

Agreement Regarding Summary Jury Trial Rules

The parties have agreed to submit their dispute to a non-binding Summary Jury Trial ("SJT"), and are subject to the Agreed Summary Jury Trial Order signed by the Court.

The parties agree upon the following rules for the conduct of the SJT:

1. The SJT judge, Will Pryor, shall convene and preside over the SJT on a date and time to be agreed upon by the parties. The parties reasonably anticipate that the SJT shall be conducted no later than _____. The SJT shall be private and confidential. "The rule" may be invoked by any party, and all persons whose attendance in the courtroom is not appropriate shall be excluded by the SJT judge.
2. The number of jurors shall be _____. The SJT jury shall be selected as follows:

[Option A: the SJT judge and counsel shall receive thirty juror information cards, in an order determined by a shuffle by the Dallas County Jury Services. Based on the information contained on the juror information cards, Counsel shall exercise separately up to 6 strikes, and the first names not struck which number the size of the panel, upon being screened by the SJT judge for conflicts of interest, shall serve].

[Option B: the SJT judge shall, with the cooperation of the Dallas County Jury Services and outside the presence of counsel, select the jury. Counsel may submit to the SJT judge, for his use in juror selection, no more than five questions which the SJT judge shall ask juror candidates for the purpose of determining potential bias or prejudice of the jurors].

[Option C: the SJT judge shall summon a panel of thirty potential jurors from the Central Jury Room at the courthouse. Counsel may engage in no more than ten minutes of juror *voir dire* before exercising a maximum of six peremptory strikes. The jury will then be seated in the tradition manner].

The parties agree that the jury will / will not be advised that its verdict is advisory.

3. The conduct of the SJT shall proceed as follows:

(a) **Opening Statements.** Each side has ten minutes for an opening statement.

(b) **Documents and other evidence.** Documents and witness testimony are all permissible. Counsel may describe, paraphrase, or summarize a document or a witnesses' testimony or potential testimony. There shall be no evidentiary objections or rulings. Counsel may use the allotted time for presentation of evidence in any fashion he or she deems appropriate: appellate-style argument, presentation of live witnesses, or presentation of deposition or video-taped deposition testimony or statements.

(c) **Witness testimony.** any witness may be called for any length of time. The cross-examination of any witness is limited to 1/2 of the time used for direct testimony; however, the time used for cross-examination counts against the time allotted for the party calling the witness. For example, if Plaintiff calls any witness for ten minutes of direct testimony, then Defendant shall have up to five minutes of cross examination, and the entire fifteen minutes counts against Plaintiff's time. Narrative testimony and leading questions are not objectionable.

(d) **Time Limits.** Plaintiff shall have _____ of total presentation time, of which no more than _____ may be reserved for rebuttal. Defendant shall have _____ of total presentation time.

(e) **Jury charge.** The SJT judge shall have discretion to permit breaks and a lunch recess. The SJT judge shall charge the jury and decide any disagreements over the charge.

(f) **Final Arguments.** Each side has ten minutes for closing argument; Plaintiff shall reserve no more than two minutes for rebuttal.

(g) **Jury deliberation.** The jury shall deliberate and render its verdict. The SJT judge, in consultation with counsel, shall have discretion to encourage the jury to expedite its deliberations or to establish a reasonable time limit on the jury, if necessary to concluding the SJT in a timely manner.

4. Upon the conclusion of the SJT, the SJT judge, with the participation of counsel and the parties, may facilitate a discussion and dialogue with the jury.

5. The parties agree that the SJT judge shall convene a mediation and serve as mediator

Option A: during the evening of the SJT, at the Courthouse.

Option B: the next day, at the offices of the SJT judge/mediator.

6. The fees and expenses of the SJT judge/mediator shall be divided evenly by the parties and paid in advance of the SJT.

Date: _____, 2001
