



United States District Court
DISTRICT OF MINNESOTA

LR 7.3 TELEPHONIC HEARINGS

(a) General Rule; Form of Requests; Arrangements. The court may allow a telephonic hearing for any pretrial matter.

(1) *Form of Request.* A party seeking a telephonic hearing must request the hearing by filing and serving a letter requesting a telephonic hearing and contacting the judge's courtroom deputy after the letter is filed to coordinate the request. This rule authorizes the party to file this letter by ECF.

(2) *Arrangements.* Unless the court directs otherwise, the requesting party must arrange the logistics of the hearing and must communicate the specific arrangements to all parties before the hearing.

(3) *Transcription.* If any party intends to request that the telephonic hearing be transcribed, that party must inform the judge's courtroom deputy at least 24 hours before the hearing.

(b) Hearings Without Written Notice. When deposition-related issues can and must be immediately resolved to avoid manifest injustice, the court may hold a telephonic hearing without written notice. Unless otherwise directed by the magistrate judge, a party may request such a hearing only in exigent circumstances. If, in such a hearing, a party or its attorney takes a position wholly unsupported by legal authority, the court may impose the sanctions allowed under Fed. R. Civ. P. 37(b).

[Adopted effective November 1, 1996; amended May 14, 2013]

2013 Advisory Committee's Note to LR 7.3

The language of LR 7.3 has been amended in accordance with the restyling process described in the 2012 Advisory Committee's Preface on Stylistic Amendments.

Subsection (a) has been revised to clarify that a party must request a telephonic hearing by filing a letter in ECF and follow up that request by contacting the judge's courtroom deputy. Subsection (a)(3) was added to require that parties inform the judge's courtroom deputy if they intend to have the telephonic hearing transcribed. Telephonic hearings for certain nondispositive motions are recorded at the judge's discretion.

Former subsection (b), which related to requesting a transcript of a telephonic hearing, was deleted as unnecessary with the addition of the language in (a)(3).

1996 Advisory Committee's Note to LR 7.3

In 1993, the Civil Justice Reform Act Advisory Group recommended the use of cost-efficient measures to reduce the expense of civil pretrial proceedings, including increased use of telephonic appearances. The rule on telephonic hearings is based on strong competing interests, and the effort to appropriately balance those interests. On the one hand, the rule reflects the interest in controlling the costs and burdens associated with multiple court appearances, and the economies associated with hearings that do not require personal appearances.

On the other hand, the Court's time is a valuable resource which is carefully scheduled. It is in the interests of justice that previously scheduled matters not be disrupted by spontaneous hearing requests, and that parties and counsel previously scheduled to be in Court be allowed the Court's undivided attention. For that reason, the rule provides for spontaneous telephonic hearings only in exigent circumstances when manifest unfairness would otherwise occur. Each judicial officer retains the discretion whether to entertain spontaneous telephonic hearings on a case-by-case basis.