

**THE HONORABLE EDWARD T. WAHL
FOURTH JUDICIAL DISTRICT
CIVIL PRACTICE POINTERS & PREFERENCES**

I. Contact with Chambers

- The proper procedure for contacting Judge Wahl’s chambers is via email directly to Judge Wahl’s law clerks or to the chambers’ email address.
- Judge Wahl routinely conducts telephone conferences. Judge Wahl expects that the attorneys will have conferred with one another prior to contacting chambers to schedule or appear for a telephone conference.

II. Motion Practice

- Judge Wahl holds discovery motions only after the parties have satisfied the “meet and confer” requirement, have submitted a letter to Judge Wahl, and have appeared on a telephone conference before the Judge.
- Judge Wahl requires that the attorneys alert the Court to the existence of any settlement or resolution of the case as soon as possible so that the Court is not required to prepare for a hearing or trial that will not occur.
- Judge Wahl requires that attorneys meet and confer face to face in accordance with the rules of civil procedure. A letter does not satisfy the “meet and confer” requirement. Judge Wahl occasionally reminds attorneys that discovery should not seek to obtain all documents referring or relating to a matter but should instead seek documents sufficient to show a fact or resolve an issue. He expects all counsel to be aware of and appreciate the rules of civil procedure’s requirements relating to proportionality of discovery.
- Judge Wahl accepts telephone calls from attorneys to rule on discovery disputes that occur during the course of a deposition.
- Attorneys and parties wanting to schedule a motion hearing should contact Judge Wahl’s law clerks to schedule the motion after speaking with one another.
- Judge Wahl hears motions at any time of the day after the attorneys have satisfied the “meet and confer” requirement.
- Judge Wahl requires that cross-motions for summary judgment occur on the same day.
- Judge Wahl does not rubber-stamp requests for protective orders or to file documents under seal. The Court is an open and public forum and Judge Wahl carefully considers requests for protective orders or to file documents under seal. The Minnesota Supreme

Court and the Minnesota Court of Appeals hold that the category of documents to be filed under seal and subject to a protective order is very narrow.

- Judge Wahl prefers not to change trial dates once they are set, although he will do so if both parties agree and for good cause.

III. Written Submissions

- Judge Wahl disfavors requests for word / page enlargements. Judge Wahl grants these sorts of requests after hearing from all attorneys. Judge Wahl encourages attorneys to edit their briefs very carefully and to write economically so that word / page enlargements are not required.
- Judge Wahl occasionally grants requests for variations / extensions from the briefing schedule, although he only does so after hearing from all attorneys. Contact Judge Wahl's law clerks with these sorts of requests.
- Judge Wahl requests two (2) hard copies of all motions. Judge Wahl does not require that the copies be indexed or tabbed, but he suggests that attorneys be reasonable in considering how to make their motions most readable and accessible to the Court.
- Judge Wahl requires that attorneys show they have noticed the other party, where appropriate, before scheduling motions for preliminary injunctions / temporary restraining orders.

IV. In-Court Proceedings

- Judge Wahl strongly urges attorneys and parties to be on time for all hearings.
- Judge Wahl prefers that attorneys stand when addressing the Court. Judge Wahl reminds attorneys to speak loudly enough so that the microphone will pick up what the attorney says.
- Judge Wahl does not place time restrictions upon attorneys arguing dispositive or non-dispositive motions, but asks that attorneys be reasonable and respectful of the Court's time.
- Judge Wahl allows parties to bifurcate oral argument with advanced notice to his law clerks.
- Judge Wahl asks that attorneys not recap material from their written submissions during oral argument.
- Judge Wahl occasionally takes live witness testimony during hearings on preliminary injunction / temporary restraining order motions.

- If an attorney intends to present new case authority at oral argument, i.e. cases not cited in the papers, a courtesy copy must be provided to the Court and to opposing counsel.
- Attorneys are free to use technology in the courtroom so long as they use it competently and are familiar with the technology.
- Attorneys are expected to be polite, reasonable, practical problem-solvers at all times when appearing before Judge Wahl.

V. Pretrial Procedures

- Judge Wahl issues scheduling orders and pretrial orders in every case. He issues pretrial orders six to eight weeks before trial. The orders contain important dates and set forth the duties and obligations of counsel, including when to submit witness and exhibit lists, deadlines for bringing motions, and all other housekeeping details for trial. Judge Wahl's pretrial orders also address the submission of jury instructions, special verdict forms, and witness lists.
- Judge Wahl asks preliminary questions of jurors during *voir dire* and then allows counsel to question jurors. Judge Wahl does not require questions to be submitted to him in advance. Judge Wahl expects that counsel will be respectful of jurors' time and privacy.
- Judge Wahl requires parties to argue motions *in limine* at pretrial conferences.
- Judge Wahl encourages settlement between parties at all times. Judge Wahl expects the parties to engage in settlement discussions during pretrial conference. Judge Wahl discusses settlement with parties at every opportunity. He encourages parties and counsel to look at settlement as a goal, and not to think of settlement discussions as a sign of weakness.
- Counsel may request settlement conferences by contacting Judge Wahl's law clerks.

VI. Trial

- Predictable trial schedules are important for jurors and their schedules. Judge Wahl begins trials at 9:00 a.m., gives a 15-minute break in the morning, an hour and a half for lunch, a 15-minute break in the afternoon, and breaks for the day at 4:30 p.m.
- Judge Wahl asks counsel to be reasonable when giving notice to opposing counsel about which witnesses will testify on a particular day.
- Judge Wahl requests that attorneys stand while objecting and briefly state the basis for the objection. Judge Wahl conducts serious substantive discussions at the bench.

- Judge Wahl does not require attorneys to stand at the podium when examining witnesses or addressing the jury, but encourages attorneys to consider standing, as it may be useful for argument. Judge Wahl asks that counsel not invade the jury's space.
- Judge Wahl asks attorneys to tell him how long opening statements and closing arguments will take and then asks attorneys to stay within that time frame.
- Judge Wahl requires attorneys to ask the Court's permission before approaching a witness and to address witnesses and opposing counsel formally during trial.
- Judge Wahl asks that counsel stipulate to as many exhibits as possible prior to trial. He prefers hard copies of exhibits and expects exhibits to be marked prior to trial. If the parties stipulate to the admission of exhibits, Judge Wahl will consider the exhibit introduced into the record when referenced. Judge Wahl does not consider a stipulated exhibit part of the record if it is not referenced during trial.
- The use of video or audio recordings must be of sufficient quality and viewable by everyone if they are to be used in Court.
- Judge Wahl allows attorneys to use actors to read deposition transcripts during trial.
- Attorneys may obtain daily transcripts during trial by contacting the court reporter.
- Judge Wahl allows attorneys to contact jurors after the conclusion of trial in accordance with the rules, so long as the jurors consent to being contacted and are willing to speak to the attorneys.
- Judge Wahl expects all attorneys to be practical problem-solvers who are familiar with the rules of civil procedure and the rules of general practice.