

INSTRUCTIONS FOR PROPOSED JURY CHARGES
Chief Judge Terry L. Wooten

Proposed jury charges are one of the most important aspects of proper trial preparation. Unfortunately, many attorneys do not devote attention to this critical part of the case. Often the charges submitted are prepared by law clerks, associates, or paralegals who are not actively involved in the case. Frequently, I receive numerous variations of the same legal principle, photocopied or typed from charge books, unnumbered and often unrelated to the issues in the case.

In an effort to encourage more useful submissions, I am providing this memorandum as a tool for all attorneys with cases for trial before me. Counsel are requested to read the entire memorandum and to provide it to anyone who will be involved in the preparation of proposed jury charges.

1. The Court's preliminary and boilerplate jury instructions are provided on the District Court website under the link "Wooten General Civil Jury Instruction." It is not necessary for attorneys to submit proposed instructions as to the matters contained in the Court's general instructions. If you believe that these standard instructions can be improved or need to be tailored for the trial of the case, I will accept input from counsel as to these matters.

2. Proposed instructions should be submitted in the following format: Each instruction must be numbered and double spaced, and only one idea or concept should be expressed on each numbered page. The procedure of settling the jury charge during the charge conference is greatly simplified if all counsel and the court work from the same stack of numbered instruction proposals, with each proposal being contained on a separate sheet.

3. Proposed jury charges, saved in the most current Word Perfect format, should be sent by email to filingdocs_ecf_flor@scd.uscourts.gov (Florence) or filingdocs_ecf_cola@scd.uscourts.gov (Columbia).

4. Any citation of authority should be added at the bottom of the page with the proposed instruction to which it refers. If the charge comes from a particular charge book, please so indicate. Do not put citations of authority within the text of the charge or directly at the end of the charge. As required by local rule, copies of unreported or out-of-state decisions must be attached. Do not, however, attach copies of any cases reported in *Federal Reporter*, *Federal Supplement* or *Southeastern Reporter*.

5. Do not submit repetitive requests for the same legal concept. Do not submit requests which have no direct relationship to the case.

6. Some attorneys incorrectly assume that the only way to charge a jury is to quote directly from reported appellate decisions. Appellate judges do not write opinions with jury instructions in mind. Quotes from appellate opinions may need to be reworded to make them more understandable to a jury. In addition, I will consider other library resources as well, such as Restatements, hornbooks, or treatises. You may quote and cite authorities such as these in your jury charge request.

7. I will prepare a written charge for submission to the jury in each case. I will take your requested charges and incorporate them into my charge if appropriate. Toward the end of the trial, I will give you my proposed charge to review. You will then be given the opportunity to object to my proposed charge, if necessary, and request additions or changes to it. Once the charge is finalized I will provide a copy to counsel. After I give the charge in open court, I will provide the jury with a written copy of the charge that they may have in the jury room during deliberations. It has been my experience that there are significantly fewer jury questions with this method. In addition, the jurors express their appreciation for this procedure.

8. You should also prepare and submit a proposed verdict form with your proposed

charges, particularly if you request special interrogatories. I will be working on the verdict form during the trial and will incorporate your proposals if appropriate. You should focus on what you need to prove and what the jury will be asked to decide. Please email your proposed verdict form, saved in the most current Word Perfect format, to filingdocs_ecf_flor@scd.uscourts.gov (Florence) or filingdocs_ecf_cola@scd.uscourts.gov (Columbia).

9. The proposed charges and verdict form should be submitted at the time your Trial Brief is due. Copies of the proposed charges and verdict form should be served on opposing counsel.

Thank you for your cooperation. Please contact my office if you have any questions regarding this procedure.

s/ Terry L. Wooten
Terry L. Wooten
Chief United States District Judge

January, 2013