Courtroom 15N

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Requirements

1. Local and Federal Rules

All parties are expected to know and follow the Local Rules of the Eastern District of Missouri, the Federal Rules of Civil and Criminal Procedure, and the Federal Rules of Evidence.

2. Informal Matters

I do not have a set time for informal matters, but am generally available. Please notify opposing counsel and make sure counsel for each party is available before requesting an in-court or Zoom conference.

3. Rule 16 Conferences and Case Management Orders

Civil cases are usually set for Rule 16 conferences after all defendants have entered and at least one defendant has answered or filed a motion in response to the complaint. If for some reason a party believes a conference should be sooner, that party should file a motion. Rule 16 conferences are conducted in person and usually are held in chambers. Any participant who would prefer that the conference be held by Zoom instead of in person may file a motion requesting a Zoom conference no later than a week in advance. When a party appears pro se, the Rule 16 conference is held in the courtroom, on the record. At the Rule 16 conference, the parties should be prepared to discuss the facts of the case and all other matters set out in the Rule 16 Order, including settlement.

4. Scheduling and Status Conferences

Counsel may request a scheduling or status conference when the need arises by filing a motion with the parties' exclusionary dates.

5. Discovery Disputes

All parties are required to make a good faith effort to resolve disputes prior to filing discovery-related motions. Before filing any such motion, the moving party must confer by actually speaking with opposing counsel in person or by telephone. If the parties have met and conferred in accordance with the Local Rules and the Federal Rules of Civil Procedure, and still anticipate the filing of a motion to compel, the parties shall together contact chambers by phone or email to seek an informal resolution prior to filing a motion. The parties may be directed to prepare a joint letter, no more than two pages single spaced, that describes the dispute with specificity, and identifies the nature of the discovery, areas where cooperation has been achieved as to the dispute, and the parties' respective positions. The Court may set the matter for an informal Zoom conference. The parties are expected to continue to meet and confer regarding the dispute prior to the conference.

In accordance with Local Rule 3.04(A), any motion to compel must contain a certification that the moving party has met and conferred with opposing counsel, and motions that do not contain the required certification will be denied without prejudice. If opposing counsel will not respond to attempts to resolve the matter, counsel should detail those efforts in the certification.

6. Alternative Dispute Resolution (ADR)

The Court will refer most civil cases to ADR. Please be prepared to discuss the appropriate timing for referral to mediation at the Rule 16 conference. When setting a date for mediation in the proposed schedule, counsel should consider what discovery they need in order to conduct a meaningful mediation conference. A list of the Court's neutrals and the Court's ADR procedures can be found at www.moed.uscourts.gov. Please note that once the case has been referred to ADR, those deadlines are binding and may only be extended by court order.

7. Expert Witnesses

(a) Be prepared at the Rule 16 conference to discuss the types of expert witnesses who are likely to testify in the case and whether (and when) the names and reports and/or depositions of the experts will be provided. Parties are allowed to stipulate to different ways of disclosing expert opinions, but in the absence of a stipulation, the provisions of Rule 26 will be applied.

(b) Treating health care providers who are testifying as to matters contained in their treatment notes will not be required to prepare reports or provide the other information required by Rule 26(a)(2)(B). In such cases, health care providers will normally be limited to providing opinions that are related to the treatment and disclosed in their notes. In some cases, providers may be required to prepare reports (for example, where the provider is testifying as to causation).

8. Final Pretrial Conference

The final pretrial conference is scheduled at the Rule 16 Conference and memorialized in the Case Management Order. Final pretrial conferences are usually held the week prior to the scheduled trial date. Counsel should be prepared to argue any motions in limine, so that a ruling on such motions can be made in advance of trial. For trials in Cape Girardeau or Hannibal, the final pretrial conference will be held in St. Louis, unless you are notified otherwise. The Court reserves the right to hold additional pretrial conferences prior to the final conference.

9. Trial Settings

Civil cases are set for trial at the Rule 16 Conference and the date and time selected are memorialized in the Case Management Order. The date set for trial is a firm date. Most trials are set for Monday mornings and shall commence at 9:00 a.m. with jury selection.

10. Courtroom Logistics

(a) Available Technology: The Court has evidence presentation equipment, including camera, VCR, DVD, monitors, and hook-ups for computer-stored evidence or computer presentation. An explanation on the use of this equipment is available on the Court's website at www.moed.uscourts.gov under Courtroom Technology. Please call the Case Management Team in the Clerk's office to schedule training before trial. No training will be provided on the day of trial. Training usually takes no more than 30 minutes, and gives you the opportunity to get comfortable with the equipment before trial. If you intend to use your computer with the Court's evidence presentation system, you must confer with the Clerk's office before trial to be sure your settings and connections are appropriate for our system. **No later than eleven (11) days prior to the date set for trial, each party shall notify the Court and opposing counsel of the anticipated use of evidence presentation equipment.**

(b) Decorum: Please stand when the jury enters the courtroom, and at all times when speaking. Also, cell phone usage, eating or drinking (except water), gum chewing, and audible sound makers are not allowed. The use of social media will not be allowed in the courtroom. Persons seated at counsel table shall not make any verbal comments, facial expressions, or other expressions, verbal or nonverbal, to the jury which would be interpreted as conveying a comment one way or the other with respect to any testimony, argument, or event that may occur during trial.

11. Voir Dire/Jury Selection/Jury Instructions

(a) Agreed Statement of the Case: Counsel must supply the Court with a joint brief statement of the nature of the case to be read to panel members during voir dire. Counsel is expected to agree on this statement, which should be phrased in neutral terms.

(b) Voir Dire: The Court will introduce counsel, briefly state the general nature of the case, and ask some general questions directed to the entire panel. Counsel may then inquire into matters relevant to jury selection, but may not ask unnecessary questions in order to establish rapport, ask the jurors to make promises, make speeches, argue the case, or anything else that is not directly designed to elicit relevant information about the potential jurors. In every case, the Court reserves the right to conduct the entire voir dire.

(c) Jury Selection: After all questioning has been completed, the panel will be removed from the courtroom and the Court will immediately request the challenges for cause. No challenges for cause or statements that either the panel or any juror is unacceptable may be made in front of the jury panel. After for cause challenges to jurors, the parties will make peremptory challenges.

(d) Jury Instructions: Eighth Circuit Model Instructions should be used when possible. The parties are strongly encouraged to use the Eighth Circuit's jury instruction builder, available at https://juryinstructions.ca8.uscourts.gov/. Instructions shall indicate the source of or authority for the instruction and be numbered at the top. Parties are required to meet and confer regarding jury instructions and whenever possible submit one package of jury instructions to the Court electronically on behalf of all the parties. When the Parties cannot submit a single package of

jury instructions, submitted instructions shall also indicate the offering party. A final jury instruction conference will be held during a break in trial at the Court's discretion.

12. Trial Procedures

(a) Opening Statements: Opening statements may include exhibits so long as counsel has consent from opposing counsel and advises the Court in advance.

(b) Evidentiary Objections: No evidentiary objections shall be argued in the presence of the jury. Counsel must state the legal basis for the objection in a word (or at most, a phrase) without elaboration or argument (unless called to the bench). For purposes of "making a record," counsel may explain their positions and the Court may explain its ruling on the record after the jury has been excused (or at sidebar).

(c) Recross: Recross is not allowed as a matter of right. It is only allowed if something new is brought out in redirect. If counsel wishes to recross a witness, counsel must approach the bench with the request and tell the Court the areas on which recross is sought. The Court will determine whether the questioning will be allowed.

(d) Closing Arguments: The presumptive time limit in closing arguments is twenty minutes. The clerk will provide counsel a warning to help with time management if requested.