

Magistrate Judge Shannon G. Elkins

Practice Pointers and Preferences

Contact with Chambers

If you have questions about Magistrate Judge Elkins' Practice Pointers and Preferences, please contact Chambers at 651-848-1210, or email at Elkins_Chambers@mnd.uscourts.gov.

If you are emailing Chambers with a question about a specific case, include the case name and number in the subject line of the email and identify yourself and the party you represent in the body of the email.

Neither Magistrate Judge Elkins nor any member of her Chambers will provide answers to substantive or procedural legal questions. Please refer to the Federal Rules of Civil Procedure, the Local Rules for the District of Minnesota, and any applicable statutes and orders in the case.

Neither Magistrate Judge Elkins nor any member of her Chambers will communicate with members of the media about any matter before the Court.

Requests for relief must be brought by motion or stipulation, or by using Magistrate Judge Elkins' informal dispute resolution ("IDR") process, as described below. Email messages and telephone calls to Judge Elkins' Chambers are not proper means for requesting relief from the Court. **Letters to the Court requesting relief will not be considered unless the parties have jointly requested a resolution through the IDR process.**

If you have a question or seek clarification regarding an order entered by Magistrate Judge Elkins, please do not call Chambers seeking an answer or clarification. Instead, obtain permission from Chambers to file a letter on CM/ECF and then submit your question or request for clarification in the letter.

When calling Chambers with a question about a specific case, first identify yourself and the party you represent, and be ready to provide the case name and number.

If you have a question about how to file or access a document on CM/ECF, please contact the ECF Help Desk in the Clerk's Office at 612-664-5155, 866-325-4975 (toll free) or ecfhelpdesk@mnd.uscourts.gov. Helpful ECF reference guides, procedures and other resources are available on the Court's Electronic Filing Tools webpage, which can be found here: <https://www.mnd.uscourts.gov/electronic-filing-tools>.

Resources for Pro Se Litigants

People who represent themselves without a lawyer's help are called "pro se litigants." Magistrate Judge Elkins expects pro se litigants to be familiar with and follow the Federal Rules of Civil Procedure and the Local Rules for the District of Minnesota. A free copy of the Federal Rules of Civil Procedure is available here: <https://www.uscourts.gov/rules-policies/current-rules-practice-procedure/federal-rules-civil-procedure>, and the Local Rules can be found here: <https://www.mnd.uscourts.gov/court-info/local-rules-and-orders>. A guidebook and other useful resources for pro se litigants are available on the District Court's web site, which you can find here: <https://www.mnd.uscourts.gov/representing-yourself>.

First Pretrial Conference and Rule 26(f) Reports

If the Order Setting Pretrial Conference in a case sets the Rule 16 conference for an in-person proceeding, Magistrate Judge Elkins will consider a request to hold the Rule 16 conference remotely by videoconference (Zoom for Government) or telephone. Requests should be made by emailing Chambers at Elkins_Chambers@mnd.uscourts.gov before the Rule 26(f) report is due. Copy all counsel of record and state the reason for the request and whether all counsel agree to a remote Rule 16 conference.

When you file the Rule 26(f) report, please email a courtesy copy in both Word and PDF format to Elkins_Chambers@mnd.uscourts.gov.

Informal Dispute Resolution ("IDR") and Civil Motion Practice

Meet and Confer

- Except as otherwise specified in Local Rule 7.1(a), the parties must comply with the meet-and-confer requirement before calling to request a hearing date, filing any motion, or requesting Informal Dispute Resolution (IDR). This requirement is intended to lead to a meaningful, good faith exchange of views, and if possible, a full or partial resolution of the issue(s) in dispute. To satisfy Rule 7.1(a), parties must diligently attempt to resolve their dispute(s) in person, by videoconference or by telephone. Cursory conversation or exchanges of emails, letters, or voice messages will be considered insufficient.
- If the moving party is unable to meet and confer before filing a motion because the opposing party was unavailable before the motion due date, the moving party should file a meet-and-confer statement with the initial motion explaining that the moving party was not able to meet with the opposing party before filing the motion and the reasons why. The moving party must promptly meet and confer with the opposing

party as soon as possible after filing the motion and file an amended meet-and-confer statement pursuant to Local Rule 7.1(a)(1)(B).

Unopposed Motions and Stipulations

Whenever a party seeks relief from the Court, that party should file a motion—as opposed to a stipulation—even if the parties agree regarding the requested relief. The party requesting relief may bring an unopposed motion; if both parties seek the relief, the parties may bring a joint motion. In filing such a motion, the filing party must file: (1) the motion, including a statement regarding the opposing party’s non-opposition or joinder; (2) a proposed order; and (3) supporting affidavits or exhibits, if any. The filing party does not need to contact Chambers for a hearing date and file a notice of hearing unless a hearing is requested and does not need to file a memorandum or separate meet-and-confer statement. The Court may, at its discretion, schedule a hearing on any such motion upon reviewing the moving party’s submissions.

Informal Dispute Resolution

During the meet-and-confer, the parties must discuss whether to resolve the dispute through Magistrate Judge Elkins’ IDR process. The IDR process is available to resolve non-dispositive disputes. Typically, when the parties use the IDR process, they do not brief the matter and do not file declarations or sworn affidavits. IDR offers an efficient means to promptly resolve issues, but because it is relatively informal, a decision through IDR is not appealable to the District Judge or the Eighth Circuit. For this reason, all parties with a stake in the disputed issue must agree to use the IDR process.

If the parties agree to use the IDR process, they must jointly contact Chambers to schedule a Zoom video conference. Each party will then submit a short letter confirming that the party has agreed to resolve the dispute through IDR, setting forth the issue(s) to be resolved, and stating that party’s position. Charts and bullet-point summaries of the issue(s) are encouraged. Unless otherwise specified by the Court, letter submissions shall be no more than three (3) pages long and must be emailed to Chambers and all parties at least two (2) business days before the Zoom video conference.

Obtaining a Motions Hearing or Informal Conference Date

Unless a motion is unopposed, the moving party must contact Magistrate Judge Elkins’ Chambers at 651-848-1210 to schedule a motions hearing. **A hearing date must be requested before the motion is filed, even if the parties agree that no hearing is**

necessary. If the parties agree that a hearing is not necessary, the moving party should include a statement to that effect in the Notice of Hearing. Judge Elkins will determine whether to cancel the hearing at her discretion or may authorize the moving party to file a Notice of Hearing indicating a hearing date “to be determined.”

Before scheduling a motions hearing date, the Court, at its discretion, may require the parties to participate in an informal conference to discuss the dispute and determine whether the issues can be resolved or narrowed without motion practice.

Before calling Chambers for a hearing date, the moving party should alert all other parties of the intent to do so. The parties should inform Chambers of all other pending or anticipated motions so the motions can be heard at the same time.

If a hearing date or time must be rescheduled, it is helpful to have counsel for all parties on the line at the same time so that an effort can be made to avoid potential scheduling conflicts.

Magistrate Judge Elkins may schedule oral argument to be heard telephonically or by Zoom for Government rather than in person, and Magistrate Judge Elkins will consider requests from the parties for remote hearings. Counsel should meet and confer regarding any request for a remote hearing. Requests should be made by emailing Elkins_Chambers@mnd.uscourts.gov, copying all counsel of record, and should state the reason for the request and whether all counsel agree to a remote hearing.

Filing Motion Papers

Once the moving party has secured a hearing date, that party must promptly serve and file the notice of hearing informing all parties of the nature of the motion and the date, time, and location of the hearing. The moving party shall serve and file the motion and remaining motion papers in compliance with the dates prescribed by Local Rule 7.1, unless the Court sets a different briefing schedule. A party may not call Chambers to secure a hearing date or “hold” a hearing date without promptly serving and filing a notice of hearing.

Please **do not send paper** courtesy copies of filings to Chambers. Parties should email courtesy copies of proposed orders in Word format to Elkins_Chambers@mnd.uscourts.gov.

If a pending motion is resolved, please notify Chambers as soon as possible so that any scheduled hearing can be removed from the calendar. If a motion has been partially resolved, please notify Chambers which parts have been resolved and no longer need to be addressed by the Court. If time permits, notification should be by joint stipulation, as provided by Local Rule 7.1. A party seeking to withdraw a motion should file a formal

notice of withdrawal on CM/ECF.

Memoranda, declarations, and other filings should refer to the record using citations to the CM/ECF docket number rather than any other applicable identifier (e.g., title, exhibit number or bates number).

In-Person Hearings

Counsel should be prepared to refer to the record using citations to the CM/ECF docket number (e.g., Dkt. No. 22) rather than any other applicable identifier (e.g., title, exhibit number, or bates number).

Magistrate Judge Elkins will read all relevant filings in advance of a hearing. The hearing is primarily to allow questions to be put to counsel and receive clarifications from counsel.

If you intend to use visual aids at a hearing, such as PowerPoint or other presentation graphics, bring sufficient hard copies for the Court, law clerk, and opposing counsel to be used in case of technology issues. The copy should reference the case number and case name.

If you intend to use paper copies of cases, documents, etc., you must bring sufficient copies for the Court, the law clerk, and opposing counsel.

If you plan to use courtroom technology, please become familiar with it ahead of time. Training can be arranged by contacting Judge Elkins' Chambers at 651-848-1210 or Elkins_Chambers@mnd.uscourts.gov.

Remote Hearings

Remote hearings will be held telephonically or using Zoom for Government. Counsel are responsible for ensuring that they and any participants affiliated with them have tested the technology and understand how to use it. Before any Zoom video hearing begins, counsel must review the District's instructions for participating in a Zoom video conference here: <https://www.mnd.uscourts.gov/sites/mnd/files/Preparing-to-Participate-in-a-Zoom-Video-Conference.pdf>.

If Magistrate Judge Elkins is holding a status conference or hearing by Zoom for Government, instructions for joining will be circulated via email.

Attorneys who anticipate using presentations, exhibits, or demonstratives during a hearing by Zoom for Government should inform Chambers by emailing Elkins_Chambers@mnd.uscourts.gov before the hearing and copying all counsel of record so that necessary arrangements can be made to the Zoom settings.

Counsel are expected to conduct themselves during a hearing by Zoom for Government in the same manner they would during an in-person hearing in the courtroom. This includes wearing appropriate courtroom attire and maintaining courtroom decorum throughout the remote proceeding.

Settlement Conferences

Magistrate Judge Elkins will consider requests that a settlement conference be held by Zoom for Government. Counsel should meet and confer regarding a request for a remote settlement conference. Requests should be made by emailing [Elkins Chambers@mnd.uscourts.gov](mailto:Elkins_Chambers@mnd.uscourts.gov). Copy all counsel of record and state the reason for the request and whether all counsel agree to a remote settlement conference. Magistrate Judge Elkins will determine whether a remote settlement conference is appropriate for a particular case. If a settlement conference will be held remotely, counsel must review the District's instructions for participating in a video proceeding, which are available here: <https://www.mnd.uscourts.gov/sites/mnd/files/Preparing-to-Participate-in-a-Zoom-Video-Conference.pdf>. Counsel are expected to wear courtroom attire and maintain courtroom decorum throughout the proceeding.