

THE HONORABLE JAMIE L. ANDERSON

FOURTH JUDICIAL DISTRICT

PRACTICE POINTERS & PREFERENCES

I. CONTACT WITH CHAMBERS

Counsel may contact Judge Anderson’s chambers with questions related to procedural matters not covered by the rules or any applicable orders. Counsel should email chambers at 4thJudgeAndersonStaff@courts.state.mn.us, copy opposing counsel, and reference the court file number in any email or call. No substantive legal questions should be asked via phone or email. Email correspondence is preferred over phone calls.

II. SCHEDULING ORDERS

Parties should meet and confer regarding any amendments to the Scheduling Order. If the parties cannot agree, the party requesting the amendment must submit a letter brief explaining the good faith basis for the party’s request.

If the parties are aware of conflicts during a trial block, they must notify chambers immediately. If the parties want to request a date-certain trial, they should make the request early and in writing.

Judge Anderson disfavors requests for continuances of the trial date.

III. INFORMAL TELEPHONE CONFERENCES

Judge Anderson will hold informal telephone conferences to resolve matters outside of formal motion practice (including discovery and scheduling issues) pursuant to Rule 115.04(d) at her discretion. Counsel must call chambers to request an informal telephone conference and counsel should be prepared to explain the circumstances that warrant an informal telephone conference. Judge Anderson will not accept or review any submissions prior to the telephone conference unless such submissions were requested by the Judge.

IV. MOTION PRACTICE

Judge Anderson expects parties to comply with the Rules of Civil Procedure and the Rules of General Practice with respect to a party’s meet-and-confer obligations.

The moving party should email 4thJudgeAndersonStaff@courts.state.mn.us to obtain a hearing date and provide the clerk with a preferred week to schedule it.

Judge Anderson typically sets aside 30 minutes for hearings. Parties may request 1 hour for hearings on dispositive motions. If a party needs additional time, call chambers and ask for additional time.

Judge Anderson carefully reads all filings before oral argument. Counsel should not restate material submitted in their written filings during oral argument. Brevity is appreciated and effective.

If parties are filing cross-motions for summary judgment, Judge Anderson wants the parties to confer regarding scheduling before contacting chambers so the motions can be heard on the same date.

No discovery dispute may be brought before the Court unless the parties have conferred and made a good faith effort to settle their dispute as contemplated by Minn. R. Civ. P. 37.01(b) and Minn. Gen. R. Prac. 115.10. The party raising the unresolved discovery issue shall first request a telephone conference with the Court and other parties to determine if the dispute can be resolved without a formal motion. Only if the telephone conference does not resolve the dispute may a formal motion be scheduled. In order to request a telephone conference, file a letter with the Court, briefly describing the dispute. A courtesy copy of the filed letter may be emailed to 4thJudgeAndersonStaff@courts.state.mn.us in order to expedite obtaining a conference date.

To assist the Court, parties shall send the Court one hard copy of any submission more than 30 pages in length. Judge Anderson does not have a preference on how materials are bound (e.g., three ring binders, three-hole punch, etc.) however the materials must be bound. Do not submit loose, clipped or elastic tied documents.

Judge Anderson does not have a preference regarding whether counsel sits at counsel table or uses the podium during oral argument.

Judge Anderson allows the use of demonstratives during hearings and encourages their use for complex matters. Parties must ask the Court's permission before using demonstratives and they must share it with opposing counsel in advance of the hearing.

If counsel wish to use technology in the courtroom during motion hearings, they should set up and run the technology on their own, not relying on Court staff.

Practice Pointers

On motions to compel, counsel should focus on what they actually want, i.e., the information or documents they are seeking, rather than arguing the merits of the case.

On dispositive motions, counsel should not repeat what is in the briefs – Judge Anderson will have read them before the hearing. Counsel should instead focus on the main points and be prepared to address the tough questions and discuss the authorities cited in support of their arguments.

If counsel intends to present new case authority at oral argument, he/she must provide a courtesy copy of the case to the Court and to opposing counsel prior to the beginning of the hearing.

V. PRETRIAL PROCEDURES

A pretrial conference will typically be set approximately one month before the trial block. The parties should come to the pretrial conference prepared to discuss how long they expect trial to last and to provide an update on the parties' mediation efforts. The parties should also be ready to address any issues they foresee coming up at trial. Pretrial conferences may last anywhere between 5 and 30 minutes depending on the issues that need to be addressed.

For a jury trial, Judge Anderson is willing to discuss settlement with the parties at the pretrial conference if they think it would be helpful.

Judge Anderson typically hears motions *in limine* the first morning of trial. If there are voluminous motions *in limine* and the parties would like a separate hearing date, they should be prepared to ask for one at the pretrial conference.

If the parties anticipate using deposition testimony during the trial and have objections to portions of that testimony, they should raise this issue with Judge Anderson during the pretrial conference so that she has enough time to consider the issues before trial.

Pretrial Filings

The more factual stipulations the better.

Parties should send two hard copies of the exhibits to chambers – one set for the Judge and one set for her clerk. Counsels should also prepare hard copies of the exhibits for the witnesses.

The trial memoranda should provide an overview of the case, including an introduction of the witnesses and a description of the issues to be decided. The trial memorandum should also include the elements of what the party with the burden of proof must show.

If there are no applicable CIV JIGs, the parties must submit authority to support their argument regarding how the jury instructions should be drafted.

Practice Pointers

If there are certain issues that the parties anticipate will arise during trial or will be subject to an ongoing dispute at trial, they need to raise it with Judge Anderson at the pretrial conference. There should be no surprises at trial.

VI. TRIAL PREFERENCES

The Court expects a high level of decorum in the courtroom during trial. This includes counsel asking to approach a witness, staying within the well during opening and closing, and similar expectations with which counsel should be familiar.

Counsel shall not make speaking objections; counsel should only state the legal basis (1-3 words) for the objection. Counsel may request a sidebar during a jury trial, if needed, and the Court will put a summary of the sidebar on the record at the next break after the jury has been excused.

If any party wants daily trial transcripts, he/she must make arrangements with the Court Reporter Unit in advance of trial. 4thCourtReporterUnit@courts.state.mn.us

Jury Trial

Jury trials are generally scheduled from 9:00 a.m. to noon, with one twenty-minute break, and 1:30-4:30, with one twenty-minute break.

A tentative special verdict form and jury instructions must be drafted prior to the commencement of trial, with the understanding that modifications may occur throughout the court of the trial.

Voir Dire: Judge Anderson will ask preliminary questions. The parties are allowed to submit questions for Judge Anderson to consider. The timing for the submission of questions should be discussed at the pretrial conference. After Judge Anderson asks the preliminary questions, Counsel will be given an opportunity to ask additional questions but may not repeat lines of questioning already covered by the Court. Judge Anderson prefers parties to waive the presence of a court reporter during voir dire.

Practice Pointers

Counsel should be prepared to start on time and to raise issues before trial so that the jury does not have to wait outside the courtroom for prolonged periods of time.

Court Trial

Judge Anderson typically does not require opening statements in court trials. The parties must request permission to have opening statements.

Judge Anderson prefers written closing arguments with proposed findings of fact and conclusions of law.

VII. MISC.

Proposed Orders should be sent in Word format to Judge Anderson's staff (see email address in Section I above).

If parties have pervasive discovery issues, Judge Anderson will appoint a special master to oversee the disputes and order the parties to split the cost for the special master.