

NORTHERN MARIANA ISLANDS

LR 16.11CJ Alternative Dispute Resolution: Non-Binding Summary Jury Trials.

a. Eligible Cases. Any civil case triable to a jury may be assigned for summary jury trial.

b. Selection of Cases. A case may be selected for summary jury trial:

1. By the court at the Case Management Conference; or
2. At any time:
 - a. By the court on its own motion;
 - b. By the court, on the motion of one of the parties; or
 - c. By stipulation of all parties.

c. Procedural Considerations. Summary jury trial is a flexible ADR process. The procedures to be followed shall be determined in advance by the judge in light of the circumstances of the case. The following matters will be considered by the judge and counsel in structuring a summary jury trial:

1. Scheduling. Ordinarily a case will be set for summary jury trial when discovery is substantially completed and conventional pretrial negotiations have failed to achieve settlement. In some cases, settlement prospects may be advanced by setting the case for an early summary jury trial. To facilitate an early summary jury trial, limited and expedited discovery shall be obtained to accommodate earlier settlement potential. The summary jury trial will usually precede the trial by approximately sixty (60) days.

2. Judge. The summary jury trial shall be conducted by the judge to whom the case is assigned or referred.

3. Submission of Written Materials. Certain materials shall be submitted to the court before the summary jury trial begins. These will usually include a statement of the case, stipulations, exhibits, and proposed jury instructions.

4. Attendance. Each individual who is a party shall attend the summary jury trial in person. When a party is other than an individual or when a party's interests are being represented by an insurance company, an authorized representative of the party or insurance company, with full authority to settle, shall attend.

5. Size of Jury Panel. The jury will usually consist of six (6) jurors. To accommodate case concerns, the size of the jury panel may vary. Because the summary jury trial is usually concluded in a day or less, and to provide the court and counsel with additional juror reaction, the judge may choose to use the challenged or unused panel members as a second jury.

6. Voir Dire. Parties will ordinarily be permitted some limited voir dire. The number of challenges to jurors, if any, will be determined in advance.

7. Opening Statements. Each party will have an opportunity to make a brief opening statement to help put the case into perspective. If possible, voir dire and the opening statement will be combined into one procedure, with fifteen (15) minutes allotted for each party.

8. Transcript or Recording. A party may cause a transcript or recording to be made of the proceedings at the party's expense, but no transcript of the proceedings may be submitted in evidence at any subsequent trial unless the evidence would be otherwise admissible under the Federal Rules of Evidence.

9. Case Presentations. As this is not a full trial, it is expected that counsel will present a condensed narrative summary of the entire case, consisting of an amalgamation of an opening statement, evidentiary presentations, and final arguments. In this presentation counsel may present exhibits, or read excerpts from exhibits, reports, and depositions, all of which evidentiary submissions should be subject to the approval of the judge by addressing motions in limine at a reasonable time in advance of the scheduled summary jury trial. This advanced consideration permits the summary jury trial to proceed uninterrupted by objections. Generally, live non-party witnesses will not be permitted, although an exception may be made by the judge. An attorney certifies that offering any such summary of testimony or evidence is based upon a good faith belief and a reasonable investigation that the testimony or evidence would be available and admissible at trial.

10. Jury Instructions. Jury instructions will be given. They will be adapted to reflect the nature of the proceeding.

11. Jury Deliberations. Jury deliberations will be limited in time. Jurors will be encouraged to reach a consensus verdict. If that is not possible, separate verdicts may give the parties a sense of how jurors view the case.

12. Verdict. The jury may issue an advisory opinion regarding liability or damages, or both. Unless the parties agree otherwise, the advisory opinion is not binding and is not appealable.

13. De-Briefing the Jurors. After the verdict, the judge shall initiate and encourage a discussion of the case by the parties and the jurors.

14. Settlement Negotiations. Within a short time after the summary jury trial, the judge and the parties will meet to see whether the matter can be compromised. A sufficient period between the end of the summary jury trial and the meeting is necessary to allow the parties to evaluate matters, but the judge will exercise care not to allow too much time to elapse.

15. Trial. If the case does not settle as the result of the summary jury trial, it will proceed to trial on the scheduled date.

16. Limitation on Admission of Evidence. The judge shall not admit at a subsequent trial any evidence that there has been a summary jury trial, the nature or amount of any “verdict,” or any other matter concerning the conduct of the summary jury trial or negotiations related to it, unless:

- a. The evidence would otherwise be admissible under the Federal Rules of Evidence; or
- b. The parties have otherwise stipulated.