



# MANAGING A JURY TRIAL IN THE JUSTICE/MUNICIPAL COURT

A PRACTICAL GUIDE

Case Management

1 Case No.:

2 Dept. No.:

3  
4 **PRE-TRIAL CASE**

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6 **IN THE JUSTICE COURT OF THE WALKER RIVER TOWNSHIP**

7 **COUNTY OF LYON, STATE OF NEVADA**

8 **MANAGEMENT** \*\*\*  
9 **MENT**

10 THE STATE OF NEVADA,

11 Plaintiff,

12 vs.

**CASE MANAGEMENT AND  
TRIAL SCHEDULING ORDER**

13 JOHN DOE,

14 Defendant.

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# THE COURT'S INHERENT AUTHORITY

- Every Judge has the inherent authority to manage the case load of their Court.
  - Every Judge has a different way of doing things. There is no one right answer to effective case management.
- The process of moving cases from filing to disposition, especially in jury trials, requires continuous judicial supervision.
- “The judge has broad inherent power over the management of the cases, the attorneys, and parties. That inherent power, employed judicially, enables the court to do what is necessary to produce just, speedy and economical trials.” *Judge’s Resource Guide: Managing Jury Trials*, NJC, p. 9.

# CANON 2.5: Competence & Diligence

- **Rule 2.5. Competence, Diligence, and Cooperation.**
- (A) A judge shall perform judicial and administrative duties competently and diligently.
- Prompt disposition of the court's business requires a judge to devote adequate time to judicial duties, to be punctual in attending court and expeditious in determining matters under submission, and to take reasonable measures to ensure that court officials, litigants, and their lawyers cooperate with the judge to that end.
- In disposing of matters promptly and efficiently, a judge must demonstrate due regard for the rights of parties to be heard and to have issues resolved without unnecessary cost or delay. A judge should monitor and supervise cases in ways that reduce or eliminate dilatory practices, avoidable delays, and unnecessary costs.

# The Defendant is not automatically entitled to a jury trial.

## • REQUEST FOR JURY TRIAL (JURY DEMAND)

### NRS 175.011 Trial by jury.

In a Justice Court, a case must be tried by jury **only** if the defendant so demands in writing not less than 30 days before trial.

- The statute creates **jurisdictional** requirements for jury trials in Justice Courts
  - Demand must be in writing.
  - Demand must be made 30 days before the scheduled trial date.
- The statute creates an affirmative duty on the Defendant to make a demand. Therefore, the Court does not need to canvass the Defendant on his right to a jury trial or waiver of a jury trial.
- **THE TAKEAWAY IS . . . TREAT EVERY DOMESTIC BATTERY THE SAME AS YOU DO NOW UNTIL A JURY DEMAND IS MADE.**

# SCHEDULING A CASE FOR JURY TRIAL

- **Don't Wait**-Schedule the Case as soon as a Jury Demand is made.
- Hold a scheduling conference with Counsel as soon as possible
- Conduct a meaningful exchange with Counsel regarding what the trial will entail and clarify it's status – inquire as to potential settlement pre-trial. (But, don't get involved in negotiations.)
- **Scheduling Conference Topics**
  - Legal/Factual Issues related to the case – “Are there any Issues the Court is going to have to determine prior to trial?”
  - Speedy Trial – Has the Defendant waived his right to trial in 60 days?
  - Witnesses/Length – How many witnesses do you anticipate?

# SCHEDULING A CASE FOR JURY TRIAL

- **Trial Schedule**

- Set the Date for Trial
- Set a Deadline for filing of pre-trial motions.
- Set a Date to Hear Motions
- Set a Trial Confirmation Hearing
- Set a date to submit proposed jury instructions and objections to proposed jury instructions with appropriate citations
- Set a Trial Management Conference

- **Issue a Case Management and Scheduling Order**

- Include all the dates established at the scheduling conference
- Simple v. Comprehensive Orders – Two Schools of Thought

- **ENFORCE THE SCHEDULING ORDER**

- Inherent Authority of the Court

- **Continuances**

- Before v. After a Jury is Summoned

# THE TRIAL CONFIRMATION HEARING

- **Purpose:**

- Confirm Trial Date and Inquire of Potential Settlement
- Order Calling Jury – Day Summons Goes Out to Jury Panel
- Hear Outstanding Motions
- Discuss Any Other Issues Which May Interfere With The Trial Setting
- Discuss upcoming deadlines, especially Jury Instructions

- **Some Tips:**

- Set the Trial Confirmation Hearing and the Motions Hearing at the same time on the Scheduling Order. If no Motions are filed in the case, you can always set another matter following.
- Set about 30 days prior to the trial date.
- Give Counsel an estimate as to when you will provide them with the Court Stock Instructions



# THE PRE-TRIAL HEARING

- **Purpose:**

- Some Court's call this the Trial Management Conference
- This is a critical event that allows the Court to assess whether Counsel are prepared to proceed and prepare you for any issues which may come up in trial.
- Review with Counsel what has occurred in the case to date and identify any remaining issues.

- **Walk Through The Trial:**

- Evidentiary Stipulations
- Exhibits – Pre-Marked on that Day
- Witnesses and Timing
- Outstanding Evidentiary Issues
- Voir Dire – Challenge Processes
- Technology Issues/Use
- Bench Conferences
- Talking Objections
- Jury Instructions/Verdict Forms

# QUESTIONS?

