

**JUDGE ANN D. MONTGOMERY
PRACTICE POINTERS AND PREFERENCES**

Contact with Chambers

- Judge Montgomery prefers that lawyers and their staff contact her calendar clerk, rather than her law clerks.

Motion Scheduling

- The calendar clerk will give a date for oral argument in most all cases upon request.
- Oral argument on dispositive motions must take place *at least* 42 days after the filing of a party's motion papers. More often than not, the hearing will occur more than 42 days after a motion is filed. Earlier hearings are allowed where parties consent or where the Court feels an expedited hearing is needed.
- The calendar clerk instructs parties to follow the Local Rules for briefing deadlines. If the parties consent to an adjustment in the briefing schedule, a letter shall be filed on CM/ECF outlining the new briefing schedule.
- As long as a party has filed its motion papers and has received a date from the calendar clerk before the deadline for dispositive motions set in the pretrial scheduling order, that party is in compliance with the pretrial scheduling order.
- For motions to remand, the parties shall brief the issue according to the Local Rules for dispositive motions. Judge Montgomery will determine whether she will hold oral argument or refer the motion to a Magistrate Judge for hearing.
- For motions to reconsider and appeals from Magistrate Judges' orders, the parties shall brief the issue according to the Local Rules. Judge Montgomery will determine whether she will hold a hearing on the matter.
- If a dispositive motion is scheduled according to the Local Rules, Judge Montgomery will hear additional dispositive motions at the same time on a shorter briefing schedule, if counsel agree.
- A party moving for a TRO shall submit its motion papers for review before the court will determine whether a hearing will be held and whether the matter will be referred to a Magistrate Judge.
- TROs, preliminary injunctions, and *Daubert* motions are handled without witness testimony, absent advance permission from the Court.

Written Submissions

- Please follow the Local Rules for word count limitations in memorandums.
- Judge Montgomery requires a written request in advance for additional briefing beyond that prescribed in the Local Rules.

In-Court Proceedings

- Be on time.
- Be formal in the courtroom—stand at the podium and formally address the Court and counsel.
- Judge Montgomery typically allows 15 - 20 minutes to each side for oral argument on dispositive motions. This time limit varies, however, depending on the type and size of case and other matters scheduled the day of argument. Counsel should inquire at the outset of argument if uncertain as to time allowed for argument.
- To encourage law firms to allow newer attorneys the opportunity to argue a motion in court, Judge Montgomery is receptive to having a party present a bifurcated oral argument in which a senior attorney presents one portion of the argument and an associate who has worked on the case presents the other portion. A party exercising this option may receive some additional time for oral argument. Counsel seeking permission to bifurcate oral argument should contact Judge Montgomery's calendar clerk by telephone or email at least one week prior to the scheduled hearing date.
- Please make use of the courtroom technology during oral arguments on motions and at trials. Become familiar with courtroom technology before using it. Demonstrative exhibits, including poster boards, charts and graphs, are permitted.
- Judge Montgomery reads the written submissions in advance, and will ask counsel for clarifications about the facts, if necessary.
- If a party submits additional or new case law at oral argument, counsel must first furnish the additional case law to opposing counsel. Please bring extra copies for the law clerks.

Trial

- The parties are required to meet and confer in advance of trial and then jointly submit to the Court the proposed jury instructions on which they agree.

- Judge Montgomery conducts *voir dire* and, if requested, allows counsel a brief period of time to conduct additional *voir dire*. Proposed *voir dire* questions must be filed electronically.
- Parties planning to present recordings at trial must bear the obligation and expense of preparing such recordings. Attorneys must confer and edit recordings to a reasonable length. Objections to the use of recordings must be made prior to trial. The courtroom is equipped to play these recordings.
- Attorneys should stand when making objections.
- Counsel must conduct examinations from the lectern, and may approach the witness or jury only with permission. Witnesses and opposing counsel must be addressed formally with an appropriate title, first names are not permitted.
- Counsel must mark exhibits prior to trial using plaintiff's numbers or defendant's numbers and include the Court case number.
- Counsel are allowed to use clerks or actors to read depositions in Court when appropriate to the case.
- Judge Montgomery does not require the parties to order daily transcripts. Any party wishing to do so may make arrangements with the court reporter. Judge Montgomery may impose time limits on opening and closing statements as appropriate.

Settlement Conferences

- Judge Montgomery refers all settlement conferences to the Magistrate Judge.
- All matters coming up for trial will be noticed for a settlement conference before the Magistrate Judge prior to trial.
- The Court is willing to engage in more than one settlement conference in a case.