

**THE HONORABLE JUDGE BURNS
FOURTH JUDICIAL DISTRICT
PRACTICE POINTERS & PREFERENCES**

I. Contact with Chambers

- It is recommended that all communication, whether scheduling, logistics, or substantive be sent to staff at 4thJudgeBurnsStaff@courts.state.mn.us.
- All communication via e-mail must have opposing party copied on the e-mail.
- In special situations, depending on time and location, Judge Burns may allow telephone conferences in accordance with the rules. Counsel should contact staff to make arrangements.

II. Motion Practice

- Counsel should e-mail staff as soon as possible in advance of a hearing to inform the Court that a contested motion is resolved or partially resolved. Counsel should ensure that all parties are included in the e-mail.
- Anyone requesting a continuance or change in scheduling should first contact opposing party. Counsel should inform the court of the reason that a continuance is being requested.

III. Written Submissions-Briefing

- All written submissions must be e-filed by the end of business (4:30) on the due date.
- Courtesy copies should be sent to staff by e-mail if they are time sensitive. Counsel should ensure that all parties are included in the e-mail.
- Counsel should contact staff to arrange pleas by mail. Counsel should ensure that all parties are included in the e-mail.
- Judge Burns requests that only unpublished cases be submitted along with written submissions.

IV. In-Court Proceedings

- Judge Burns prefers that counsel arrive on time for hearing, and that they notify staff if there will be a delay.
- Notice for a waiver of appearance should be done in writing either filed or have the waiver with them in accordance with the rules.

- Oral arguments do not need to recap the material from written submissions. Oral arguments should be focused on additional information. Counsel should be prepared for a discussion of the issues and questions from Judge Burns.
- If additional case law is presented at oral argument, it is recommended that a hard copy of that case be provided to the court.
- Judge Burns encourages the use of technology in the courtroom. Counsel should have the technology prepared ahead of time and know how to use it.
- Counsel should have any exhibits pre-marked, and have discussed the issues with opposing counsel before the hearing.

V. Pretrial Procedures

- Judge Burns does not have standing orders in regards to pretrial procedures. He prefers to address the procedures for each case individually based on the aspects of each case.
- *Voir dire* should not be used to argue the theories of the case or to educate the jury on the law.
- Special jury instructions that differ from the CRIMJIGs should be submitted beforehand. It is recommended that counsel call attention to any jury instructions that differ from the CRIMJIGs.
- Judge Burns is willing to engage in chambers discussions if it would be beneficial. Parties should discuss the case before any chambers discussions.

VI. Trial

- Trial days are generally scheduled to start at 9:00 am with a 20-minute break every hour and a half. Normally, there will be a break from 12:00-1:00 for lunch. Trial will continue until 4:30 pm.
- Counsel should inform the court and opposing party of the expected witness schedule by the day of trial.
- In the case of objections, counsel should state a one word basis for the objection. Counsel may request to approach the bench if they wish to argue the objection.
- Counsel should remain at their table when examining witnesses.
- Counsel may move about while addressing the jury, but must maintain a reasonable distance from the jury.

- Counsel must ask permission to approach witnesses each time.
- Ideally, all exhibits should be marked the day they would be presented at trial.
- Judge Burns encourages the use of technology in the courtroom. Counsel should have the technology prepared ahead of time and know how to use it.
- At the conclusion of the trial, Judge Burns will let the jury know that they are free to talk, or not talk, to the attorneys.

VI. Sentencing in Criminal Cases

- All motions for a departure should follow the rules.