

JUDGE MICHAEL J. DAVIS

PRACTICE POINTERS AND PREFERENCES

Contact with Chambers

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

Motion Scheduling

- The calendar clerk has been instructed not to provide oral argument dates until the day the moving party is ready to file its motion.
- Oral argument on dispositive motions must take place *at least* 45 days after the filing of a party's motion papers. More often than not, the hearing will occur more than 45 days after a motion is filed.
- When the moving party calls to obtain an oral argument date, the calendar clerk will give that party the opposition brief and reply brief deadlines. All three dates are to be included in the movant's notice of motion.
- When a deadline for a submission falls on a weekend, Judge Davis prefers to have the submissions filed on the preceding Friday, not the following Monday.
- Judge Davis prefers that submissions be filed by noon on their due date.
- 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.
- If a party has received an oral argument date and does not file its moving papers on the same day the party receives the date, *e.g.*, the party waits until 45 days prior to the hearing date, the calendar clerk has the right to call and move back the hearing date.
- 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.

Written Submissions

- Follow the word and page limits set forth in the Local Rules.

- Judge Davis does not favor requests to extend page limits. A party must submit a written request in advance to request additional pages.
- If exhibits are voluminous, please submit hard copies of exhibits instead of electronic copies. Please call Judge Davis's calendar clerk with questions regarding whether a particular submission should be filed in hard copy or electronically.

In-Court Proceedings

- Be on time.
- Be formal in the courtroom—stand at the podium and formally address the Court and counsel.
- 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.
- Judge Davis generally grants no more than 15 minutes to each side for oral argument on summary judgment motions. This time limit varies, however, depending on the type and size of case.
- Make use of the courtroom technology during oral argument on motions and at trial.
- There is no need to repeat facts that are set forth in the brief. Judge Davis reads the written submissions in advance.
- If a party submits additional or new case law at oral argument, counsel must first furnish the additional case law to opposing counsel. Also 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.
- Attorneys may request the opportunity to *voir dire* prospective jurors. If a party's request is granted, Judge Davis generally gives each side one-half hour 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, Judge Davis will curtail the use of the tapes.

Settlement Conferences

- Judge Davis refers all settlement conferences to the magistrate judge.
- The parties can request a settlement conference at any time by contacting Judge Davis's calendar clerk or by sending a letter to Judge Davis.
- The Court is willing to engage in more than one settlement conference in a case.