UNITED STATES DISTRICT COUR
DISTRICT OF SOUTH CAROLINA

FILED

FEB 21 1996

LARRY W. PROPES, CLERK
CHARLESTON, SC

In Re: Preparation of Jury Instructions for cases assigned to Judge Duffy))) ORDER

MC: 2: 96-0026-23

All proposed jury instructions are required to be submitted in the following format:

a) The parties are required to jointly submit one set of instructions. To this end, the parties are required to serve their proposed instructions upon each other two weeks prior to trial. The parties should then meet, confer and submit to the court one complete set of agreed upon joint instructions as well as any disputed supplemental instructions.

b) If the parties cannot agree upon one entire set of joint instructions, they are required to submit those joint instructions that have been agreed upon (and labeled as Joint Instruction No. ___), and submit those disputed supplemental instructions which are not agreed upon and (labeled as Supplemental Instruction No. ____). Legal authority should be cited in all instructions. Each supplemental instruction should list any party requesting the instruction as well as any party objecting to the instruction. Along with the notation of the parties objecting to or requesting the instruction, the supplemental instruction should cite the legal authority in support of the requested instruction and the specific basis for each objection to the instruction. Objections should specifically set forth the objectionable material in the proposed instruction. The objection shall contain citation to authority explaining why the instruction is improper and a concise statement of argument concerning the instruction. The numbering of supplemental instructions should begin where the agreed upon joint instructions end. A sample of each type of instruction (agreed upon and objected to) is attached hereto for your reference. Further, a complete sample set of instructions is available for viewing in the Clerk of Court's office.

c) If legal authority is cited that is not reported in the South Eastern Reports or Federal Reports, copies of the cited authority should be attached.

d) It is not proper for the parties to merely agree upon the general instructions, and then submit their own set of substantive instructions. The parties are expected to meet, confer, agree and draft the substantive instructions for the case. The parties should prepare for filing one set of joint and supplemental instructions signed by counsel for each party.

e) These joint instructions and supplemental disputed instructions must be filed, in duplicate, seven days prior to trial.

f) All instructions should be concise, understandable and neutral statements of law. Argumentative or formula instructions are improper, will not be given, and should not be submitted.

g) Failure to comply with any of the above instructions may subject the non-complying party and/or its attorneys to sanctions.

IT IS SO ORDERED.

PATRICK MICHAEL DUFFY
U.S. District Judge

February 21, 1996
Charleston, S.C.