

**CHIEF JUDGE MICHAEL J. DAVIS**  
**Practice Pointers and Preferences**

***Contact with Chambers***

- Chief Judge Davis prefers that lawyers and their staff contact his calendar clerk at 612-664-5073, rather than his law clerks.

***Motion Scheduling***

- Chief Judge Michael J. Davis follows the local rules for scheduling motion hearings. All moving papers must be ready to be filed prior to receiving a hearing date.
- Oral argument on dispositive motions, unless otherwise expedited, 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.
- Chief Judge Davis typically hears civil motions on Fridays. Most Fridays there will be three hearings scheduled for the same day and same time. The order of the hearings are determined by the Chief Judge just prior to the start of the hearing. Please check in with the Calendar Clerk and she will provide attorneys with the order of the hearings. If parties have multiple motions to be heard on the same day, please work together to determine the order of the motions.
- Parties filing papers in an expedited hearing such as a Temporary Restraining Order must submit two sets courtesy copies the same day the motion is filed on ECF. The parties shall properly serve the motion to the other party and contact chambers with the contact information for both sides. The Court will review the moving papers and moving party with a hearing date and briefing schedule.
- Chief Judge Davis hears Daubert motions himself. Please call his calendar clerk to schedule a Daubert motion at some point after expert reports have been filed but well before the deadline for motions in limine.
- On occasion, Chief Judge Davis refers dispositive motions to the Magistrate Judge. This is decided on a case-by-case basis.
- Parties may not file a motion for summary judgement prior to the discovery deadline unless they have received special permission from the Court.

### ***Written Submissions***

- Follow the word and page limits set forth in the Local Rules. Parties shall not file a separate motion for each count of the complaint in order to gain additional briefing.
- Chief Judge Davis does not favor requests to extend page limits. A party must submit a written request in advance to request additional pages.
- Parties should pay particular attention the local rules and ECF rules on filing sealed and redacted documents to assist in protecting the necessary information.
- Please remember that parties are to send chambers two courtesy copies of motion papers under the ECF Filing Rules. Chief Judge Davis prefers that the courtesy copies be organized, with tabs as appropriate, three-hole punched, and bound, stapled, or, if necessary, clamped together. For filings over 1.5 inches, courtesy copies must be tabbed and organized in binders.

### ***In-Court Proceedings***

- Be on time. Please try and arrive at least 15 minutes prior to the scheduled hearing so all parties can be checked in and the hearing can begin on time.
- Be formal in the courtroom—stand at the podium and formally address the Court and counsel.
- Chief Judge Davis has no preference as to which side of the courtroom the parties sit. If there is a question or concern, the parties should contact the calendar clerk.
- Chief Judge Davis generally grants no more than 15 minutes to each side for oral argument on dispositive motions.
- TRO, preliminary injunction, and Daubert motions are handled without witness testimony, absent advance permission from the Court.
- Make use of the courtroom technology during oral argument on motions and at trial. Training can be provided by contacting the Calendar Clerk.
- There is no need to repeat facts that are set forth in the brief. Chief Judge Davis reads the written submissions in advance.
- If a party submits additional information or new case law at oral argument, counsel must first furnish the additional case information to opposing counsel and provide the court with 2 copies.

## ***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.
- Attorneys may request the opportunity to voir dire prospective jurors. If a party's request is granted, Chief Judge Davis generally gives each side 10-15 minutes for voir dire.
- With respect to videotaped depositions, attorneys must confer and edit the tapes to get to the heart of the matter. If the videotapes are unnecessarily lengthy, Chief Judge Davis will curtail the use of the tapes.
- Chief Judge Davis' trial days generally run from 9:00 a.m. to 5:00 p.m., with a 15-minute break in the morning and a 15-minute break in the afternoon, and with one hour for a lunch break Counsel must have sufficient witnesses on hand to assure that testimony can be taken every day until 5:00 p.m.
- Attorneys should stand and use the microphones provided at counsel table when making objections.
- Attorneys should use the lectern when examining witnesses. Attorneys need not ask the Chief Judge's permission to approach a witness.
- If attorneys wish to contact jurors after the trial, they must seek written permission from Chief Judge Davis in all cases.

## ***Settlement Conferences***

- Chief Judge Davis refers all settlement conferences to the Magistrate Judge. In complicated cases, the case may be referred to a special master for an additional settlement conference.
- The parties can request a settlement conference at any time by contacting the Magistrate Judge on the case.
- The Court is willing to engage in more than one settlement conference in a case and often orders additional settlement conferences prior to trial.

If attorneys have any questions or concerns regarding Chief Judge Davis' practices or preferences, they should contact his calendar clerk.