

JUDGE SUSAN RICHARD NELSON
PRACTICE POINTERS AND PREFERENCES

Contact with Chambers

- Judge Nelson encourages you to contact her courtroom deputy at 651-848-1970, if you have questions about her preferences and procedures.
- Please direct questions to Judge Nelson's courtroom deputy, not her law clerks. The law clerk will initiate contact with the parties if the Court deems it appropriate.

Motion Practice

- Contact Judge Nelson's courtroom deputy to schedule oral argument on dispositive motions.
- Judge Nelson prefers that the moving papers and memorandum be filed at the same time and specifically within the scope of Local Rule 7.1, which is 42 days before the scheduled hearing date. As long as a party has received a date from the courtroom deputy before the deadline for dispositive motions set in the pretrial scheduling order, that party is in compliance with the pretrial scheduling order.
- Any party choosing to file a motion, in lieu of an answer, under Rule 12 of the Federal Rules of Civil Procedure, should be prepared to be heard on that motion 42 days after the motion is filed or soon thereafter.
- When scheduling a motion, the parties should work together and inform the courtroom deputy of all motions pending in a particular case to ensure that they are all heard together. Also, if there are related cases with related motions, the parties should inform the calendar clerk of this fact.
- A party moving for a TRO must submit its motion papers before the Court will schedule the TRO hearing.
- Motions to transfer, remand, and compel arbitration are to be briefed as dispositive motions under the Local Rules.
- Judge Nelson hears *Daubert* and *Markman* motions herself. Please contact the calendar clerk to schedule a *Daubert* motion at some point after expert reports have been filed but well before the deadline for motions in limine.
- All discovery motions are heard by the Magistrate Judge.

Written Submissions

- Judge Nelson expects the parties to follow the word count and format rules set forth in the Local Rules. In certain circumstances, permission will be given to exceed the word limit.
- Requests for page or word count extensions should be submitted by filing a letter on ECF and must be requested in advance of filing the subject brief.
- The parties are to send chambers two courtesy copies of motion papers under the Local Rules. Judge Nelson requires that the courtesy copies be organized, with tabs as appropriate, three-hole punched, without staples. For voluminous filings, courtesy copies tabbed and organized in binders are welcome. Courtesy copies are expected to be received in chambers no later than the day after documents are filed on ECF.
- When a deadline for a submission falls on a weekend, the submissions should be filed on the following Monday.

In-Court Proceedings

- Please try to arrive at least 15 minutes before the hearing is scheduled. Judge Nelson almost always begins hearings at the scheduled time.
- Please stand at the podium when addressing the Court and counsel. Address the Court and opposing counsel with civility and formality.
- Judge Nelson has no preference as to who sits at any particular counsel table.
- Judge Nelson typically allows 30 minutes to each side for oral argument on motions. This includes summary judgment, preliminary injunction, and *Daubert* motions. When multiple motions are being heard, the time allotment for arguments will be subject to the Court's discretion. Please contact the calendar clerk if you believe you will need more time.
- Parties are encouraged to make use of courtroom technology during oral argument on motions and at trial. Please bring copies of any power points used during oral argument for opposing counsel and two copies for the Court. Please become familiar with courtroom technology before using it. Training can be arranged through the calendar clerk.
- TRO, preliminary injunction, and *Daubert* motions are generally handled without witness testimony, absent advance permission from the Court.

- If a party submits additional or new case law at oral argument, counsel must first furnish the additional case law to opposing counsel. Please bring two additional copies of cases or any other handouts used in oral argument for the Court.
- Judge Nelson reads all written submissions in advance, so please keep that in mind when preparing your oral argument.

Trial

- Judge Nelson will issue a trial notice containing detailed instructions for the parties at least two months prior to the start of trial.
- Exhibits should be marked prior to trial and should correspond to the exhibit list.
- Prior to trial, two sets of hard copies of the exhibits should be delivered to chambers, in binders and tabbed by Exhibit number.
- The Court expects the parties to submit a joint proposed statement of the case that can be read to the jury during *voir dire*.
- Judge Nelson conducts most of the *voir dire* herself, using a combination of standard questions and case-specific questions submitted by the parties. Counsel are usually given 10-15 minutes to conduct *voir dire* after Judge Nelson completes her questions.
- If videotaped depositions are to be used at trial, attorneys must confer and edit the tapes. Any dispute over use of videotape should be raised in limine prior to trial.
- Counsel must have sufficient witnesses on hand to assure that testimony can be taken every day until 5:00 p.m.

Settlement Conferences

- Judge Nelson refers most settlement conferences to the Magistrate Judge. The parties can request a settlement conference at any time by contacting the Magistrate Judge. The Court will allow more than one settlement conference in a case.

Miscellaneous

- Judge Nelson prefers that her full name, Susan Richard Nelson, be used in the preparation of proposed orders.