

JUDGE DAVID S. DOTY PRACTICE POINTERS AND PREFERENCES

Contact with Chambers

- Judge Doty prefers that lawyers and their staff contact his judicial assistant rather than his law clerk.

Motion Scheduling

- The judicial assistant provides a hearing date when a date is requested by counsel.
- Judge Doty does not follow the Local Rules with respect to dispositive motion practice. A standing order is entered in each case describing Judge Doty's practice in detail. Judge Doty's practice is also outlined below.
- The memorandum in support of a dispositive motion is due at least 42 days before the hearing. Any opposition memorandum is due 21 days before the hearing. Any reply memorandum is due 14 days before the hearing.
- When the moving party calls to obtain an oral argument date, it is up to the parties to follow the dispositive motion briefing schedule. If the motion is not fully briefed by the final date of the briefing schedule, which is 14 days before the hearing, the motion hearing may be canceled and the motion may be taken on the papers.
- As long as a party has filed its motion papers and has received a date from the courtroom deputy before the deadline for dispositive motions as set in the pretrial scheduling order, that party is in compliance with the pretrial scheduling order.
- The parties need not meet and confer before filing a dispositive motion.
- Judge Doty does not refer Daubert motions to the magistrate judge. A party seeking to schedule a Daubert motion should contact Judge Doty's courtroom deputy for a hearing date. This date will govern the briefing of the Daubert motion, which is briefed according to the dispositive-motion briefing schedule outlined above. It is Judge Doty's strong preference that Daubert motions be filed and scheduled in conjunction with motions for summary judgment.

Written Submissions

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

- If a party needs additional pages, a party must submit a written request in advance to request additional pages.
- Judge Doty requests two courtesy hard copies of the memoranda of law, and one copy of affidavits, exhibits, and other supporting documents.

In-Court Proceedings

- Be on time.
- Be formal in the courtroom - stand at the podium and formally address the court and counsel.
- In civil cases, Judge Doty has no preference as to which side of the courtroom the parties sit.
- Judge Doty generally grants no more than 15 minutes to each side for oral argument on dispositive motions. This time limit may vary, however, depending on the type and size of case and how many motions are before the court.
- There is no need to repeat facts that are set forth in the brief. Judge Doty 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 and should bring extra copies for the court.

Trial

- Parties are required to meet and confer in advance of trial and then jointly submit to the court an exhibit list on which they agree. Judge Doty also requires the parties to submit joint proposed jury instructions. If the parties disagree as to certain instructions, such disagreement should be noted and provided to the court along with the agreed-on instructions. The parties are also required to agree on a jury verdict form before trial begins.
- Attorneys may request the opportunity to voir dire prospective jurors. However, Judge Doty will only grant such a request if both parties agree to attorney voir dire. If the parties' request is granted, Judge Doty generally gives each side 10 or 15 minutes for voir dire.

- With respect to videorecorded depositions, attorneys must confer and edit the tapes to get to the heart of the matter. If the video is unnecessarily lengthy, Judge Doty will curtail its use.

Settlement Conferences

- Judge Doty refers all settlement conferences to the assigned magistrate judge or a special master.
- The parties can request a settlement conference at any time by contacting the assigned magistrate judge's courtroom deputy or by sending a letter to the assigned magistrate judge.
- The court is willing to engage in more than one settlement conference in a case.