

**THE HONORABLE AMY DAWSON
FOURTH JUDICIAL DISTRICT
PRACTICE POINTERS & PREFERENCES**

I. Contact with Chambers

- Counsel may contact Judge Dawson’s law clerks with questions related to procedural matters not covered by the rules or any applicable orders. Counsel should have the court file number at hand when calling chambers. Clerks will not answer substantive legal questions.
- Guidance on many procedural points is provided in the applicable scheduling orders. Failure to comply with the terms of these orders may result in sanctions, including but not limited to monetary sanctions, striking of pleadings, and such other relief.
- Judge Dawson does not accept unsolicited correspondence from parties and/or attorneys, except with respect to scheduling matters or as is otherwise provided by Rule or Statute. All unsolicited correspondence will be discarded or returned. Counsel and parties should call the clerk to schedule a telephone conference so that both parties can be heard in real time on any issue that requires an informal conference.

II. Motion Practice

- Hearings on dispositive motions are generally scheduled for one hour; non-dispositive motions are ordinarily scheduled for 30 minutes. Extra time may allowed upon request on a case-by-case basis.
- Discovery motions may not be scheduled unless there has been a telephone conference to discuss the discovery dispute (or interrogatory or deposition question and answer). When discovery motions are permitted the language and date of both the original discovery request (or interrogatory or deposition question) as well as the language and date of the opposing party’s answer or objection should be set forth in their entirety, accompanied by, or as a part of a memorandum of law.
- No discovery dispute shall be brought to the attention of the Court unless the parties have conferred and made a good faith effort to settle their dispute pursuant to Rule 37.01(b) of the Minnesota Rules of Civil Procedure and Rule 115.10 of the Minnesota Rules of General Practice.
- Parties should call the clerk as soon as possible in advance of a hearing to inform the Court that a contested motion is resolved or partially resolved.
- Parties may not stipulate to changes in scheduling orders without submitting the stipulation to Judge Dawson for approval. Requests for changes will be denied absent good cause shown, and subsequent requests will be routinely denied except in the most extraordinary circumstances.

- Pursuant to Rule 115.02 of the Minnesota Rules of General Practice, any party who obtains a motion date shall promptly notify all parties so that cross motions may be heard in a single hearing. Parties shall avoid filing cross motions for summary judgment on the same or substantially similar issues. When the parties reasonably anticipate that such cross motions may be filed, they shall confer in order to avoid duplicative cross motions. Failing agreement, the parties shall teleconference with the Court.
- For summary judgment motions, counsel shall consult and comply with Rule 115.03(d) of the Minnesota Rules of General Practice. For all motions, references to depositions shall specify the tab number, page number, and line number. References to interrogatories shall specify the tab number, page number, and interrogatory number. References to Requests for Admissions shall specify the tab number, page number, and request number. All other references shall similarly be as specific as possible so that the content of the supporting material can be readily located. References shall include, wherever possible, the page number, paragraph number or other description sufficient to identify the location of the cited material.
- The attorneys or parties shall email to chambers a Microsoft Word file of any proposed order before all motion hearings.

III. Written Submissions

- Requests for enlargements of word limits or variations in the briefing schedule are disfavored and will only be granted in exceptional circumstances.
- Submission of documents “under seal” should only occur pursuant to a protective order approved by the Court and be based upon legitimate concerns about confidentiality.

IV. In-Court Proceedings

- Attorneys may sit or stand at counsel’s table when addressing the court.
- Judge Dawson carefully reads the briefs before the oral argument. Judge Dawson does not use oral argument to listen to attorneys summarize what is in the briefs; instead, he uses oral argument to engage in a back-and-forth discussion of the case with the attorneys. Counsel should focus on the most important point and supporting caselaw and be prepared to answer detailed questions about the case, including questions about the evidence in the record.
- Live witness testimony is generally not allowed during hearings on preliminary injunction/temporary restraining order motions. Requests to present testimony at a hearing must be made in writing as far in advance as possible, copying all parties.

- Courtesy copies of any new authority should be provided to the Court and opposing counsel before the hearing begins.

V. Pretrial Procedures

- Generally, Judge Dawson's policy is not to schedule a pretrial conference in all cases, however a pretrial/settlement conference may be set at her discretion or after consideration of the request of any party.
- The attorneys or parties shall meet at least three weeks before trial to exchange all exhibits intended to be introduced at trial and to discuss any other pre-trial issues, including objections to deposition testimony. At this conference, the parties shall discuss any anticipated motions in limine with a view toward resolving any issues by agreement. To the extent the parties are unable to resolve anticipated motions in limine, the parties shall determine whether an informal telephone conference with the Court may assist in avoiding the necessity for motion practice, and if so, contact the Court's chambers to schedule a telephone conference.
- The Court is not inclined to consider dispositive motions presented in the form of motions in limine.
- All trial briefs (optional), exhibit lists, witness lists and any motions in limine shall be filed with the Court no later than 2 weeks before the scheduled trial block. Responses to motions in limine, if any, shall be filed no later than 1 week before the scheduled trial block.
- In preparation for a jury trial, the parties shall meet and confer and attempt to agree upon the special verdict form(s) and jury instructions, in a form to be given to the jury (not merely CIVJIG numbers), which shall be submitted no later than 2 weeks before the scheduled trial block. In the event the parties cannot agree, each shall provide a reasoned memorandum with citation to legal authority asserting the basis for or against the requested instruction and/or special verdict form, which shall be submitted by no later than 2 weeks before the scheduled trial block.
- All witnesses shall be available at all times during trial, except when good cause is shown. In cases involving out-of-state witnesses, the better practice is to request a day certain trial date.
- The attorneys or parties shall provide the Court with two (2) copies of all trial exhibits no later than 2 weeks before the scheduled trial block. **All exhibits shall be pre-marked, in a single series of Arabic numbers and bound in a three-ring binder with dividers and tabs, and accompanied by an Exhibit List.** The parties shall coordinate with one another so that the same exhibit numbers are not used by both. The parties shall attempt to stipulate as to admissibility of exhibits, and the stipulations shall be a part of the exhibit list filed with the Court. Any exhibits not included on the exhibit list filed with the Court, shall not be admissible at trial. If either party objects to the admission of any exhibit proposed by the other party in their exhibit list, they must send a written objection explaining the grounds for their objection no later than 2 weeks before the scheduled trial block. Responses to objections, if any, shall be submitted no later than 1 week before the

scheduled trial block. Judge Dawson's goal is to address all objections to exhibits prior to trial.

- The attorneys or parties shall e-mail the Court's clerk with Microsoft Word files of all proposed jury instructions, special verdict forms, and proposed orders.
- Judge Dawson disfavors requests for continuances on the date of trial.

VI. Trial

- Trial days are generally scheduled from 9 a.m. to noon with one 20 minute break, and continue from 1:30 p.m. to 4:30 p.m. with a second 20 minute break.
- Judge Dawson will ask prospective jurors questions during *voir dire* as well as allow attorneys to conduct *voir dire*. Counsel may submit questions for Judge Dawson to ask prospective jurors upon request. Counsel may not discuss the facts of the case or similar hypotheticals, or disputed issues of law during *voir dire*. Counsel shall not engage in any "relationship building" by asking the same questions to each individual prospective juror which may instead may be addressed to the entire group of prospective jurors. Written juror questionnaires will be considered for use in particular cases if filed with other pretrial submissions two weeks before trial.
- A short, non-argumentative summary of the anticipated evidence is allowed as an opening statement.
- Attorneys should notify other parties of the witnesses they intend to call the following day.
- Attorneys should stand and state the basis for making any objection. Attorneys may request to approach the bench if they wish to argue the objection.
- Attorneys should remain at counsel's table when examining witnesses, and use the podium during opening, closing, and *voir dire*. Permission is required to approach the witness during cross-examination.