

**JUDGE JERRY W. BLACKWELL**  
**PRACTICE POINTERS AND PREFERENCES**

***Contact with Chambers***

- Judge Blackwell encourages you to contact his courtroom deputy at 651-848-1160 if you have questions about his preferences and procedures.
- Please direct questions to Judge Blackwell's courtroom deputy, not his law clerks. A law clerk will initiate contact with the parties if appropriate.
- Ex parte communication on substantive matters is prohibited. Substantive matters must be addressed either in a formal motion or a letter of no more than two pages filed on ECF. No letter may be filed prior to receiving permission from chambers. Except in an emergency, questions via telephone or email should be limited to scheduling and to Judge Blackwell's preferences and procedures. Attorneys should review the ECF docket prior to contacting chambers with questions regarding the docket and the scheduling of conferences.
- Do not call chambers to request an adjournment of a court date except in an emergency. All requests for adjournments of conferences or extensions of time must be made in writing, at least two business days in advance of the deadline or scheduled appearance, must be filed on ECF, and must state (1) the original date; (2) the reason for the request; (3) how much additional time is needed; (4) the number of previous requests for adjournment or extension by either party and whether these previous requests were granted or denied; (5) that the requesting party first conferred with all other parties to discuss alternative, mutually agreeable dates; (6) whether the adversary consents and, if not, the reasons given by the adversary for refusing to consent; and if so, (7) mutually agreeable proposed alternative dates. If the requested adjournment or extension affects any other scheduled dates, a proposed Amended Scheduling Order must be attached.

***Motion Practice***

- Any party choosing to file a motion instead 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. If there are related cases with related motions, the parties should inform the courtroom deputy.
- A party moving for a TRO must file its motion papers before a TRO hearing will be scheduled. The Notice of Hearing should be filed with a "To Be Determined" hearing

date. After the motion papers are filed, the moving party must contact chambers to request a telephone status conference. An expedited briefing schedule may be issued and a hearing may be held as necessary. If a hearing is scheduled, the moving party must promptly file and serve a notice of hearing, informing all parties of the date, time, and location of the hearing.

- Parties may not file a motion for summary judgment before the discovery deadline unless they have received prior permission. Denial of a request for permission to file an early summary judgment motion shall not be taken as an indication of Judge Blackwell's view regarding the merits of the proposed motion.

### ***Written Submissions***

- Judge Blackwell expects parties to follow the word count and format rules set by the Local Rules. Parties shall not file a brief exceeding the word count limits without prior permission. Requests to exceed a word limit must be made well in advance of the briefing deadline by filing a letter on ECF that concisely states the basis for the request.
- Parties shall not use procedural devices—such as filing an explanatory letter or multiple contemporaneous or near-contemporaneous dispositive motions—to obtain additional briefing space. *See* Local Rule 7.1(c)(4).
- One printed courtesy copy of briefs, declarations, and exhibits must be submitted if the pages total 100 or more. The courtesy copies must be organized with tabs as appropriate, single-sided, three-hole punched, without staples.
- For any brief in support of or in opposition to a motion that relies on 100 or more pages of exhibits, affidavits, and/or declarations, the submitting party must also provide chambers with a hyperlinked electronic courtesy copy in accordance with Judge Blackwell's Standing Order No. 2.
- When submitting deposition transcripts as exhibits, parties are encouraged to bookend all excerpts with at least three transcript pages before and after the excerpted portion in order to provide appropriate context. If the citations and bookends amount to more than half of a deposition transcript, the full transcript should be submitted. Printed deposition transcripts included with a courtesy copy should be printed with four transcript pages per printed sheet.
- When a submission deadline falls on a weekend, the submission should be filed on the following Monday.

### ***In-Court Proceedings***

- Please arrive at least 15 minutes before the hearing is scheduled. Judge Blackwell expects to begin hearings at the scheduled time.
- Please stand at the podium when addressing Judge Blackwell and opposing counsel. Address Judge Blackwell, opposing counsel, witnesses, and court staff with civility and formality, using titles and last names. All attorneys will be held to the highest professional standards.
- Parties may make use of courtroom technology during oral argument on motions and at trial. Please bring printed copies of any PowerPoint used during oral argument for opposing counsel and two copies for Judge Blackwell and his staff. Please become familiar with courtroom technology before using it. Training can be arranged through the courtroom deputy. Please consider the necessity and effectiveness of PowerPoint slides before using them. Do not use PowerPoint slides as a script for your argument.
- TRO, preliminary injunction, and *Daubert* motions are generally handled without witness testimony, absent advance permission.
- If a party submits additional or new case law at oral argument, counsel must first provide the additional case law to opposing counsel. Please bring two additional copies of cases or any other handouts used in oral argument.
- Judge Blackwell reads all written submissions in advance, so please keep that in mind when preparing your oral argument.

### ***In-Court Opportunities for Professional Growth***

- Judge Blackwell strongly encourages lead counsel to permit attorneys with six or fewer years of experience and diverse attorneys to examine witnesses at trial and to present argument at a hearing.
- All attorneys appearing in court are expected to be adequately prepared and thoroughly familiar with the factual record and the applicable law, and to have a degree of authority to speak on behalf of a client commensurate with the proceedings.
- If a lawyer with six or fewer years of experience will be arguing a motion, Judge Blackwell will consider permitting more experienced counsel of record the ability to provide assistance, where appropriate, during oral argument.
- Judge Blackwell may provide notice that a matter will be taken under advisement on the papers with no hearing, unless it will be argued by an attorney with six or fewer years of experience.

*Miscellaneous*

- Judge Blackwell prefers that his name, Jerry W. Blackwell, be used in the preparation of proposed orders.