

Magistrate Judge Elizabeth Cowan Wright

Practice Pointers and Preferences

April 2023

Contact with Chambers

- If you have questions about Magistrate Judge Wright’s Practice Pointers and Preferences, please contact her Courtroom Deputy at 651-848-1890 or email her [Chambers](mailto:Cowan_Wright_Chambers@mnd.uscourts.gov) at Cowan_Wright_Chambers@mnd.uscourts.gov.
- Members of Magistrate Judge Wright’s Chambers will not provide answers to legal questions. This includes procedural questions that would be governed by the Federal Rules of Civil Procedure, the Local Rules for the District of Minnesota (“Local Rules”), or the applicable pretrial scheduling order in the case.
- Emails and telephone calls to Magistrate Judge Wright’s Chambers are not proper means for requesting relief from the Court. Requests for relief must be brought by motion, stipulation, or using Magistrate Judge Wright’s informal dispute resolution (“IDR”) process.
- Members of Magistrate Judge Wright’s Chambers will not communicate with members of the media about any matters before the Court.
- When calling Chambers with a question regarding a specific case, please first identify yourself and the party you represent, and have the case name and number ready to provide to Chambers.
- If you have a question or seek clarification regarding an order entered by Magistrate Judge Wright, 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.
- If you have a question about how to file a document on CM/ECF, please call the Technical Help Desk in the Office of the Clerk of Court at 612-664-5000. You are also directed to the District’s [Electronic Filing Tools](#), which has several useful resources.

Resources for Pro Se Litigants

- Pro se litigants can find free, online access to the Federal Rules of Civil Procedure [here](#), and the Local Rules for the District of Minnesota can be found [here](#). Additionally, the [Pro Se page on the District's website](#) has several other useful resources for pro se litigants. Magistrate Judge Wright expects pro se litigants to be familiar with and to follow the Federal Rules of Civil Procedure and the Local Rules.

First Pretrial Conference and Rule 26(f) Report

- If the Order Setting Pretrial Conference in a case sets the Rule 16 conference for an in-person proceeding, Magistrate Judge Wright will consider requests to hold the Rule 16 conference remotely, by telephone or videoconference (Zoom for Government). Requests should be made by emailing [Chambers](#) before the Rule 26(f) report is due, copying all counsel of record, and should state the reason for the request and whether all counsel agree to a remote Rule 16 conference.
- Please email courtesy copies of the Rule 26(f) Report in both Word and PDF format to [Chambers](#) when the Report is filed.

Motion Practice

- Magistrate Judge Wright does not consider letter-writing or email campaigns to satisfy the letter and spirit of the meet-and-confer requirement of the Local Rules.
- Once the moving party has secured a hearing date, it 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 may serve and file the motion and remaining motion papers in accordance with the dates prescribed by Local Rule 7.1, unless a different briefing schedule is set. A party may not call Chambers and secure a hearing date or “hold” a hearing date without that party promptly serving and filing a notice of hearing.
- 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 to let the Court know what 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. If a party intends to withdraw a motion, the party should file a notice formally withdrawing the motion on CM/ECF.

- Please provide one electronic courtesy copy of submissions in the form of a single PDF file to [Chambers](#) on the day the filing occurs or the next business day. The PDF copy must be text-searchable and, if voluminous, have appropriate electronic bookmarks. Please also provide a paper courtesy copy of submissions to Chambers, with appropriate tabs if the submissions are voluminous. Courtesy copies should include motions, memoranda, responses, declarations, affidavits, exhibits, proposed orders, etc., but it is not necessary to provide copies of the certificates of service or certificates of word-count compliance.
- Magistrate Judge Wright’s IDR process is available to resolve non-dispositive disputes. Typically, if the IDR process is used, the matter is not briefed and declarations and sworn affidavits are not filed. Consequently, the matter is not appropriate for appeal to the District Judge or the Eighth Circuit. Therefore, all parties must agree to use the IDR process. If there is no agreement to resolve a dispute through IDR, then the dispute must be presented to the Court through formal motion practice.

If the parties agree to pursue the IDR process, the parties must jointly contact Chambers to schedule a telephone hearing. The parties will then be allowed to each submit a short letter setting forth the issue(s) to be resolved. If not otherwise specified by the Court, the letter submissions shall be no more than three (3) pages in length and should be served and emailed to [Chambers](#) at least two (2) business days before the telephone hearing.

Scheduling Hearings (In Person, Telephonic, or Zoom for Government)

- All motions to be heard by Magistrate Judge Wright must be scheduled through Magistrate Judge Wright’s Courtroom Deputy at 651-848-1890 or by emailing [Chambers](#). When scheduling a motion, the parties should inform Chambers of all motions pending or anticipated so they can be heard at the same time. Also, when scheduling a motion, the party calling in should have alerted the other side that they will be calling to obtain a hearing date.
- Magistrate Judge Wright will consider requests to hear oral argument telephonically or by Zoom for Government rather than in person. Counsel should meet and confer regarding a request for a remote hearing. Requests should be made by emailing [Chambers](#), copying all counsel of record, and should state the reason for the request and whether all counsel agree to a remote hearing.
- When scheduling a motion, the parties should inform Chambers if there are related cases with related motions.

- 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 a new date or time can be provided that will work for all parties.
- Even if the parties agree that a motion can be submitted on the papers without oral argument, they must contact Chambers to set the date for submission of the matter to the Court. The matter will be deemed submitted upon receipt of the last filing. The Court will determine whether to hold a hearing.

In Person and Remote Hearings (Telephonic or by Zoom for Government)

- In Person
 - If you intend to use visual aids at an in-person hearing, such as PowerPoint or other presentation graphics, bring sufficient copies for the Court, the law clerk, and opposing counsel. The copies should reference the case name and case number.
 - If you intend to use paper copies of cases, documents, etc., at a hearing, bring sufficient copies for the Court, the law clerk, and opposing counsel.
 - If you plan to use the courtroom technology, please become familiar with it ahead of time. Training can be arranged through the Court's I.S. Department by first calling Magistrate Judge Wright's Courtroom Deputy at 651-848-1890. Magistrate Judge Wright and her staff are not responsible for the courtroom technology's functioning, so have a back-up plan if the technology is not available at the hearing, including paper copies of visual aids.
- Telephonic
 - When calling in for a scheduled telephonic status conference or telephonic hearing with Magistrate Judge Wright, the Court will generally use a conference bridge. Chambers staff will provide the necessary call-in information to counsel via email.
- Video (Zoom for Government)
 - If Magistrate Judge Wright is holding a status conference or hearing by Zoom for Government, instructions for joining will be circulated via email.
 - Counsel are responsible for ensuring that they and any participants affiliated with them have tested the technology and understand how to use

Zoom for Government. If Magistrate Judge Wright decides to hear argument by Zoom for Government, counsel must review the District's instructions for participating in a Zoom for Government proceeding, available [here](#).

- If counsel anticipate using a presentation, exhibits, or demonstratives during a hearing by Zoom for Government, they should inform Chambers by emailing [Chambers](#) before the hearing, 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.
- In General
 - Counsel should be prepared to refer to the record using citations to the CM/ECF docket (e.g., Dkt. No. 22 rather than "Exhibit M").

Settlement Conferences

- Magistrate Judge Wright expects all parties and counsel to fully comply with any Order for Settlement Conference issued by the Court.
- Magistrate Judge Wright 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 [Chambers](#), copying all counsel of record, and should state the reason for the request and whether all counsel agree to a remote settlement conference. Magistrate Judge Wright will determine if the settlement conference is appropriate for resolution by Zoom for Government based on a number of factors, including the complexity of the case, the burden appearing in person would impose on the parties, the amount in controversy, the parties' settlement positions, and the progress the parties have made towards settlement as of the date of the request. If a settlement conference will be held by Zoom for Government, counsel must review the District's instructions for participating in a Zoom for Government proceeding, available [here](#). Counsel are expected to wear courtroom attire and maintain courtroom decorum throughout the proceeding.