

THE HONORABLE JUDGE HOYOS
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 4thJudgeHoyosStaff@courts.state.mn.us.
- All communication via e-mail must have opposing party copied on the e-mail. Judge Hoyos asks that counsel include probation or other agencies when applicable.
- In special situations, Judge Hoyos 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. E-mail communication with staff and opposing party is preferred.
- Any stipulations or proposed orders should be submitted by e-mail to staff and ensure that all parties are included in the e-mail.

III. Written Submissions-Briefing

- Generally, Judge Hoyos prefers to have oral arguments after motions are filed, followed by briefings if necessary.
- All written submissions must be e-filed by the end of business on the due date.
- Courtesy copies should be sent to staff by e-mail. Counsel should ensure that all parties are included in the e-mail.
- Counsel is encouraged to submit copies of case authority along with their written submissions.

IV. In-Court Proceedings

- Judge Hoyos 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 in accordance with the rules.
- Judge Hoyos prefers that counsel stand while speaking on the record.
- Oral arguments do not need to recap the material from written submissions. Oral arguments should be focused on highlighting the most important issues.
- If additional case law is presented at oral argument, a hard copy of that case should be provided to the court and opposing party.
- Judge Hoyos encourages the use of technology in the courtroom. Counsel should have the technology prepared ahead of time.
- Counsel should be prepared to engage in an active discussion of the issues during oral arguments.

V. Pretrial Procedures

- Judge Hoyos 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. If there are sensitive questions, Judge Hoyos is willing to ask those questions if requested to do so.
- Jury instructions, special verdict forms, and witness lists should be filed as soon as practical.
- Special jury instructions that differ from the CRIMJIGs should be submitted beforehand – ideally at least one week before trial.
- Witness lists must be submitted at least 7 days in advance of the trial.
- Counsel should keep Judge Hoyos and opposing party aware of any limited availability and time restrictions for witnesses.
- Motions *in limine* are open to all potential issues. The motions will normally be argued on the first day before trial. Complex issues should be handled before trial.
- Judge Hoyos is willing to engage in chambers discussions if it would be beneficial. All offers should be placed on the record.
- Judge Hoyos is happy to schedule settlement conferences if they would be beneficial to the case. Counsel should contact staff to make those arrangements.

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 at noon for lunch. Trial will continue until 4:30 pm, but it may be extended to 5:00 pm if need be to finish with a witness.
- Judge Hoyos strongly prefers to start *voir dire* on the first day of trial.
- In the case of objections, counsel should stand and state the basis for the objection. Counsel may request to approach the bench if they wish to argue the objection; however, counsel should ensure that argument is not made before the jury.
- 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 should request permission to publish evidence to the jury. Counsel may not ask questions while evidence is being published to the jury. For that reason, the use of technology is encouraged to facilitate presenting evidence to the jury.
- Counsel must ask permission to approach witnesses.
- Ideally, all exhibits should be marked the day they would be presented at trial.
- In the case of audio or video recordings, transcripts must be produced by the offeror and exchanged prior to trial.
- At the conclusion of the trial, Judge Hoyos will let the jury know that they are free to talk, or not talk, to the attorneys. Judge Hoyos uses jury evaluation forms and is happy to share information from the jury.

VI. Sentencing in Criminal Cases

- Counsel should inform staff if there are any victim impact statements, or if there are any security concerns.
- Counsel should also inform staff if there are any other witness statements or character witnesses that will be presented at sentencing.
- All motions for a departure should follow the rules. Notice should be given at the plea hearing, followed by a written motion with the basis.