JUDGE RANKIN'S PROCEDURE FOR PRESENTATION OF
DIRECT TESTIMONY BY WRITTEN STATEMENT

In bench trials, the Court expects counsel to prepare, exchange, and file a narrative written statement for each expert witness or any witness whose direct testimony will involve significant technical matters, but no significant issues of credibility. These statements are not to be used for adverse parties or for persons whose attendance is compelled by subpoena. These witness statements shall be used at trial in accordance with the following procedure.

Form of Statement. For each witness whose direct testimony will be presented in statement form, counsel shall prepare a statement setting forth in declaratory form all of the facts to which that witness will testify. The facts shall be stated in a narrative form, not by question and answer. The statement shall contain all of that witness's direct testimony so that a person reading it will know all of the relevant facts to which the witness would testify. It shall not be sworn or notarized.

Use of statements. At trial, each witness whose direct testimony has previously been submitted in statement form shall take the stand and under oath shall adopt the statement as true and correct. The party offering that witness shall then offer the statement as an exhibit, subject to appropriate objections by the opposing party on which the Court will then rule.

The witness will then be allowed to supplement his/her statement by any additional live direct testimony considered necessary by counsel.

Thereafter, cross-examination shall proceed in the ordinary course, followed by redirect, etc.

Exhibits. Documents to be offered as exhibits shall not be attached to witness statements, but shall be pre-marked and exchanged along with other proposed exhibits in the usual fashion.

Schedule for exchange of statements. Ordinarily, witness statements will be exchanged one week in advance of the pretrial conference. The Court will set dates for the serving and filing of witness statements in connection with the pretrial schedule.