

JUDGE MICHAEL J. DAVIS
Practice Pointers and Preferences

Contact with Chambers

- Judge Davis requires that lawyers and their staff contact his courtroom deputy at 612-664-5070, not his law clerks.

Motion Scheduling

- Judge Michael J. Davis follows the local rules for scheduling motion hearings. All moving papers must be ready to be filed prior to receiving a hearing date.
- Oral argument on dispositive motions, unless otherwise expedited, must take place at least 42 days after the filing of a party's motion papers. More often than not, the hearing will occur more than 42 days after a motion is filed.
- Judge Davis typically hears civil motions on Thursdays. Most Thursdays there will be multiple hearings scheduled for the same day and same time. The order of the hearings are determined by the Judge just prior to the start of the hearing. Please check in with the Courtroom Deputy and she will provide attorneys with the order of the hearings. If parties have multiple motions to be heard on the same day, please work together to determine the order of the motions prior to the hearing date.
- Parties filing papers in an expedited hearing such as a Temporary Restraining Order must submit two sets courtesy copies the same day the motion is filed on ECF. The parties shall properly serve the motion to the other party and contact chambers with the contact information for both sides. The Court will review the moving papers and provide the moving party with a hearing date and briefing schedule.
- Judge Davis hears Daubert motions himself. Please call his courtroom deputy to Schedule a Daubert motion at some point after expert reports have been filed but well before the deadline for motions in limine.
- On occasion, Judge Davis refers dispositive motions to the Magistrate Judge. This is decided on a case-by-case basis.
- Parties may not file a motion for summary judgement prior to the discovery deadline unless they have received special permission from the Court.
- If you wish to extend a deadline for a filing, keep in mind it is best to file the motion or stipulation well in advance. Please ensure the Court has plenty of time to review the fully briefed motion prior to the hearing date.

Written Submissions

- Follow the word and page limits set forth in the Local Rules. Parties shall not file a separate motion for each count of the complaint in order to gain additional briefing.
- Judge Davis does not favor requests to extend page limits. A party must submit a written request in advance to request additional pages.
- Parties should pay particular attention the local rules and ECF rules on filing sealed and redacted documents to assist in protecting the necessary information.
- Please remember that parties are to send chambers two courtesy copies of motion papers under the ECF Filing Rules. Judge Davis requires that the courtesy copies be organized, with tabs as appropriate, three-hole punched, and bound, stapled, or, if necessary, clamped together. For filings over 1.5 inches, courtesy copies must be tabbed and organized in binder. Sealed copies should not be individually wrapped. Please just include them in the proper binders.

In-Court Proceedings

- Be on time. Please try and arrive at least 15 minutes prior to the scheduled hearing so all parties can be checked in and the hearing can begin on time.
- Be formal in the courtroom—stand at the podium and formally address the Court and counsel.
- Judge Davis has no preference as to which side of the courtroom the parties sit. If there is a question or concern, the parties should contact the courtroom deputy.
- Judge Davis generally grants no more than 15 minutes to each side for oral argument on dispositive motions.
- TRO, preliminary injunction, and Daubert motions are handled without witness testimony, absent advance permission from the Court.
- Make use of the courtroom technology during oral argument on motions and at trial. Training can be provided by contacting the courtroom deputy.
- There is no need to repeat facts that are set forth in the brief. Judge Davis reads the written submissions in advance.
- If a party submits additional information or new case law at oral argument, counsel must first furnish the additional case information to opposing counsel and provide the court with 2 copies.

- Judge Davis has always encouraged and continues to encourage newer lawyers to actively participate in cases by presenting oral argument at motion hearings. There are not ample opportunities for the newer attorneys to get court experience, so the Court is flexible and will allow for bifurcated oral argument if necessary to allow the new associates a chance to present their case in front of the Court. It is especially encouraged during trial, to allow the newer attorneys a chance to examine witnesses. Please contact chambers if you have any questions regarding this preferred practice.

Trial

- The parties are required to meet and confer in advance of trial and then jointly submit to the Court the proposed jury instructions on which they agree. Parties shall stipulate to as many exhibits as possible prior to trial.
- Attorneys may request the opportunity to voir dire prospective jurors. If the request is granted, Judge Davis generally gives each side 10-15 minutes for voir dire.
- With respect to videotaped depositions, attorneys must confer and edit the tapes to get to the heart of the matter. If the videotapes are unnecessarily lengthy, Judge Davis will curtail the use of the tapes.
- Judge Davis' trial days generally run from 9:00 a.m. to 5:00 p.m., with a 15-minute break in the morning and a 15-minute break in the afternoon, and with one hour for a lunch break. Counsel must have sufficient witnesses on hand to assure that testimony can be taken every day until 5:00 p.m.
- Attorneys should stand and use the microphones provided at counsel table when making objections.
- Attorneys should use the lectern when examining witnesses. Attorneys need not ask the Judge's permission to approach a witness.
- A clean copy of the exhibit list needs to be provided to the jurors prior to deliberation. The list shall not include exhibits that were not admitted into evidence and reviewed by both parties along with the Court.
- If attorneys wish to contact jurors after the trial, they must seek written permission from Judge Davis in all cases.

Settlement Conferences

- Judge Davis refers all settlement conferences to the Magistrate Judge. In complicated cases, the case may be referred to a special master for an additional settlement conference.

- The parties can request a settlement conference at any time by contacting the Magistrate Judge on the case.
- The Court is willing to engage in more than one settlement conference in a case and often orders additional settlement conferences prior to trial.

If attorneys have any questions or concerns regarding Judge Davis' practices or preferences, they should contact his courtroom deputy