

**THE HONORABLE ELIZABETH V. CUTTER**  
**FOURTH JUDICIAL DISTRICT**  
**PRACTICE POINTERS & PREFERENCES**

**I. Contact with Chambers**

- The proper procedure for contacting your chambers is either phone or email contact, depending on the issue.
- Scheduling and logistic questions can be directed to my clerks at [4thjudgecutterchambers@courts.state.mn.us](mailto:4thjudgecutterchambers@courts.state.mn.us). Opposing counsel should be included on all communications with the Court.
- Telephone conferences may be held for scheduling and other matters including discovery issues. A written order will follow all matters heard on the record and telephone conferences.

**II. Motion Practice**

- All trial-related motions are addressed in a Scheduling Order. All issues raised in motions should be briefed, including legal authority supporting the motion.
- Parties should notify the Court as soon as a resolution is reached so that the time scheduled for a contested hearing can be used for other matters.
- Motions are addressed in a Scheduling Order.
- Motions for attorney's fees, *in forma pauperis*, and other administrative motions may not require a hearing.
- Court administration rules determine when matters can be filed confidentially or under seal. We do not hear criminal cases at this time.
- All requests for continuances or changes in the scheduling order must be in writing, filed before the date the party is requesting be continued, and provide good cause for the continuance. The continuance may not be granted, even if all parties agree, if good cause is not demonstrated.
- Proposed orders, in word form, are required in all cases.

**III. Written Submissions-briefing**

- Generally, both written and oral arguments are preferred. Oral arguments should include matters not addressed in the written materials. Proposed orders submitted in advance are always appreciated.

- Written submissions need be filed during business hours on the due date unless there is a specific request for a later filing.
- Always email a courtesy copy to the Court. E-filing can take a day or longer to reach chambers. No hard copies are required so long as an electronic copy is sent.
- One electronic copy of any case authority to be submitted is sufficient.

#### IV. **In-Court Proceedings**

- Attorneys should arrive at the time scheduled for the hearing. If there are matters that need to be addressed before the hearing, please let my staff know in advance if additional time is needed.
- Attorneys should stand when addressing the Court. We do not have a podium in the courtroom but can have one available, if requested.
- No preference for which table/side of the courtroom each party sits at.
- The time scheduled for motion hearings depends on the complexity of the issues. Generally, motion hearings are scheduled for an hour. If more time is needed, please let my staff know at the time the hearing is scheduled.
- Please assume that I have read the materials and do not spend time reviewing it.
- It is always a good idea to provide a courtesy copy of the case to the Court and opposing counsel if an attorney intends to present new case authority at oral argument, i.e. cases not cited in the papers.
- Attorneys generally ask whether they can bring equipment into the courtroom. Attorneys may use any technology that is necessary for the presentation of their cases. Telephones may not be used in the courtroom without specific permission by the Court and for a specific reason.

#### V. **Pretrial Procedures**

- I do issue a pre-trial order/notice and I am happy to provide a copy upon request.
- At this time, I am not handling jury trials, so no jury trial procedures are included here.
- Motions *in limine* are addressed in the Scheduling Order and are heard on the first day of trial in most cases.
- The pre-trial scheduling conference is scheduled within two weeks of the commencing calendar.

- I prefer that all relevant matters related to pre-trial settlement discussions be on the record.
- If a settlement conference would be helpful, contact my staff to schedule a time for the conference.

**VI. Trial**

- A typical trial day (start and end times, break for lunch, time and length of morning and afternoon breaks) is as follows: 9:00-12:00 and 1:30-4:30. 20 minute break in the morning and again in the afternoon.
- Generally, attorneys should let opposing counsel know the order of witnesses at least a half-day in advance.
- Speaking objections are not allowed. Attorneys should state the objection and the legal basis. If needed, I will ask the attorneys to approach but that is rare. If attorneys would like to approach, they may ask but the request may be denied.
- Attorneys are not required to stand at the podium when examining witnesses.
- I do not impose time limits on opening statements or closing arguments.
- Attorneys ask the Court's permission before approaching a witness for the opponent.
- Witnesses, defendant, and opposing counsel must be addressed formally during trial, unless the witness is under 10 years of age.
- Exhibit questions are answered in the Scheduling Order. Electronic copies are permitted.
- Proper handling of exhibits, according to the rules, is required. If a transcript will be used in trial, opposing counsel should have a copy before trial.
- Attorney use of technology in the courtroom during trial is addressed above. If the equipment being used belongs to one party, it would be that party's decision to allow another to use it. Generally, the parties agree to share equipment.
- If daily transcripts are needed, please let my staff know well in advance of trial so that arrangements can be made.