

MAGISTRATE JUDGE ARTHUR J. BOYLAN

PRACTICE POINTERS AND PREFERENCES

Contact with Chambers

- Chief Magistrate Judge Boylan encourages you to contact his judicial assistant, Kathy Thobe, or his law clerks if you have any questions about his practice pointers and preferences.
- To request a transcript of a hearing, please contact the court in writing, making sure you note the case name, case number, date and time of hearing, and what type of hearing was held (i.e., motion hearing, settlement conference, preliminary hearing).
- When arranging for a telephone conference with Chief Magistrate Judge Boylan, the moving or requesting party should have all parties on the line before contacting chambers.

Motion Scheduling

- Parties must file their dispositive motions before the deadline stated in the pretrial scheduling order.
- When rescheduling a motion, it is helpful to have all parties on the line so that a new date/time can be given that works for all parties.
- Before bringing a discovery motion, consider whether the issue can be resolved through an informal telephone conference with the magistrate judge.

Written Submissions

- Chief Magistrate Judge Boylan strictly follows the word count and format rules set forth in the Local Rules.
- Chief Magistrate Judge Boylan strongly discourages the use of procedural devices, such as filing separate motions for partial summary judgment, in order to gain additional briefing allowance.
- When filing exhibits electronically, attach a separate exhibit index that explains where specific exhibits can be found in the electronic attachments.
- Please provide one courtesy copy of submissions (i.e., Rule 26(f) Reports, Motions, Memoranda, Responses, etc.) to chambers.

- Chief Magistrate Judge Boylan prefers that the courtesy copy be organized and exhibits be tabbed.
- Obtain leave from the court prior to filing a reply brief not provided for under the rules of civil procedure or local rules, and prior to filing a brief exceeding the word count or page limits.
- Proposed orders should be e-mailed to the Judge's chambers' e-mail address and should be in Word or WordPerfect format (not in .pdf format).

In-Court Proceedings

- Stand at the podium when addressing the Court and counsel. Address the Court and opposing counsel with civility and formality. Direct your arguments to the Court, not to the law clerk or other court personnel.
- Chief Magistrate Judge Boylan reads all written submissions in advance, so keep that in mind when preparing your oral argument.
- If a party submits additional or new case law at oral argument, counsel must first furnish the additional case law to opposing counsel. Bring three additional copies of cases or any other handouts used in oral argument for the Court.

Trial

- In jury trials, the parties must submit trial statements, exhibit lists, witness lists, deposition designations, motions in limine, proposed *voir dire* questions, and proposed jury instructions 10 days before trial. Responses to motions in limine are due 3 days before trial.
- Exhibits should be marked prior to trial and should correspond to the exhibit list. A joint exhibit list is preferred.
- The court expects the parties to submit a joint proposed statement of the case that can be read to the jury during *voir dire*.
- 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.
- Parties must include citations with proposed jury instructions.
- The parties should consider submitting preliminary instructions that will preview the substantive legal issues in the case.

- If videotaped depositions are to be used at trial, attorneys must confer and edit the tapes to get to the heart of the matter. Any dispute over use of videotape should be raised in limine prior to trial.

Settlement Conferences

- Parties should be prepared to spend the entire day at a settlement conference and be prepared to change travel plans if necessary.