

CAUSE NO. _____

PLAINTIFF	§	IN THE DISTRICT COURT OF
	§	
V.	§	HARRIS COUNTY, TEXAS
	§	
DEFENDANT	§	JUDICIAL DISTRICT

STANDING ORDER IN LIMINE

Unless this Court suspends this Standing Order in a specific trial, no attorney shall mention or refer to any of the matters listed below in the presence of the jury or venire without first approaching the bench and securing a ruling from the Court authorizing the reference.

Additionally, attorneys will admonish their client(s), client's representatives, and all non-adverse witnesses called by the attorney to refrain from violating this order unless it is essential to respond truthfully to a question asked by opposing counsel.

1. INSURANCE

Unless the Defendant is an insurance company, do not reference:

- that the Defendant is or is not protected, in whole or in part, by liability insurance;
- that defense counsel was retained by and insurance company;
- that all or any part of the costs of defense, or any resulting judgment, are or will be paid by an insurance company; or
- any other matter suggesting an involvement of any insurance company with the defense of the case.

2. JURORS' CONNECTION WITH INSURANCE INDUSTRY

Do not inquire about a potential juror's:

- present or past employment with the insurance industry;
- past or present connection with the insurance industry; or
- a potential juror's family member's present or past connection with the insurance industry.

You may, however, ask potential jurors:

- about information disclosed on the juror information card about employment in the insurance industry; or
- about their and their family members' experience, if any, reviewing, adjusting, or allowing or disallowing claims. Do not make an express reference to "insurance."

3. LIABILITY OR NON-LIABILITY FOR JUDGMENT

Do not reference that the named Defendant may or may not have to pay any resulting judgment.

4. COLLATERAL SOURCE

Do not reference that any portion of the damages sought by Plaintiff have been or will be paid by any collateral source, including, but not limited to:

- health, accident, or disability insurance;
- any formal or informal employee-benefit plan, including payment of wages for time not actually worked;
- social security or welfare; or
- veterans or other benefits.

Do not reference that Plaintiff received medical services free of charge or for less than reasonable and customary charges, provided that this does not prohibit reference to unpaid charges by a health-care provider who actually testifies for Plaintiff or whose medical records are offered by Plaintiff.

Do not reference any letter of protection securing any such charges.

5. RETENTION OF ATTORNEY

Do not reference the time or circumstances under which either party consulted or retained an attorney. If, however, an attorney referred a party to a health-care provider who testifies or whose medical records are introduced by such party, you may ask about the referral to the health-care provider.

6. ATTORNEYS' FEES

Do not reference that any party will have to pay attorneys' fees.

Unless the jury will consider a claim for the recovery of attorneys' fees, do not reference the amount or basis of any attorneys' fees.

7. INDEPENDENT MEDICAL EXAMINATION

Do not reference that the plaintiff offered, was, or is willing to undergo an examination by an independent physician or psychologist.

8. CRIMINAL OFFENSES

Unless the Court has ruled that evidence of a specific conviction is admissible, do not reference that any party or witness has been suspected of; arrested for; charged with; or convicted of any criminal offense

9. ALCOHOL OR DRUG USE

Unless the Court has ruled that alleged use or abuse of alcohol is relevant and admissible, do not reference that any party or witness uses or abuses alcohol, tobacco, or any controlled substance.

10. SETTLEMENT NEGOTIATIONS OR MEDIATION

Do not reference any negotiations, offers, or demands related to any attempted settlement or mediation.

11. DISCOVERY DISPUTES

Do not refer to any discovery disputes, any position taken by a party regarding a discovery dispute, or the Court's rulings on discovery disputes.

12. PRIOR SUITS OR CLAIMS

Unless the Court has ruled that it is admissible, do not refer to whether a party has been:

- a party to any prior lawsuit;
- has asserted any prior claim; or
- that any prior claim has been asserted against a party.

This does not prohibit questioning about a prior injury if the nature of injuries claimed in the present suit make the prior injury relevant.

13. EX-PARTE WITNESS STATEMENTS

Unless a witness has been called to testify and testifies in conflict with an ex-parte statement, do not refer to an ex-parte statement by any witness or alleged witness. This does not prohibit questioning about ex-parte statements by an adverse party or adverse party's agent.

A deposition or statements in business or medical records that have been proven up as required by the Rules of Evidence are not ex-parte statements.

14. TESTIMONY OF ABSENT WITNESS

Do not refer to the probable testimony of any witness or alleged witness who is unavailable to testify who is not expected to testify in the trial. This does not apply to deposition testimony if the party is expected to testify by deposition.

15. FAILURE TO CALL A WITNESS

Do not refer to an adverse party's failure to call a witness.

16. PHOTOGRAPHS AND VISUAL AIDS

Do not show any documents, photographs, or visual aids to the jury unless they have been tendered to opposing counsel and have either been admitted in evidence or approved by the Court or all counsel for use before the jury.

17. REQUESTS FOR STIPULATIONS

Do not request or demand that counsel admit or deny any stipulation of fact in the presence of the jury.

18. REQUESTS FOR FILES

In the presence of the jury, do not request or demand that opposing counsel produce any documents or things or turn over or allow the examination of any file or briefcase. You may, however, ask to see a document used to refresh the recollection of a testifying witness.

19. DISCRIMINATION

Do not make any argument that a party should be treated more or less favorably because of a party's race, gender, national origin, nationality, religion, marital status, occupation, or financial status. This does not prohibit questioning about financial information in the second phase of a bifurcated trial.

20. SOCIAL COST OF AWARD

Do not make any argument or suggestion that an award of damages will affect insurance premiums, the price of any goods or services, or the level of taxation.

21. HARDSHIP OR PRIVATION

Do not make any argument or suggestion that a failure to award damages will cause a Plaintiff privation or financial hardship.

22. GOLDEN RULE

Do not make any argument or suggestion that the jurors should put themselves in the position of a party.

23. COUNSEL'S OPINION OF CREDIBILITY

Do not make any expression about counsel's personal opinion regarding the credibility of any witness.

24. EFFECT OF ANSWERS TO JURY QUESTIONS

Do not make any argument that any answer in response to a particular jury question will or will not result in a judgment favorable to any party. This provision does not prevent argument by counsel that jurors should answer a particular jury question in a particular way.

25. EVIDENCE NOT PRODUCED IN DISCOVERY RESPONSE TO A PROPER REQUEST

Do not call any witness or offer any document into evidence if the witness or document has not been disclosed in response to a proper discovery request.

If a party has a good-faith basis to urge that the undisclosed witness or document should be allowed because either: (a) no discovery request properly called for disclosure; or (b) good cause exists for failing to timely disclose, the offering party must first approach the bench for a ruling on the witness or document.

To the extent possible, address these matters during pretrial—not during trial.

26. OBJECTIONS TO EVIDENCE NOT PRODUCED IN DISCOVERY

Address objections based on failure to disclose evidence during pretrial. If a party wants to urge an objection during trial about evidence not being disclosed during discovery, the party must request to approach the bench and urge the objection outside the hearing of the jury.

To the extent possible, address these matters during pretrial—not trial. If the Court has overruled an objection during pretrial, a party may urge an objection for the record outside the hearing of the jury when the undisclosed evidence is offered.