

Proposed Standing Order 3-16
Pre-Filed Direct Expert Testimony by Affidavit

At the pre-trial conference held pursuant to Standing Order 1-04, the court may discuss with the parties whether to order, and may order, that the direct testimony of expert witnesses be submitted in advance of trial in the form of sworn affidavits, together with any exhibits to be introduced through the expert witnesses. Such an order shall provide that objections to the admission of some or all of the pre-filed testimony are to be heard by the judge at the start of the trial or as part of a hearing on motions in limine prior to trial. Direct testimony submitted by affidavit pursuant to such an order shall not be considered by the court unless the expert witness appears at trial and is subject to cross-examination. Testimony on re-direct shall be limited to matters raised on cross-examination. Rebuttal testimony deviating from this limitation shall be permitted at the discretion of the judge.