrictions or limitations that apply.

**Mail. Or hand delivered letter with copy of course to opposing parties. Matters for motions, handled as motions, not letters.**

2. For bench copies of pretrial filings, do you prefer receiving hard copies or electronic copies of documents by email? If you prefer electronic copies, do you have any particular format specifications (e.g. Word or WordPerfect) or size limitations? Please list any restrictions or limitations that apply.

**Hard copy. Instructions should also be in word format digital (can send by email to clerk or ja)**

3. Other comments regarding pretrial communications:

**B. VOIR DIRE**

1. How much time do you allow for voir dire?  
**No specific limit, reasonable use of time allowed.**

2. Do you require, or prefer, one type of voir dire procedure over another?  
**No jury conditioning, no argument, no discussion of facts, no instructions on the law, just true questions of the jurors' backgrounds and dispositions or beliefs. (That is, this is not a Socratic Method legal class, so no rhetorical questions for purposes of argument or instruction)**

3. Must counsel disclose witnesses to the court for voir dire?  
**Yes**

a. If so, does this apply to expert witnesses?  
**Yes**

4. Is the jury given a brief summary of the case as part of voir dire?

**Yes, if counsel agree on a very short, non-argumentative statement.**

a. If so, is the summary given to the jury by you?

**Yes**

b. If so, do you require that its content be agreed upon by counsel?

**Yes**

c. Do you instead require counsel to give a brief (three minute or so) opening statement to the jury before voir dire?

**No.**

d. If not required, do you allow counsel to give a brief opening statement to the jury?

**Not before voir dire – opening is in opening statements.**

5. Are challenges exercised in the courtroom or in chambers?

**For cause – in the courtroom; preemptory – in chambers.**

6. Under what circumstances do you allow written jury questionnaires?

**Complex cases, discussed in case scheduling conference (requires advance planning with the jury room)**

7. Other comments regarding voir dire:

#### **C. OPENING STATEMENT/CLOSING ARGUMENT**

1. How close to the jury is counsel allowed?

**Can't lean into jury space or touch the bar – at least a yard away.**

2. Are counsel permitted to use visual aids and exhibits during opening?

**If there is no objection – clear before opening.**

3. Do you limit the length of opening?

**I would if it got unreasonable – never have done it.**

4. Do you limit the length of closing? (*Apart from ORCP 58B(7)*)

**Same answer as 3.**

5. Other comments regarding opening statement/closing argument:

**I insist that counsel remember the difference between the two – no arguing in opening. Counsel are encouraged to frame closing in terms of the legal rulings encompassed in pleadings, but not seek to argue law outside the pleadings – i.e., if the court hasn't been asked to instruct on a point of law, then closing should not include an argument proposing to the jury that the law provides in some particular way on that point of law.**

#### **D. PRESENTATION OF EVIDENCE**

1. Do you personally want a marked set of exhibits, and if so, when and in what format?  
**It is sometimes convenient but not required in a jury case. It is required in a court case.**
2. Do you allow or encourage counsel to provide jurors copies of exhibits, witness information and/or other materials?  
**Counsel are allowed to publish to the jury by request and the court clerk hands them to the jury.**
3. May counsel hand admitted exhibits directly to the jury?  
**No. See above.**
4. What is your preferred manner of reading deposition testimony during trial? Do you allow or prefer stipulated deposition summaries be used instead of the deposition transcript?  
**I have no preferences. That is a matter for the litigators to decide.**
5. Do you permit re-cross examination? And then re-re-direct?  
**No.**
6. May counsel confer with a witness during breaks before the testimony is completed?  
**If opposing counsel wishes an instruction, then I will instruct that the witness not confer. Otherwise I don't.**
7. When witnesses are excluded, does that include experts?  
**Unless they are specifically excepted (which is often the case by stipulation)**
8. Are jurors allowed to ask questions of witnesses during the course of the trial? If so, in both civil and criminal cases?  
**Only in civil cases, and if so, only by agreement of both sides, and only for purpose of clarifying confusing testimony – not to strike out into new territory**
  - a. If so, what is the manner in which they may submit questions?  
**Writing**
  - b. If so, when do you ask the questions?  
**After completion of attorney questioning, if the matter has not been covered.**
9. Other comments regarding presentation of evidence:  
**Stipulate to the preadmission of all exhibits that are not genuinely contested. Raise known evidentiary issues prior to trial. 'Relevance' objections may not be resolvable prior to trial, but other issues may be.**

#### **E. JURY INSTRUCTIONS**

1. Do you prefer a copy of the instructions and verdict form on a disk, and if so, in what format (e.g., do you prefer a clean copy of the instructions, without authorities, to submit to the jury)?  
**Like other pretrial submissions these should be in hard copy. Instructions should also be in word format digital (can send by email to clerk or ja or on disk). All alternatives (i.e.**

fault/negligence) should be selected for the preferred form and no blanks should be left in the instructions. Court staff will prepare written instructions . Verdict form should be clean in hard copy, suitable for use.

2. Do you prefer to summarize the pleadings or would you prefer counsel to submit a short summary of the case to be read to the jury?

**Counsel must submit summary, preferably by agreement. Make it short, not a repetition of the pleadings.**

3. Other comments regarding jury instructions:

**F. ATTORNEY CONTACT WITH JURORS POST VERDICT**

1. Do you invite jurors to talk to the attorneys following receipt of the verdict?

**If reminded to ask jurors to stay, if (and only if) they want to.**

2. If so, do you do so in every case? If not in every case, under what circumstances do you invite jurors to talk to the attorneys?

**If an attorney requests.**

3. Other comments regarding attorney contact with jurors post verdict:

**See relevant rules of court.**

All answers to this survey are subject to change without notice.

Completed by: **Leslie Roberts**

Date: **3-13-13**

**JUDICIAL PRACTICES SURVEY  
MULTNOMAH COUNTY CIRCUIT COURT**

Conducted by the Multnomah Bar Association Court Liaison Committee

NAME OF JUDGE:	<b>Thomas Ryan</b>
JUDICIAL ASSISTANT:	<b>Kayleigh Livengood</b>
TELEPHONE NUMBER:	<b>503.988.3008</b>
FAX NUMBER (see § A below):	<b>503.276.0974</b>
EMAIL (see § A below):	<b>Thomas.M.Ryan@ojd.state.or.us</b> (Judge) <b>Kayleigh.E.Livengood@ojd.state.or.us</b> (Judicial assistant)

**A. PRETRIAL COMMUNICATIONS**

1. What mode of communication do you prefer counsel to use to contact you regarding scheduling, discovery and other pretrial matters (e.g. email, joint telephone calls, fax or mail)? Please list any restrictions or limitations that apply.

**Generally, telephone my judicial assistant. If it is absolutely necessary to contact me directly, I prefer email, with careful attention to showing that copies have been sent to all opposing parties or counsel.**

2. For bench copies of pretrial filings, do you prefer receiving hard copies or electronic copies of documents by email? If you prefer electronic copies, do you have any particular format specifications (e.g. Word or WordPerfect) or size limitations? Please list any restrictions or limitations that apply.

**I prefer hard copies, electronic are acceptable, but not faxed copies over 10 pages, because they are sometimes unreadable. Word, WordPerfect, and hammer and stone tablet are all fine.**

3. Other comments regarding pretrial communications:

**Please do not allow the convenience of email to mislead you into using it with inappropriate informality, with either my staff or myself. Compose an email to the court just like you would compose a letter to the court. This does not apply if the email is not about a court case.**

**B. VOIR DIRE**

1. How much time do you allow for voir dire?

**I place no time limit on voir dire.**

2. Do you require, or prefer, one type of voir dire procedure over another?

**I prefer group voir dire with peremptory challenges in chambers.**

3. Must counsel disclose witnesses to the court for voir dire?

**Yes**

a. If so, does this apply to expert witnesses?

**Generally just by subject of expertise.**

4. Is the jury given a brief summary of the case as part of voir dire?  
**Yes if the lawyers request it or if I determine it would be helpful to the jury and to the process.**

- a. If so, is the summary given to the jury by you?  
**Generally by the lawyers, but that can be discussed on a case by case basis.**
- b. If so, do you require that its content be agreed upon by counsel?  
**Again, that would be case by case decision. As you would expect, if the lawyers agree on the statement, I would be more inclined to allow it and be more open to giving it myself.**
- c. Do you instead require counsel to give a brief (three minute or so) opening statement to the jury before voir dire?  
**I do not require it, but believe it is useful in many cases.**
- d. If not required, do you allow counsel to give a brief opening statement to the jury?  
**I will in most cases, if requested ahead of time.**

5. Are challenges exercised in the courtroom or in chambers?  
**Chambers.**

6. Under what circumstances do you allow written jury questionnaires?  
**I would only allow it in complex cases, and even then on a case by case basis.**

7. Other comments regarding voir dire:  
**(None)**

#### **C. OPENING STATEMENT/CLOSING ARGUMENT**

1. How close to the jury is counsel allowed?  
**As close as the rail, if there is no rail then the approximate area where the rail would be.**

2. Are counsel permitted to use visual aids and exhibits during opening?  
**Yes.**

3. Do you limit the length of opening?  
**No.**

4. Do you limit the length of closing? (*Apart from ORCP 58B(7)*)  
**No.**

5. Other comments regarding opening statement/closing argument:  
**(None)**

#### **D. PRESENTATION OF EVIDENCE**

1. Do you personally want a marked set of exhibits, and if so, when and in what format?  
**In a court trial, yes, otherwise, no. The format depends on the number of exhibits. Three-hole punched and in a binder with a table of contents usually works best.**

2. Do you allow or encourage counsel to provide jurors copies of exhibits, witness information and/or other materials?  
**I allow it on a case by case basis.**

3. May counsel hand admitted exhibits directly to the jury?  
**Generally not, and, if so, only after asking the court for permission.**

4. What is your preferred manner of reading deposition testimony during trial? Do you allow or prefer stipulated deposition summaries be used instead of the deposition transcript?  
**I do not have a preference. I would allow stipulated deposition summaries.**

5. Do you permit re-cross examination? And then re-re-direct?  
**Re-cross and further examination are only allowed in rare circumstances. Very rare.**

6. May counsel confer with a witness during breaks before the testimony is completed?  
**Not about the subject of the testimony.**

7. When witnesses are excluded, does that include experts?  
**Yes, unless a motion to allow the expert to not be excluded is made and allowed.**

8. Are jurors allowed to ask questions of witnesses during the course of the trial? If so, in both civil and criminal cases?  
**Juror questions are allowed if both counsel agree. If either counsel object, it has been my practice to not allow them.**

a. If so, what is the manner in which they may submit questions?  
**In writing. The lawyers are, of course, allowed opportunity to object to juror questions.**

b. If so, when do you ask the questions?  
**I ask the questions after the lawyers have finished their questions then give the lawyers a chance to follow up the juror questions with their own questions.**

9. Other comments regarding presentation of evidence:  
**(None).**

#### **E. JURY INSTRUCTIONS**

1. Do you prefer a copy of the instructions and verdict form on a disk, and if so, in what format (e.g., do you prefer a clean copy of the instructions, without authorities, to submit to the jury)?  
**Do not submit any disks. Also, no quill pens and parchment. I prefer a hard copy of the instructions for me and for my clerk and an electronic copy emailed to me as an**

attachment. Generally, I will expect the lawyers to prepare a clean copy for the jury, if time does not allow that, we will prepare the clean copy.

2. Do you prefer to summarize the pleadings or would you prefer counsel to submit a short summary of the case to be read to the jury?

**I prefer counsel to submit a short summary.**

3. Other comments regarding jury instructions:

**Please raise jury instruction disputes as early in the case as possible.**

**F. ATTORNEY CONTACT WITH JURORS POST VERDICT**

1. Do you invite jurors to talk to the attorneys following receipt of the verdict?

**On occasion.**

2. If so, do you do so in every case? If not in every case, under what circumstances do you invite jurors to talk to the attorneys?

**Whether I allow it depends on the circumstances of the case, whether any jurors wish to engage in such discussions, and the agreement and availability of the lawyers and myself.**

3. Other comments regarding attorney contact with jurors post verdict:

**(None).**

All answers to this survey are subject to change without notice.

Completed by: **Tom Ryan**      Date: **04/11/2013**



**JUDICIAL PRACTICES SURVEY  
MULTNOMAH COUNTY CIRCUIT COURT**

Conducted by the Multnomah Bar Association Court Liaison Committee

NAME OF JUDGE: **Kelly Skye**  
JUDICIAL ASSISTANT: **Mary Jo Cook**  
JUDICIAL CLERK: **Morgan Dethman**  
TELEPHONE NUMBER: **503.988.3204**  
FAX NUMBER: **503.276.0960**  
EMAIL (see § A below): **mary.j.cook@ojd.state.or.us, kelly.skye@ojd.state.or.us**

**A. PRETRIAL COMMUNICATIONS**

1. What mode of communication do you prefer counsel to use to contact you regarding scheduling, discovery and other pretrial matters (e.g. email, joint telephone calls, fax or mail)? Please list any restrictions or limitations that apply.

**Counsel may contact me through my Judicial Assistant, Mary Cook, by phone, or by email. Email is preferred when scheduling hearings. Please copy all emails to my Judicial Assistant, mary.j.cook@ojd.state.or.us and my Judicial Clerk, morgan.m.dethman@ojd.state.or.us. I do not have an assigned courtroom, so lawyers will need to schedule time with my JA for telephone conferences.**

2. For bench copies of pretrial filings, do you prefer receiving hard copies or electronic copies of documents by email? If you prefer electronic copies, do you have any particular format specifications (e.g. Word or WordPerfect) or size limitations? Please list any restrictions or limitations that apply.

**Hard copies when 10 pages or more. Electronic copies are acceptable when under 10 pages. Please copy my Judicial Assistant and Judicial Clerk on all emails. Please email exhibit lists and requested jury instructions to my Judicial Clerk. Please use Word. The courthouse no longer uses WordPerfect.**

3. Other comments regarding pretrial communications:

**B. VOIR DIRE**

1. How much time do you allow for voir dire?  
**The amount of time that is reasonably necessary.**

2. Do you require, or prefer, one type of voir dire procedure over another?  
**I prefer questioning of the entire panel. I may not allow lawyers to ask the same questions of each individual juror in large panels.**

3. Must counsel disclose witnesses to the court for voir dire?  
**Yes.**

a. If so, does this apply to expert witnesses?  
**Yes.**

4. Is the jury given a brief summary of the case as part of voir dire?

**Yes.**

a. If so, is the summary given to the jury by you?

**Yes, counsel should submit a mutually-agreed-upon summary with their requested jury instructions.**

b. If so, do you require that its content be agreed upon by counsel?

**Yes.**

c. Do you instead require counsel to give a brief (three minute or so) opening statement to the jury before voir dire?

**No.**

d. If not required, do you allow counsel to give a brief opening statement to the jury?

**Perhaps in very complex cases.**

5. Are challenges exercised in the courtroom or in chambers?

**I prefer to take challenges in chambers.**

6. Under what circumstances do you allow written jury questionnaires?

**Trials requiring special panels.**

7. Other comments regarding voir dire:

**Counsel should refrain from lecturing or attempting to condition the jury. Counsel should limit their questions to those regarding the jurors' qualifications.**

## **C. OPENING STATEMENT/CLOSING ARGUMENT**

1. How close to the jury is counsel allowed?

**A reasonable distance.**

2. Are counsel permitted to use visual aids and exhibits during opening?

**Yes, it is encouraged. Counsel should share demonstrative exhibits prior to their use in order to avoid disruptive objections.**

3. Do you limit the length of opening?

**Generally, no, but it depends on the length of the case.**

4. Do you limit the length of closing? (*Apart from ORCP 58B(7)*)

**Generally, no, although counsel are encouraged to be concise.**

5. Other comments regarding opening statement/closing argument:

## **D. PRESENTATION OF EVIDENCE**

1. Do you personally want a marked set of exhibits, and if so, when and in what format?  
**Only in complex cases where it will be necessary for me to be familiar with the exhibits.**

2. Do you allow or encourage counsel to provide jurors copies of exhibits, witness information and/or other materials?

**Counsel must request permission from the Court prior to publishing**

3. May counsel hand admitted exhibits directly to the jury?

**Counsel must request permission from the Court prior to publishing.**

4. What is your preferred manner of reading deposition testimony during trial? Do you allow or prefer stipulated deposition summaries be used instead of the deposition transcript?  
**I am flexible.**

5. Do you permit re-cross examination? And then re-re-direct?

**Only when doing so will avoid necessitating counsel to recall the witness.**

6. May counsel confer with a witness during breaks before the testimony is completed?

**Yes, unless instructed otherwise by the Court.**

7. When witnesses are excluded, does that include experts?

**It depends on the case.**

8. Are jurors allowed to ask questions of witnesses during the course of the trial? If so, in both civil and criminal cases?

**I have allowed questions only in civil cases where appropriate thus far.**

a. If so, what is the manner in which they may submit questions?

**In writing.**

b. If so, when do you ask the questions?

**Following the witness's testimony.**

9. Other comments regarding presentation of evidence:

## **E. JURY INSTRUCTIONS**

1. Do you prefer a copy of the instructions and verdict form on a disk, and if so, in what format (e.g., do you prefer a clean copy of the instructions, without authorities, to submit to the jury)?

**My Judicial Clerk prepares the written copy of jury instructions. Please email her your proposed jury instructions.**

2. Do you prefer to summarize the pleadings or would you prefer counsel to submit a short summary of the case to be read to the jury?

**Counsel should submit a mutually-agreed-upon summary.**

3. Other comments regarding jury instructions:

**F. ATTORNEY CONTACT WITH JURORS POST VERDICT**

1. Do you invite jurors to talk to the attorneys following receipt of the verdict?  
**Occasionally, depending on the case.**
2. If so, do you do so in every case? If not in every case, under what circumstances do you invite jurors to talk to the attorneys?  
**It depends on the verdict, the time of day and the jurors' interest.**
3. Other comments regarding attorney contact with jurors post verdict:  
**I always notify jurors that counsel are prohibited from approaching jurors to discuss the case. I always encourage them to provide feedback if they are comfortable.**

All answers to this survey are subject to change without notice.

Completed by: **Kelly Skye**      Date: **February 1, 2012**

**JUDICIAL PRACTICES SURVEY  
MULTNOMAH COUNTY CIRCUIT COURT**

Conducted by the Multnomah Bar Association Court Liaison Committee

NAME OF JUDGE: **Diana I. Stuart**  
JUDICIAL ASSISTANT: **Kristin Redd**  
TELEPHONE NUMBER: **503.988.3201**  
FAX NUMBER (see § A below): **503.278.0944**  
EMAIL (see § A below): **diana.stuart@ojd.state.or.us**

**A. PRETRIAL COMMUNICATIONS**

1. What mode of communication do you prefer counsel to use to contact you regarding scheduling, discovery and other pretrial matters (e.g. email, joint telephone calls, fax or mail)? Please list any restrictions or limitations that apply.

**Any form of communication is acceptable so long as the communication is not ex parte. Any time that email, fax or letters are forwarded to this department, they must be simultaneously provided to all parties and certification must be provided indicating the method and date of service. All correspondence must also contain the case number for that case.**

2. For bench copies of pretrial filings, do you prefer receiving hard copies or electronic copies of documents by email? If you prefer electronic copies, do you have any particular format specifications (e.g. Word or WordPerfect) or size limitations? Please list any restrictions or limitations that apply.

**Pleadings may not be filed by email through the department although courtesy copies to the court may be received by email so long as a phone call alerts the court to that deliver method and simultaneous service to all parties occurs at the same time. Service must be the fastest possible method of service available if email or fax is used for the court. The only formatting requirement is that the copy is easily readable.**

3. Other comments regarding pretrial communications:  
**The best is joint communications.**

**B. VOIR DIRE**

1. How much time do you allow for voir dire?

**I have not yet found the need to limit voir dire. Adequate time will be given to permit each attorney to address relevant and necessary issues with potential jurors.**

2. Do you require, or prefer, one type of voir dire procedure over another?

**Group voir dire seems so much more effective and less boring for all, but one style is not required.**

3. Must counsel disclose witnesses to the court for voir dire?

**Yes.**

a. If so, does this apply to expert witnesses?

**Yes, although counsel may argue any appropriate exception to this preference.**

4. Is the jury given a brief summary of the case as part of voir dire?  
**Just a description of the kind of case, not summary or fact. In advance of the jury being called, I am open to any request by counsel to vary my routine approach to trials.**

a. If so, is the summary given to the jury by you?

**Probably.**

b. If so, do you require that its content be agreed upon by counsel?

**Yes.**

c. Do you instead require counsel to give a brief (three minute or so) opening statement to the jury before voir dire?

**No.**

d. If not required, do you allow counsel to give a brief opening statement to the jury?

**I am open to such an approach if stipulated by counsel.**

5. Are challenges exercised in the courtroom or in chambers?

**In my present location, in the courtroom on the record. If, in the future, my chambers permits the FTR to be operated, challenges will be exercised in chambers.**

6. Under what circumstances do you allow written jury questionnaires?

**A complex case with unique circumstances.**

7. Other comments regarding voir dire:

#### **C. OPENING STATEMENT/CLOSING ARGUMENT**

1. How close to the jury is counsel allowed?

**Physically invading juror's personal space is too close.**

2. Are counsel permitted to use visual aids and exhibits during opening?

**If preapproved by court and opposing counsel.**

3. Do you limit the length of opening?

**I haven't had to and would prefer not to. Cover what is necessary and don't argue.**

4. Do you limit the length of closing? (*Apart from ORCP 58B(7)*)

**I haven't had to and would prefer not to.**

5. Other comments regarding opening statement/closing argument:

**I prefer to not have objections occurring during opening and closing. Bring anticipated problems to the court in Motions In Limine to avoid such issues.**

#### **D. PRESENTATION OF EVIDENCE**

1. Do you personally want a marked set of exhibits, and if so, when and in what format?  
**If exhibits are voluminous, notebooks are very helpful. Include a list of exhibits in front of notebook and note all exhibits to which the parties stipulate.**
2. Do you allow or encourage counsel to provide jurors copies of exhibits, witness information and/or other materials?  
**Exhibits may be provided to the jury on a case by case basis. Exhibits may not remain with the jury as distraction during other party's questioning or case.**
3. May counsel hand admitted exhibits directly to the jury?  
**No. Clerk will hand exhibits to jury.**
4. What is your preferred manner of reading deposition testimony during trial? Do you allow or prefer stipulated deposition summaries be used instead of the deposition transcript?  
**If the parties stipulate to using a deposition summary, a summary may be used. The party offering the deposition propose the use of any two people (attorney and 2<sup>nd</sup> person (not the party), or actors).**
5. Do you permit re-cross examination?  
**Generally not unless some new issue arises during response to re-direct**
  - a. And then re-re-direct?  
**If re-cross is permitted, opposing counsel is permitted re-re-direct.**
6. May counsel confer with a witness during breaks before the testimony is completed?  
**No.**
7. When witnesses are excluded, does that include experts?  
**Yes, unless the expert's testimony relies upon the need to hear and analyze other testimony before the jury. A request to allow the expert to sit through trial should be filed pretrial.**
8. Are jurors allowed to ask questions of witnesses during the course of the trial? If so, in both civil and criminal cases?  
**Yes unless counsel raises good reason to deviate from the normal procedure.**
  - a. If so, what is the manner in which they may submit questions?  
**In writing. I will review with counsel deciding if the question should be asked.**
  - b. If so, when do you ask the questions?  
**After the attorneys have concluded their questioning of the jury. The attorneys are then permitted to follow up if the juror's question elicits new information.**
9. Other comments regarding presentation of evidence:  
**Please pre-mark all exhibits of which counsel is aware prior to trial. Copies should be available for the witness, opposing counsel and the court, in addition to the originals to be retained by the clerk. All exhibits other than criminal should be taken by counsel at the conclusion of the trial.**

**E. JURY INSTRUCTIONS**

1. Do you prefer a copy of the instructions and verdict form on a disk, and if so, in what format (e.g., do you prefer a clean copy of the instructions, without authorities, to submit to the jury)?

**Yes. Counsel should stipulate to as many instructions in advance of trial as possible and submit all stipulated instructions on disk. Disputed instructions should include authorities. WordPerfect or Word.**

2. Do you prefer to summarize the pleadings or would you prefer counsel to submit a short summary of the case to be read to the jury?

**Counsel can each prepare a summary and if disputed, I will summarize from the two proposals.**

3. Other comments regarding jury instructions:

**F. ATTORNEY CONTACT WITH JURORS POST VERDICT**

1. Do you invite jurors to talk to the attorneys following receipt of the verdict?

**I am open to considering although I haven't so far. But not all cases would be appropriate to this encounter.**

2. If so, do you do so in every case? If not in every case, under what circumstances do you invite jurors to talk to the attorneys?

3. Other comments regarding attorney contact with jurors post verdict:

**I speak with the jury after every trial and as part of that conversation thanking them for their service invite them to share their observations concerning the "Lawyering" during the trial. If feedback is provided, I offer it to counsel if they wish.**

All answers to this survey are subject to change without notice.

Completed by: **Diana I. Stuart**

Date: **May 12, 2008**



**JUDICIAL PRACTICES SURVEY  
MULTNOMAH COUNTY CIRCUIT COURT**

Conducted by the Multnomah Bar Association Court Liaison Committee

NAME OF JUDGE: **Susan M. Svetkey**  
JUDICIAL ASSISTANT: **Brandy Jones**  
TELEPHONE NUMBER: **503.988.3060**  
FAX NUMBER (see § A below): **503.276.0970**  
EMAIL (see § A below): **susan.svetkey@ojd.state.or.us**

**A. PRETRIAL COMMUNICATIONS**

1. What mode of communication do you prefer counsel to use to contact you regarding scheduling, discovery and other pretrial matters (e.g. email, joint telephone calls, fax or mail)? Please list any restrictions or limitations that apply.

**All are fine except no faxes over 10 pages.**

2. For bench copies of pretrial filings, do you prefer receiving hard copies or electronic copies of documents by email? If you prefer electronic copies, do you have any particular format specifications (e.g. Word or WordPerfect) or size limitations? Please list any restrictions or limitations that apply.

**I prefer hard copies.**

3. Other comments regarding pretrial communications:

**Note: Much of this survey addresses jury practices. This department does not handle jury trials and therefore, many topics in this survey do not apply.**

**B. VOIR DIRE**

**N/A**

**C. OPENING STATEMENT/CLOSING ARGUMENT**

1. How close to the jury is counsel allowed?

**N/A**

2. Are counsel permitted to use visual aids and exhibits during opening?

**Yes.**

3. Do you limit the length of opening?

**No.**

4. Do you limit the length of closing? (Apart from ORCP 58B(7))

**No.**

5. Other comments regarding opening statement/closing argument:

**D. PRESENTATION OF EVIDENCE**

1. Do you personally want a marked set of exhibits, and if so, when and in what format?  
**I do if there are a large number. I like them to be given to my clerk so she can provide each to me once received.**

2. Do you allow or encourage counsel to provide jurors copies of exhibits, witness information and/or other materials?

**N/A**

3. May counsel hand admitted exhibits directly to the jury?

**N/A**

4. What is your preferred manner of reading deposition testimony during trial? Do you allow or prefer stipulated deposition summaries be used instead of the deposition transcript?

5. Do you permit re-cross examination? And then re-re-direct?

**Rarely.**

6. May counsel confer with a witness during breaks before the testimony is completed?

**No, unless the witness is the lawyer's client.**

7. When witnesses are excluded, does that include experts?

**Yes.**

8. Are jurors allowed to ask questions of witnesses during the course of the trial? If so, in both civil and criminal cases?

**N/A**

9. Other comments regarding presentation of evidence:

#### **E. JURY INSTRUCTIONS**

1. Do you prefer a copy of the instructions and verdict form on a disk, and if so, in what format (e.g., do you prefer a clean copy of the instructions, without authorities, to submit to the jury)?

**N/A**

#### **F. ATTORNEY CONTACT WITH JURORS POST VERDICT**

**N/A**

Completed by: **Susan M. Svetkey**

Date: **03/14/07**

**JUDICIAL PRACTICES SURVEY  
MULTNOMAH COUNTY CIRCUIT COURT**

Conducted by the Multnomah Bar Association Court Liaison Committee

NAME OF JUDGE: Katherine Tennyson  
JUDICIAL ASSISTANT: Vicky Chalfant  
TELEPHONE NUMBER: 503.988.3078  
FAX NUMBER: 503.276.0940  
EMAIL: Katherine.Tennyson@ojd.state.or.us

**A. PRETRIAL COMMUNICATIONS**

1. What mode of communication do you prefer counsel to use to contact you regarding scheduling, discovery and other pretrial matters (e.g. email, joint telephone calls, fax or mail)? Please list any restrictions or limitations that apply.

**Email or joint telephone calls.**

2. For bench copies of pretrial filings, do you prefer receiving hard copies or electronic copies of documents by email? If you prefer electronic copies, do you have any particular format specifications (e.g. Word or WordPerfect) or size limitations? Please list any restrictions or limitations that apply.

**In order of preference:**

- 1. Email copies**
- 2. Hard Copies**
- 3. Fax**

3. Other comments regarding pretrial communications:

**Be sure, regarding any method used, that all parties are receiving the transmissions by the same method at the same time. This warning includes self-represented litigants.**

**TRIAL MEMOS ARE DUE THE DAY BEFORE COMMENCEMENT OF TRIAL BY NOON.**

**B. VOIR DIRE – Most trials in this department are trials to the Court. Anything specific to jury issues should be dealt with directly with Judge Tennyson in a pretrial conference.**

1. How much time do you allow for voir dire?
2. Do you require, or prefer, one type of voir dire procedure over another?
3. Must counsel disclose witnesses to the court for voir dire?
  - a. If so, does this apply to expert witnesses?
4. Is the jury given a brief summary of the case as part of voir dire?
  - a. If so, is the summary given to the jury by you?
  - b. If so, do you require that its content be agreed upon by counsel?

- c. Do you instead require counsel to give a brief (three minute or so) opening statement to the jury before voir dire?
- d. If not required, do you allow counsel to give a brief opening statement to the jury?
- 5. Are challenges exercised in the courtroom or in chambers?
- 6. Under what circumstances do you allow written jury questionnaires?
- 7. Other comments regarding voir dire:

**C. OPENING STATEMENT/CLOSING ARGUMENT**

- 1. How close to the jury is counsel allowed?
- 2. Are counsel permitted to use visual aids and exhibits during opening?  
**YES**
- 3. Do you limit the length of opening?  
**NO.**
- 4. Do you limit the length of closing? (*Apart from ORCP 58B(7)*)  
**NO.**
- 5. Other comments regarding opening statement/closing argument:  
**IF YOU PROVIDE A COMPLETE TRIAL MEMO BY NOON THE DAY BEFORE, PLEASE DO NOT MERELY REPEAT WHAT IS IN YOUR MEMO. JUDGE TENNYSON MAY DIRECT YOU TO ADDRESS CERTAIN TOPICS SPECIFICALLY IN YOUR CLOSING ARGUMENT. DO NOT TAKE THIS DIRECTION TO MEAN THAT YOU SHOULD DO THAT TO THE EXCLUSION OF ANY OTHER TOPICS YOU WISH TO ARGUE.**

**D. PRESENTATION OF EVIDENCE**

- 1. Do you personally want a marked set of exhibits, and if so, when and in what format?  
**YES. TO THE EXTENT POSSIBLE, EXHIBITS SHOULD BE PREMARKED AND ANY STIPULATIONS ENTERED AT THE OPENING OF THE TRIAL. ANY USUABLE FORMAT WORKS.**
- 2. Do you allow or encourage counsel to provide jurors copies of exhibits, witness information and/or other materials?
- 3. May counsel hand admitted exhibits directly to the jury?
- 4. What is your preferred manner of reading deposition testimony during trial? Do you allow or prefer stipulated deposition summaries be used instead of the deposition transcript?

**WHATEVER WORKS BEST IN THE CONTEXT OF THE DEPOSITION LENGTH AND PURPOSE FOR WHICH THE DEPOSITION IS BEING OFFERED, HOWEVER, IT SHOULD BE DONE IN ADVANCE OF WHEN IT IS NEEDED SO AS TO NOT INTERRUPT THE FLOW OF THE TRIAL.**

5. Do you permit re-cross examination? And then re-re-direct?

**EMPHATICALLY NO.**

6. May counsel confer with a witness during breaks before the testimony is completed?

**YES.**

7. When witnesses are excluded, does that include experts?

**NO.**

8. Are jurors allowed to ask questions of witnesses during the course of the trial? If so, in both civil and criminal cases?

**YOU CAN ASSUME THE COURT WILL ASK QUESTIONS OF WITNESSES OR CLARIFY UNCLEAR STATEMENTS IN CIVIL/JUVENILE CASES.**

a. If so, what is the manner in which they may submit questions?

b. If so, when do you ask the questions?

9. Other comments regarding presentation of evidence:

#### **E. JURY INSTRUCTIONS**

1. Do you prefer a copy of the instructions and verdict form on a disk, and if so, in what format (e.g., do you prefer a clean copy of the instructions, without authorities, to submit to the jury)?

2. Do you prefer to summarize the pleadings or would you prefer counsel to submit a short summary of the case to be read to the jury?

3. Other comments regarding jury instructions:

#### **F. ATTORNEY CONTACT WITH JURORS POST VERDICT**

1. Do you invite jurors to talk to the attorneys following receipt of the verdict?

2. If so, do you do so in every case? If not in every case, under what circumstances do you invite jurors to talk to the attorneys?

3. Other comments regarding attorney contact with jurors post verdict:

All answers to this survey are subject to change without notice.

Completed by: **Katherine Tennyson**

Date: **April 25, 2013**

**JUDICIAL PRACTICES SURVEY  
MULTNOMAH COUNTY CIRCUIT COURT**

Conducted by the Multnomah Bar Association Court Liaison Committee

NAME OF JUDGE: **Kenneth R. Walker**  
JUDICIAL ASSISTANT: **Nayeli Leonard**  
TELEPHONE NUMBER: **503.988.3041**  
FAX NUMBER (see § A below): **503.276.0945**  
EMAIL (see § A below): **kenneth.r.walker@ojd.state.or.us**

**A. PRETRIAL COMMUNICATIONS**

1. What mode of communication do you prefer counsel to use to contact you regarding scheduling, discovery and other pretrial matters (e.g. email, joint telephone calls, fax or mail)? Please list any restrictions or limitations that apply.

**Email or joint telephone calls.**

2. For bench copies of pretrial filings, do you prefer receiving hard copies or electronic copies of documents by email? If you prefer electronic copies, do you have any particular format specifications (e.g. Word or WordPerfect) or size limitations? Please list any restrictions or limitations that apply.

**Hard copies.**

3. Other comments regarding pretrial communications:

**B. VOIR DIRE**

1. How much time do you allow for voir dire?

**Generally, one hour per side.**

2. Do you require, or prefer, one type of voir dire procedure over another?

**No.**

3. Must counsel disclose witnesses to the court for voir dire?

**Yes.**

a. If so, does this apply to expert witnesses?

**Yes.**

4. Is the jury given a brief summary of the case as part of voir dire?

**Sometimes.**

a. If so, is the summary given to the jury by you?

**One paragraph per attorney.**

b. If so, do you require that its content be agreed upon by counsel?

**No.**

c. Do you instead require counsel to give a brief (three minute or so) opening statement to the jury before voir dire?

**I ask counsel.**

d. If not required, do you allow counsel to give a brief opening statement to the jury?

**Yes. Just the nature of the case.**

5. Are challenges exercised in the courtroom or in chambers?

**Chambers.**

6. Under what circumstances do you allow written jury questionnaires?

**Hasn't come up yet.**

7. Other comments regarding voir dire:

#### **C. OPENING STATEMENT/CLOSING ARGUMENT**

1. How close to the jury is counsel allowed?

**Anywhere in the courtroom.**

2. Are counsel permitted to use visual aids and exhibits during opening?

**Yes.**

3. Do you limit the length of opening?

**No.**

4. Do you limit the length of closing? (*Apart from ORCP 58B(7)*)

**No!**

5. Other comments regarding opening statement/closing argument:

#### **D. PRESENTATION OF EVIDENCE**

1. Do you personally want a marked set of exhibits, and if so, when and in what format?

**One for the courtroom only.**

2. Do you allow or encourage counsel to provide jurors copies of exhibits, witness information and/or other materials?

**No.**

3. May counsel hand admitted exhibits directly to the jury?

**Yes.**

4. What is your preferred manner of reading deposition testimony during trial? Do you allow or prefer stipulated deposition summaries be used instead of the deposition transcript?

**Read by counsel.**

5. Do you permit re-cross examination? And then re-re-direct?

**Only if new issues come up.**

6. May counsel confer with a witness during breaks before the testimony is completed?

**Yes.**

7. When witnesses are excluded, does that include experts?

**Yes.**

8. Are jurors allowed to ask questions of witnesses during the course of the trial? If so, in both civil and criminal cases?

**Only if critical.**

a. If so, what is the manner in which they may submit questions?

**Written only.**

b. If so, when do you ask the questions?

**Never.**

9. Other comments regarding presentation of evidence:

#### **E. JURY INSTRUCTIONS**

1. Do you prefer a copy of the instructions and verdict form on a disk, and if so, in what format (e.g., do you prefer a clean copy of the instructions, without authorities, to submit to the jury)?

**Clean copy.**

2. Do you prefer to summarize the pleadings or would you prefer counsel to submit a short summary of the case to be read to the jury?

**Counsel.**

3. Other comments regarding jury instructions:

#### **F. ATTORNEY CONTACT WITH JURORS POST VERDICT**

1. Do you invite jurors to talk to the attorneys following receipt of the verdict?

**Yes.**

2. If so, do you do so in every case? If not in every case, under what circumstances do you invite jurors to talk to the attorneys?

**Every case for a short time, if they want to. No discussion of the process but only about what they liked or disliked about the attorneys.**

Other comments regarding attorney contact with jurors post verdict:

Completed by: **Judge Kenneth R. Walker**      Date: **April 29, 2008**



**JUDICIAL PRACTICES SURVEY  
MULTNOMAH COUNTY CIRCUIT COURT**

Conducted by the Multnomah Bar Association Court Liaison Committee

NAME OF JUDGE:	<b>Nan Waller</b>
JUDICIAL ASSISTANT:	<b>Cheri Coe</b>
TELEPHONE NUMBER:	<b>503.988.3846</b>
FAX NUMBER (see § A below):	<b>503.276.0957</b>
EMAIL (see § A below):	<b>nan.waller@ojd.state.or.us</b>

**A. PRETRIAL COMMUNICATIONS**

1. What mode of communication do you prefer counsel to use to contact you regarding scheduling, discovery and other pretrial matters (e.g. email, joint telephone calls, fax or mail)? Please list any restrictions or limitations that apply.

**Any mode of communication that works best for the parties is acceptable so long as it does not violate the rules against ex parte contact. If parties are communicating with my office regarding scheduling I prefer email communication with my Judicial Assistant, Cheri Coe, being copied. Her email address is cheri.l.coe@ojd.state.or.us.**

2. For bench copies of pretrial filings, do you prefer receiving hard copies or electronic copies of documents by email? If you prefer electronic copies, do you have any particular format specifications (e.g. Word or WordPerfect) or size limitations? Please list any restrictions or limitations that apply.

**I prefer that bench copies of pretrial filings be sent by email, but hard copies are fine. I have no format specifications. I do not want pretrial filings to be sent by fax. My primary concern is that I receive any memos by noon the day before a hearing so that I can read them and be prepared.**

3. Other comments regarding pretrial communications:

**B. VOIR DIRE**

1. How much time do you allow for voir dire?

**I allow a reasonable amount of time for voir dire. I have never had to limit the amount of time lawyers have spent on voir dire.**

2. Do you require, or prefer, one type of voir dire procedure over another?

**I do group voir dire. We have a list of general questions that all jurors answer and then I turn over the questioning to the lawyers. I allow questioning of the group as a whole as well as questions to individual jurors.**

3. Must counsel disclose witnesses to the court for voir dire?

**Yes**

a. If so, does this apply to expert witnesses?

**No**

4. Is the jury given a brief summary of the case as part of voir dire?  
**It depends upon the nature and complexity of the case. If the parties are requesting that a summary be given, I would want the attorneys to come to agreement on the summary.**

a. If so, is the summary given to the jury by you?

**Yes**

b. If so, do you require that its content be agreed upon by counsel?

c. Do you instead require counsel to give a brief (three minute or so) opening statement to the jury before voir dire?

**Not required**

d. If not required, do you allow counsel to give a brief opening statement to the jury?

**Yes, in some cases**

5. Are challenges exercised in the courtroom or in chambers?

**In chambers**

6. Under what circumstances do you allow written jury questionnaires?

**I would consider written jury questionnaires in a complex case.**

7. Other comments regarding voir dire:

**None**

#### **C. OPENING STATEMENT/CLOSING ARGUMENT**

1. How close to the jury is counsel allowed?

**Attorneys can approach the box/rail, but may not lean over it.**

2. Are counsel permitted to use visual aids and exhibits during opening?

**Yes**

3. Do you limit the length of opening?

**No, I have never had to limit the length of an opening to date.**

4. Do you limit the length of closing? (*Apart from ORCP 58B(7)*)

**No, I have never had the need to do so.**

5. Other comments regarding opening statement/closing argument:

#### **D. PRESENTATION OF EVIDENCE**

1. Do you personally want a marked set of exhibits, and if so, when and in what format?

**Yes, prior to the start of the trial. If there are a significant number of exhibits it is helpful to have them in a three ring binder that is tabbed and indexed.**

2. Do you allow or encourage counsel to provide jurors copies of exhibits, witness information and/or other materials?

**Yes, subject to prior approval from me.**

3. May counsel hand admitted exhibits directly to the jury?

**Yes, with permission from the Court.**

4. What is your preferred manner of reading deposition testimony during trial? Do you allow or prefer stipulated deposition summaries be used instead of the deposition transcript?

**No preference**

5. Do you permit re-cross examination? And then re-re-direct?

**Very rarely, but I have on occasion.**

6. May counsel confer with a witness during breaks before the testimony is completed?

**Yes**

7. When witnesses are excluded, does that include experts?

**Yes, but I will consider a request that an expert be allowed to stay in the courtroom on a case by case basis.**

8. Are jurors allowed to ask questions of witnesses during the course of the trial? If so, in both civil and criminal cases?

**I do not allow questions by jurors in criminal cases, but will allow in civil cases.**

a. If so, what is the manner in which they may submit questions?

**I will discuss with the lawyers their preferences on how best to handle juror questions in a specific case. Generally I would want jurors to submit their questions in writing and would then review them with the lawyer. I would read the questions to the witness.**

b. If so, when do you ask the questions?

**I would ask the questions of jurors at the end of the witness's testimony. I would then allow follow up questions from the lawyers.**

9. Other comments regarding presentation of evidence:

## **E. JURY INSTRUCTIONS**

1. Do you prefer a copy of the instructions and verdict form on a disk, and if so, in what format (e.g., do you prefer a clean copy of the instructions, without authorities, to submit to the jury)?

**I prefer an electronic copy, but paper is alright. I do not need a clean copy of the instructions without authorities if the instructions are submitted electronically. I do want the submitted instructions to have all of the blanks or alternative choices filled in on requested uniform jury instructions.**

2. Do you prefer to summarize the pleadings or would you prefer counsel to submit a

short summary of the case to be read to the jury?  
**I prefer a summary that is agreed to by the parties.**

3. Other comments regarding jury instructions:

**F. ATTORNEY CONTACT WITH JURORS POST VERDICT**

1. Do you invite jurors to talk to the attorneys following receipt of the verdict?  
**I do not invite jurors to talk to the attorneys but explain that they may talk to the attorneys if they choose to do so. I always give jurors the opportunity to talk to me following receipt of the verdict.**

2. If so, do you do so in every case? If not in every case, under what circumstances do you invite jurors to talk to the attorneys?

3. Other comments regarding attorney contact with jurors post verdict:

All answers to this survey are subject to change without notice.

Completed by: **Nan G. Waller**

Date: **February 22, 2012**

**JUDICIAL PRACTICES SURVEY  
MULTNOMAH COUNTY CIRCUIT COURT**

Conducted by the Multnomah Bar Association Court Liaison Committee

NAME OF JUDGE: **John A. Wittmayer**  
JUDICIAL ASSISTANT: **Sonja M. Lockhart**  
TELEPHONE NUMBER: **503.988.3165**  
FAX NUMBER (see § A below): **503.276.0969**  
EMAIL (see § A below): **Sonja.M.Lockhart@ojd.state.or.us**  
**John.A.Wittmayer@ojd.state.or.us**

**A. PRETRIAL COMMUNICATIONS**

1. What mode of communication do you prefer counsel to use to contact you regarding scheduling, discovery and other pretrial matters (e.g. email, joint telephone calls, fax or mail)? Please list any restrictions or limitations that apply.

**Counsel may either telephone or email to my Judicial Assistant, Sonja Lockhart, 503.988.3165 or Sonja.M.Lockhart@ojd.state.or.us**

2. For bench copies of pretrial filings, do you prefer receiving hard copies or electronic copies of documents by email? If you prefer electronic copies, do you have any particular format specifications (e.g. Word or WordPerfect) or size limitations? Please list any restrictions or limitations that apply.

**I prefer hard copies, except for jury instructions. For jury instructions, I prefer both hard copies and electronic copies, in MS Word format, without line numbers, page numbers and other formatting. Many of the uniform jury instructions contain blanks to fill in or alternatives to select. Please give this variable information to me with your jury instruction requests.**

3. Other comments regarding pretrial communications:

**Before sending anything via FAX that exceeds 5 pages, first telephone my Judicial Assistant and get permission. Do not send documents that are needed for the next morning at 5:00 pm**

**B. VOIR DIRE**

1. How much time do you allow for voir dire?

**No restrictions.**

2. Do you require, or prefer, one type of voir dire procedure over another?

**No – whatever is best for the lawyers is fine with me.**

3. Must counsel disclose witnesses to the court for voir dire?

**For criminal cases, yes. For civil cases, only upon agreement of counsel.**

a. If so, does this apply to expert witnesses?

**Only upon agreement of counsel.**

4. Is the jury given a brief summary of the case as part of voir dire?  
**Yes.**

a. If so, is the summary given to the jury by you?  
**Yes.**

b. If so, do you require that its content be agreed upon by counsel?  
**I prefer counsel to agree in advance on a short summary, which should be submitted to me not later than the day before trial with counsel's other submissions.**

c. Do you instead require counsel to give a brief (three minute or so) opening statement to the jury before voir dire?  
**If the lawyers prefer this approach, it is fine with me.**

d. If not required, do you allow counsel to give a brief opening statement to the jury?

5. Are challenges exercised in the courtroom or in chambers?  
**In chambers for civil cases and criminal cases in which the defendant is not in custody. In the courtroom for criminal cases in which the defendant is in custody.**

6. Under what circumstances do you allow written jury questionnaires?  
**When the case has issues that make it necessary. I require the lawyers to agree on the contents of the questionnaire, and I must approve it as well.**

7. Other comments regarding voir dire:

#### **C. OPENING STATEMENT/CLOSING ARGUMENT**

1. How close to the jury is counsel allowed?  
**As close as they want, without touching the jury box.**

2. Are counsel permitted to use visual aids and exhibits during opening?  
**Yes, but they should show them to each other in advance to avoid problems and objections.**

3. Do you limit the length of opening?  
**No.**

4. Do you limit the length of closing? (Apart from ORCP 58B(7))  
**No.**

5. Other comments regarding opening statement/closing argument:

#### **D. PRESENTATION OF EVIDENCE**

1. Do you personally want a marked set of exhibits, and if so, when and in what format?

**Only in cases in which there are a large number of exhibits.**

2. Do you allow or encourage counsel to provide jurors copies of exhibits, witness information and/or other materials?

**I leave this up to counsel. It is fine with me if they wish to do so.**

3. May counsel hand admitted exhibits directly to the jury?

**Yes, but the lawyer must continue examination of the witness while the jury is looking at the exhibit.**

4. What is your preferred manner of reading deposition testimony during trial? Do you allow or prefer stipulated deposition summaries be used instead of the deposition transcript?

**I have no preferred method. This is up to the lawyers to do this however they think is most effective.**

5. Do you permit re-cross examination? And then re-re-direct?

**No.**

6. May counsel confer with a witness during breaks before the testimony is completed?

**Yes.**

7. When witnesses are excluded, does that include experts?

**No.**

8. Are jurors allowed to ask questions of witnesses during the course of the trial? If so, in both civil and criminal cases?

**Yes, in civil cases. No in criminal cases.**

a. If so, what is the manner in which they may submit questions?

**In writing.**

b. If so, when do you ask the questions?

**After directed examination, cross examination, and re-direct.**

9. Other comments regarding presentation of evidence:

## **E. JURY INSTRUCTIONS**

1. Do you prefer a copy of the instructions and verdict form on a disk, and if so, in what format (e.g., do you prefer a clean copy of the instructions, without authorities, to submit to the jury)?

**Yes, on disk, flash drive or by email as a file attachment in MS Word format, without line numbers, page numbers and other formatting.**

2. Do you prefer to summarize the pleadings or would you prefer counsel to submit a short summary of the case to be read to the jury?

**I prefer counsel to submit an agreed upon summary.**

3. Other comments regarding jury instructions:

**F. ATTORNEY CONTACT WITH JURORS POST VERDICT**

1. Do you invite jurors to talk to the attorneys following receipt of the verdict?

**No.**

2. If so, do you do so in every case? If not in every case, under what circumstances do you invite jurors to talk to the attorneys?

**NA**

Completed by: **John A. Wittmayer**

Date: **April 20, 2007, updated January 23, 2012 and further updated on April 10, 2013**



**JUDICIAL PRACTICES SURVEY  
MULTNOMAH COUNTY CIRCUIT COURT**

Conducted by the Multnomah Bar Association Court Liaison Committee

NAME OF JUDGE:	<b>Merri Souther Wyatt</b>
JUDICIAL ASSISTANT:	<b>Debby Onishi and Renee Christy</b>
TELEPHONE NUMBER:	<b>503.988.3029</b>
FAX NUMBER (see § A below):	<b>503.276.0975</b>
EMAIL (see § A below):	<b>merri.s.wyatt@ojd.state.or.us</b>

**A. PRETRIAL COMMUNICATIONS**

1. What mode of communication do you prefer counsel to use to contact you regarding scheduling, discovery and other pretrial matters (e.g. email, joint telephone calls, fax or mail)? Please list any restrictions or limitations that apply.

**First, a phone call to staff; then fax, ex parte, joint phone conference or email. Sometimes we don't see an email for ½ a day or more, so email both judicial assistants because they job share: debby.onishi@ojd.state.or.us, renee.e.christy@ojd.state.or.us.**

2. For bench copies of pretrial filings, do you prefer receiving hard copies or electronic copies of documents by email? If you prefer electronic copies, do you have any particular format specifications (e.g. Word or WordPerfect) or size limitations? Please list any restrictions or limitations that apply.

**Word for now until the court goes paperless in May 2014.**

3. Other comments regarding pretrial communications:

**B. VOIR DIRE**

1. How much time do you allow for voir dire?

**As much time as the attorneys have estimated beforehand and to enable all parties enough time before the end of the court session.**

2. Do you require, or prefer, one type of voir dire procedure over another?

**Asking every juror the exact same questions in order after the basic questions from board have been asked is time consuming, and often not the most productive method.**

3. Must counsel disclose witnesses to the court for voir dire?

**Yes, usually.**

a. If so, does this apply to expert witnesses?

4. Is the jury given a brief summary of the case as part of voir dire?

**If requested, I would consider doing so.**

a. If so, is the summary given to the jury by you?

b. If so, do you require that its content be agreed upon by counsel?

c. Do you instead require counsel to give a brief (three minute or so) opening statement to the jury before voir dire?

**If not required, do you allow counsel to give a brief opening statement to the jury?**

5. Are challenges exercised in the courtroom or in chambers?  
**In the courtroom.**

6. Under what circumstances do you allow written jury questionnaires?

7. Other comments regarding voir dire:

**C. OPENING STATEMENT/CLOSING ARGUMENT**

1. How close to the jury is counsel allowed?  
**Within a couple feet.**

2. Are counsel permitted to use visual aids and exhibits during opening?  
**Yes, unless objected to.**

3. Do you limit the length of opening?  
**Not yet.**

4. Do you limit the length of closing? (Apart from ORCP 58B(7))  
**No, just within any time constraints.**

5. Other comments regarding opening statement/closing argument:

**D. PRESENTATION OF EVIDENCE**

1. Do you personally want a marked set of exhibits, and if so, when and in what format?  
**Yes, courtesy copies before or by the beginning of trial. A binder is nice.**

2. Do you allow or encourage counsel to provide jurors copies of exhibits, witness information and/or other materials?  
**The jury is allowed exhibits and written, redacted jury instructions.**

3. May counsel hand admitted exhibits directly to the jury?  
**Yes.**

4. What is your preferred manner of reading deposition testimony during trial? Do you allow or prefer stipulated deposition summaries be used instead of the deposition transcript?

5. Do you permit re-cross examination? And then re-re-direct?  
**Occasionally.**

6. May counsel confer with a witness during breaks before the testimony is completed?

**Yes. Unless it's brought to the court's attention, there's a pretrial motion, or an objection.**

7. When witnesses are excluded, does that include experts?

**Not usually. Experts often listen to other witnesses and experts as a basis for their own opinions.**

8. Are jurors allowed to ask questions of witnesses during the course of the trial? If so, in both civil and criminal cases?

**Yes, unless the attorneys object to the procedure.**

a. If so, what is the manner in which they may submit questions?

**Submitted in writing to the judicial clerk. Read by the judge and then shared with the attorneys in a bench conference to see if there are any objections or modifications.**

b. If so, when do you ask the questions?

**At the conclusion of the witness' testimony.**

9. Other comments regarding presentation of evidence:

#### **E. JURY INSTRUCTIONS**

1. Do you prefer a copy of the instructions and verdict form on a disk, and if so, in what format (e.g., do you prefer a clean copy of the instructions, without authorities, to submit to the jury)?

**Clean copy on disk; otherwise, in the past when we had clerks, the judicial clerk would redact and print a clean copy for the jurors' deliberations if the lawyers did not.**

2. Do you prefer to summarize the pleadings or would you prefer counsel to submit a short summary of the case to be read to the jury?

3. Other comments regarding jury instructions:

#### **F. ATTORNEY CONTACT WITH JURORS POST VERDICT**

1. Do you invite jurors to talk to the attorneys following receipt of the verdict?

**No, not yet.**

2. If so, do you do so in every case? If not in every case, under what circumstances do you invite jurors to talk to the attorneys?

3. Other comments regarding attorney contact with jurors post verdict:

Completed by: **Merri Souther Wyatt** Date: **4.24.13**

**JUDICIAL PRACTICES SURVEY  
MULTNOMAH COUNTY CIRCUIT COURT**

Conducted by the Multnomah Bar Association Court Liaison Committee

NAME OF JUDGE: **Youlee Yim You**  
JUDICIAL ASSISTANT: **Marie Brandis**  
TELEPHONE NUMBER: **503.988.3404**  
FAX NUMBER (see § A below): **503.276.0956**  
EMAIL (see § A below): **youlee.y.you@ojd.state.or.us**  
**marie.d.brandis@ojd.state.or.us**

**A. PRETRIAL COMMUNICATIONS**

1. What mode of communication do you prefer counsel to use to contact you regarding scheduling, discovery and other pretrial matters (e.g. email, joint telephone calls, fax or mail)? Please list any restrictions or limitations that apply.

**Please do not email the judge directly. Other forms of communication are acceptable, as long as counsel abide by rules governing *ex parte* contact.**

2. For bench copies of pretrial filings, do you prefer receiving hard copies or electronic copies of documents by email? If you prefer electronic copies, do you have any particular format specifications (e.g. Word or WordPerfect) or size limitations? Please list any restrictions or limitations that apply.

**Hard copies preferred as far in advance of the hearing date as possible. Jury instructions also should be emailed to the judicial clerk.**

3. Other comments regarding pretrial communications.

**B. VOIR DIRE**

1. How much time do you allow for voir dire?

**I consider the circumstances of the case and allow as much time as is reasonably necessary.**

2. Do you require, or prefer, one type of voir dire procedure over another?

**No.**

3. Must counsel disclose witnesses to the court for voir dire?

**Yes. The court considers that the trial has started at that point.**

a. If so, does this apply to expert witnesses?

**Yes.**

4. Is the jury given a brief summary of the case as part of voir dire?

**Yes, counsel should prepare a joint statement of facts for the court to read to the jury before voir dire.**

a. If so, is the summary given to the jury by you?

**Yes, the court reads it to the jury.**

b. If so, do you require that its content be agreed upon by counsel?  
**If possible. Otherwise, I will decide on a statement with input from the parties.**

c. Do you instead require counsel to give a brief (three minute or so) opening statement to the jury before voir dire?  
**I do not require it, but I have sometimes allowed it.**

d. If not required, do you allow counsel to give a brief opening statement to the jury?  
**Yes, see above.**

5. Are challenges exercised in the courtroom or in chambers?  
**I excuse the jurors into the hallway and take challenges on the record in the courtroom.**

6. Under what circumstances do you allow written jury questionnaires?  
**I will consider using juror questionnaires in complex cases, cases involving sensitive issues, and other cases where it would be helpful and efficient.**

7. Other comments regarding voir dire:

#### **C. OPENING STATEMENT/CLOSING ARGUMENT**

1. How close to the jury is counsel allowed?  
**A few feet from the jury box.**

2. Are counsel permitted to use visual aids and exhibits during opening?  
**Yes, if they have been shown to opposing counsel and approved by the court.**

3. Do you limit the length of opening?  
**Reasonable time is given.**

4. Do you limit the length of closing? (*Apart from ORCP 58B(7)*)  
**Yes, depending on how much time has been allotted for the trial and what the jury has been told about when the trial will conclude.**

5. Other comments regarding opening statement/closing argument:

#### **D. PRESENTATION OF EVIDENCE**

1. Do you personally want a marked set of exhibits, and if so, when and in what format?  
**If the case has many exhibits, it would be helpful to have an extra set for the bench.**

2. Do you allow or encourage counsel to provide jurors copies of exhibits, witness information and/or other materials?

**If it would be helpful to the jurors, counsel may provide them with copies.**

3. May counsel hand admitted exhibits directly to the jury?

**No, counsel should ask for the court's permission first.**

4. What is your preferred manner of reading deposition testimony during trial? Do you allow or prefer stipulated deposition summaries be used instead of the deposition transcript?

**No preferred method.**

5. Do you permit re-cross examination? And then re-re-direct?

**No.**

6. May counsel confer with a witness during breaks before the testimony is completed?

**Yes, but the witnesses may be cross-examined about this.**

7. When witnesses are excluded, does that include experts?

**No, experts are allowed to be in the courtroom.**

8. Are jurors allowed to ask questions of witnesses during the course of the trial? If so, in both civil and criminal cases?

**In civil cases, yes. In criminal cases, if both parties agree.**

a. If so, what is the manner in which they may submit questions?

**The jurors submit their questions in writing after the parties are done questioning the witness. I then confer with the parties and, if the questions are allowed, I ask the witness the questions. The attorneys are allowed to follow up with additional questioning based on the jurors' questions.**

b. If so, when do you ask the questions?

**See above.**

9. Other comments regarding presentation of evidence:

## **E. JURY INSTRUCTIONS**

1. Do you prefer a copy of the instructions and verdict form on a disk, and if so, in what format (e.g., do you prefer a clean copy of the instructions, without authorities, to submit to the jury)?

**In civil cases, in addition to submitted a printed courtesy copy to me, please email a copy of the proposed instructions to my judicial clerk.**

2. Do you prefer to summarize the pleadings or would you prefer counsel to submit a short summary of the case to be read to the jury?

**I prefer that the attorneys agree on a short summary.**

3. Other comments regarding jury instructions:

**F. ATTORNEY CONTACT WITH JURORS POST VERDICT**

1. Do you invite jurors to talk to the attorneys following receipt of the verdict?  
**Sometimes.**
2. If so, do you do so in every case? If not in every case, under what circumstances do you invite jurors to talk to the attorneys?  
**If the attorneys request it, I allow it, depending on the circumstances of the case.**
3. Other comments regarding attorney contact with jurors post verdict:

Completed by: **Youlee Yim You** Date: **April 9, 2013**