

Circuit 15 Civil Division AE
Supplement to Order Setting Jury Trial
Jury Instructions and Verdict

When the trial is set for a date-and-time certain, all parties shall, together, submit a single, agreed-upon set of jury instructions. In the event the parties are unable to agree on a particular instruction, each party shall submit their proposed instruction together with a brief explanation, including legal authorities, why the Court should utilize it. If a party believes another party's proposed instruction is improper or should otherwise not be used and that none should be used in its stead, that party shall submit their explanation, including legal authorities, why the Court should not utilize it.

The same requirement is applicable to the Verdict Form.

Juror Selection and Challenges

The following procedures shall be followed for typical six-member juries for trials with only one plaintiff and one defendant. In cases in which there are more than two parties participating in the trial or where the law requires a larger-than-six-member jury, the Court, in consultation with the parties, will modify the procedures appropriately.

Unless entitled to more by applicable law, each party shall be entitled to three peremptory challenges. See Fla. R. Civ. P. 1.431(d)

Unless the Court determines otherwise in any case, it will not impanel any alternate. However, if in its discretion, the Court decides to impanel an alternate or two, each party will be allotted one more peremptory challenge to be used only during the selection of the alternate or alternates and only in accordance with Fla. R. Civ. P. 1.431(g)

The Court will rule on all for-cause challenges prior to beginning panel selection from the *venire* to determine which shall remain as eligible prospective jurors.

Plaintiff will be first to indicate whether the first eligible prospective juror is acceptable to them or whether they wish to exercise a peremptory challenge. If the first eligible prospective juror is acceptable to plaintiff or after the Court's determination of the plaintiff's peremptory challenge, the defense will then indicate either acceptance or desire to exercise a peremptory challenge. If the first eligible prospective juror is either acceptable to both sides or after the Court's determination of any peremptory challenge, the defendant then will be first to indicate whether the next eligible prospective juror is acceptable to them or whether they wish to exercise a peremptory challenge and the plaintiff will then indicate either acceptance or desire to exercise a peremptory challenge. Plaintiff and defendant will alternate making first indications on each next-eligible prospective juror thereafter and the foregoing procedure will continue until there is a panel of six eligible prospective jurors.

If a party has not utilized its entire allotment of peremptory challenges when the panel is selected, the party may use any remaining peremptory challenges for back-strikes.

After the Jury is accepted or any unexercised peremptory challenges are waived, the Court will have the jurors sworn as a panel.