

CAUSE # _____

§ IN THE DISTRICT COURT

V.

§ 341ST JUDICIAL DISTRICT

§ WEBB COUNTY, TEXAS

JOINT PRE-TRIAL ORDER FORM

I. APPEARANCE OF COUNSEL List each party's counsel, counsel's address and telephone and fax number in separate paragraphs.

II. STATEMENT OF THE CASE Give a brief statement of the case, one that the judge could read to the jury panel as an introduction to the facts and parties, include names, dates, and places.

III. JURISDICTION Briefly specify the jurisdiction of the subject matter and the parties. If there is an unresolved jurisdictional question, state it.

IV. MOTIONS List all pending trial motions.

V. CONTENTIONS OF THE PARTIES State concisely in separate paragraphs each party's contentions.

VI. ADMISSIONS OF FACT List all facts that are stipulated to.

VII. CONTESTED ISSUES OF FACT List all material facts in controversy.

VIII. AGREED PROPOSITION OF LAW List the legal propositions that are not in dispute.

IX. CONTESTED PROPOSITIONS OF LAW State briefly the unresolved questions of law, with authorities to support each.

X. EXHIBITS

A. Each party will attach to the Joint Pre-trial Order the exhibit list, in numerical order as pre-marked.

B. **Each party will pre-mark, number and exchange all exhibits that may be used at trial at least seven working days before the final pre-trial hearing.** A party requiring authentication of an exhibit must file a written objection within three business days of the pre-trial hearing; failure to timely object will be deemed to concede authenticity and admissibility.

C. Written trial objections to opposing party's exhibits, stating the basis for each objection, must be made at least three business days before the pre-trial hearing; the court shall take these objections up at the pre-trial hearing.

D. At the trial, the first item of business will be to receive in evidence all listed exhibits that have been stipulated to be admissible and authentic.

XI. WITNESSES

A. List the names, addresses and phone numbers of all witnesses who may be called to testify, together with a brief statement of the nature of their testimony.

B. Include the qualifications of expert witnesses and the subject of the testimony and opinions of each such expert witness. Any dispute or objection regarding any expert witness' qualifications shall be filed in writing at least 3 days before and resolved at the pre-trial hearing.

XII. SETTLEMENT State the status of any settlement negotiations.

XIII. TRIAL Estimate the length of trial and list logistical problems, including availability of witnesses, out-of-state people, bulky exhibits, demonstrations, equipment and interpreters.

XIV. ATTACHMENTS Attach a proposed charge, including instructions, definitions and jury questions, with case law or formbook reference (on diskette, as well, using Microsoft Word).

XV. FAILURE TO FILE A JOINT PRE-TRIAL ORDER FORM WILL TRIGGER A NOTICE OF A HEARING TO SHOW CAUSE WHY THE ATTORNEYS AND PARTIES SHOULD NOT BE HELD IN CONTEMPT.

APPROVED BY:

Lead Counsel, Plaintiff

Date:

Lead Counsel, Defendant

Presiding Judge