

Chief U.S. Magistrate Judge
Raymond L. Erickson

PRACTICE POINTERS AND PREFERENCES

Contact with Chambers:

Chief Magistrate Judge Erickson prefers that lawyers and their staff contact his Judicial Assistant/Calendar Clerk - Victoria L. Miller - rather than his law clerks, except in her absence.

Proceedings at Courthouse Locations:

Chief Magistrate Judge Erickson conducts all 5th Division cases in Duluth; 6th Division cases in Fergus Falls; and 3rd and 4th Division cases in Minneapolis. If the Court's travel dates do not coincide with the filing of Motions, the Hearing will be conducted in Duluth. Video-conferencing may be requested, but only if all parties are in agreement. (Example, all counsel will be in Minneapolis while Magistrate Judge Erickson will be in Duluth). Phone conferences on Motions may be requested (all parties must be in agreement), and counsel should not assume that because a phone conference has been requested in the papers, that it will be granted. Lengthy arguments and Motions, with numerous attachments/exhibits, will not be conducted by telephone. Counsel should assume a personal appearance in the Court Room for oral argument. The Court will advise it's Judicial Assistant a couple of days before the Hearing, if the Motion may be conducted by telephone and counsel may call to see if the request has been granted.

Motion Scheduling:

All motions to be heard before Chief Magistrate Judge Erickson MUST have a Notice of Motion which includes the date and time of the hearing - EVEN IF THE MOVING PARTY IS NOT REQUESTING ORAL ARGUMENT. If, after a response is filed, and both sides wish to

proceed on the written submissions, counsel should jointly contact the Court's Judicial Assistant on a conference call. Motions filed without a Hearing date will be struck for non-compliance with the Local Rules.

Chief Magistrate Judge Erickson has an "informal" motion procedure regarding pretrial disputes, and counsel are encouraged to use the informal procedure, as needed. The following prerequisites are required:

- a. **MEET and CONFER.** Counsel are required to "meet and confer" regarding the dispute. An attorney's refusal to "meet and confer" is viewed with distinct disfavor, and can be the subject of sanctions.
- b. **AGREEMENT.** All parties must agree to the informal process, unless an exigency is presented which requires urgent relief.
- c. **JOINT CONFERENCE.** A joint telephone conference is to be scheduled with Victoria L. Miller, Judicial Assistant to Chief Magistrate Judge Raymond L. Erickson. **ALL COUNSEL ARE REQUIRED TO BE ON THE TELEPHONE CONFERENCE, UNLESS EXCUSED BY THE COURT.** During this conference, a Hearing date and time will be set, along with deadlines for the parties' two-page, single-spaced (**maximum**) letter brief to the Court, identifying the dispute, and providing support, factual and legal, for the dispute's resolution. The letter brief is to be filed with the Clerk's Office pursuant to the Electronic Case Filing Procedures for the District of Minnesota. The letter brief shall have the following information:

Letter Brief for Informal Hearing on (insert date and time) before Chief Magistrate Judge Raymond L. Erickson.

Counsel are advised that the submission of the two-page letter brief and the hearing date will be set in a very shortened time frame.

Counsel are reminded that the informal Motion practice is only in lieu of the Motions practice outlined in the Electronic Case Filing Procedures for the District of Minnesota/Civil when all parties agree, or when an exigency exists. Parties may insist on the formal Motion practice, absent an exigency.

Written Submission:

All pleadings are to be filed in accordance with the Federal Rules of Civil Procedure, the Local Rules, and the Electronic Case Filing Procedures for the District of Minnesota. A courtesy “hard copy” of all papers and supporting documents are to be sent to Chief Magistrate Raymond L. Erickson through regular mail to: 412 U.S. Courthouse, 515 W. First St., Duluth, MN 55802. **DO NOT EMAIL COPIES OF YOUR PLEADINGS TO THE CHAMBER’S EMAIL ADDRESS.**

In-Court Proceedings:

Be on time.

Be formal in the Court Room - stand at the lectern and formally address the Court and counsel.

There is no need to repeat facts that are set forth in the brief. Chief Magistrate Judge Erickson reads the written submissions in advance, and conducts independent legal research. Be prepared..

If a party submits additional or new case law at oral argument, counsel must furnish opposing counsel and the Court with a copy.

Trial:

Each consented case has a “date certain” Trial setting, and is set according to a conference held with the Court and counsel. After the Status Conference, a Notice of Trial is issued which advises the parties of when trial materials, inclusive of proposed Voir Dire, a Trial Brief, Motions in limine, and proposed Jury Instructions and a Special Verdict form, are due.

Attorneys are allowed to Voir Dire prospective Jurors, much as they would in the Minnesota Trial Courts.

If the Trial is set for Duluth or Fergus Falls, counsel should contact either the Clerk of Court in Duluth, or Chief Magistrate Judge Erickson’s Judicial Assistant, to discuss what technology is available for counsel’s use. Counsel are to provide the equipment that is not in the Court’s inventory. Duluth has an ELMO, and monitors at the Bench and counsel table, and also has VHS, and DVD players with a connected television.

Settlement Conferences:

Settlement Conference will be scheduled in Duluth, Fergus Falls or Minneapolis, according to the case’s venue as much as possible. Chief Magistrate Judge Erickson routinely travels to Minneapolis and Fergus Falls, and every attempt is made to schedule the case on his calendar according to the venue. Counsel should note that because of the St. Paul project, court room space is limited, so some travel dates may need to be altered.

Chief Magistrate Judge Erickson conducts early settlement conferences, however, an early settlement conference is only scheduled when all sides

are in agreement to participate in an early settlement conference, or when directed by the District Court.

Because settlement conference can be conducted at anytime during the pendency of a case, counsel should not assume that because a settlement conference is scheduled, that pretrial deadlines will be ignored.

Other Miscellaneous Procedures:

The Chamber's email address should only be used for the submission of a proposed Order. Do not attach pleadings such as Stipulations, letters, etc. Counsel should advise the Court by using reference to the Docket Number of such a pleading. The email subject line should be as follows: Re: Jones v. Smith Civ. 05-1111. It is not necessary to indicate that it is a proposed Order. Other items may be submitted to the Court through the Chamber's email address, but only when advance permission has been given.

Questions and/or Concerns:

If attorneys have any questions or concerns regarding Chief Magistrate Judge Erickson's practices or preferences, they should contact his Judicial Assistant.