

JUDGE JOHN R. TUNHEIM

PRACTICE POINTERS AND PREFERENCES

Contact with Chambers

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

Motion Scheduling

- The moving party should call the calendar clerk for a hearing date at least 90 days prior to the dispositive deadline date to ensure the motion is heard and filed by the dispositive deadline. This is in compliance with the pretrial scheduling order.
- The calendar clerk usually schedules motion hearings on Tuesday or Thursday mornings. The scheduling of motions is flexible depending upon other court proceedings.
- It is up to the attorneys to file their papers in compliance with the Local Rules.
- The calendar clerk tracks when the papers are due. If necessary, she will contact the attorneys and reschedule the hearing date if the filing of the motion papers is untimely.
- Judge Tunheim hears *Daubert* motions himself. Please call the calendar clerk to obtain a hearing date as soon as the expert reports have been filed.
- Judge Tunheim usually holds Markman hearings himself. This should be scheduled prior to summary judgment. The date should be included in the pretrial scheduling order.
- On occasion, Judge Tunheim refers dispositive motions to the magistrate judge. This is decided on a case-by-case basis.

Written Submissions

- Parties should follow the page limits and/or word count requirements and filing procedures in accordance with the Local Rules.
- Page or word count extensions must be in the form of a motion and must be requested in advance.

In-Court Proceedings

- Parties should stand at the podium and formally address the Court and counsel unless Judge Tunheim directs otherwise.
- Judge Tunheim does not have a preference as to which side of the courtroom the parties choose to sit.
- Judge Tunheim's motion hearings are 20 minutes per side unless permission has been given to exceed that amount of time.
- Attorneys are encouraged to use the technology in the courtroom for motions if appropriate.
- Attorneys should not repeat the facts stated in the briefs, should focus on the key issues in dispute, and should be prepared to answer questions from Judge Tunheim.
- Any additional case law presented at or after oral argument must be furnished to the opposing counsel prior to submitting it to the Court. If submitting the case law the day of oral argument, please supply the Court with two copies.
- If attorneys wish to contact jurors after the trial, they must seek written permission from Judge Tunheim in all cases. If permission is granted, the attorneys may write a letter to the jurors. They may not telephone the jurors. It is fine if the juror responds to the letter by telephoning the attorneys.

Settlement Conferences

- Judge Tunheim refers all settlement conferences to the magistrate judge.
- The parties may request a settlement conference at any time by contacting the magistrate judge. Judge Tunheim may also request the magistrate judge to hold additional settlement conferences.

Trial

- Judge Tunheim issues a Notice of Trial and a Memorandum with instructions as to when trial papers are due six weeks prior to the trial date.
- Attorneys should call the calendar clerk to schedule oral argument on motions in limine. Judge Tunheim may or may not hear argument on all motions in limine.

- Judge Tunheim does not allow attorney *voir dire*.
- Attorneys must use the technology in the courtroom during all trial proceedings. Any other use of technology, screens, white boards, or foam core boards must be pre-approved.
- Judge Tunheim requires attorneys to be trained using the technology in the courtroom and encourages parties to practice prior to the start of trial. Please contact Judge Tunheim's calendar clerk to schedule training and a time to practice using the technology.

Proceedings at Other Locations

- If a court proceeding is scheduled in either the Duluth or Fergus Falls courthouse, please contact the calendar clerk to discuss the use of technology in the courtroom.

Transcripts and other Court Reporter-related Issues

- Attorneys should contact Judge Tunheim's court reporter, Kristine Mousseau, before the start of any trial or hearing if real-time or daily copy transcripts are being requested. Attorneys should give the court reporter as much lead time as possible.

Questions or Concerns

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