

**THE HONORABLE BRUCE A PETERSON
FOURTH JUDICIAL DISTRICT
PRACTICE POINTERS & PREFERENCES¹**

I Contact with Chambers

- Judge Peterson permits telephone conferences between his clerks and attorneys and unrepresented parties on procedural issues, such as scheduling motions. He does not permit parties or their attorneys discussing substantive issues with his clerks.
- The judge will discuss substantive issues with attorneys or unrepresented parties via teleconference if all parties are on the call. Parties should submit requests to schedule a teleconference to Judge Peterson's clerk and should refrain from any written submissions prior to the call.

II Motion Practice

- Recognizing that every case is different, and that counsel must engage in a discovery conference under Minn.R.Civ.P. 26.06, Judge Peterson's scheduling orders will attempt to accommodate agreed deadlines for non-dispositive and dispositive motions.
- Judge Peterson assumes that the parties have met and conferred in an attempt to resolve non-dispositive issues.
- The judge has no particular days set aside for motion hearings; he schedules them as and when time is available.
- Judge Peterson distinguishes stipulated confidentiality orders from documents sought to be filed under seal. With the former, the judge generally approves parties' agreements. For the latter, the court applies the balancing test provided by *Minneapolis Star and Tribune Co., et al. vs. Schumacher, et al.*, 392 N.W. 2d 197 (Minn.1995) (presuming public access).
- **The court will attempt to accommodate stipulated requests for continuances and modifications of its scheduling orders. Disputed**

¹These pointers and preferences apply to attorneys and unrepresented parties.

requests may be heard by telephone conference.

- Motions for summary judgment may be scheduled either before or after ADR, depending upon the parties' agreement under a Rule 16 scheduling conference. If the parties do not agree, the court will decide the appropriate time to hear such motions.
- Finally, if the court directs an attorney to draft a proposed order, that attorney is expected to provide a copy thereof to all other parties.

III Written Submissions-Briefing

- In addition to the required e-filing, Judge Peterson requests hard copies of motion-related documents if they exceed 30 pages. The printed documents should be three-hole punched and, if more than an inch thick, they should be submitted in a three-ring notebook.
- Hard copies should be delivered to the judge's clerks, not e-mailed or faxed.

IV In-Court Proceedings

- Judge Peterson acknowledges that all cases are different, and he attempts to be flexible his application of the rules and his preferences.
- Judge Peterson has no preference as to whether attorneys stand at the podium to address the Court.
- He sets no time limits for oral arguments in hearings on either dispositive or non-dispositive motions, but he encourages litigants to respect the Court's and opposing counsel's time.
- Litigants should assume that Judge Peterson has read all motion documents.
- If, in oral argument, a party raises a new issue or refers to a previously undisclosed citation, opposing counsel will likely be granted time to respond in writing.
- Judge Peterson freely allows the use of technology in the courtroom. Because the court has limited facilities, counsel and unrepresented parties

must provide their own systems.

V Pretrial Procedures

- Judge Peterson issues pre-trial orders, specifying dates for the submission of jury instructions, special verdict forms, witness lists and exhibit lists.
- **In *voir dire*, Judge Peterson asks preliminary questions and any sensitive questions requested by the parties.**
- Judge Peterson requires parties to file and serve motions *in limine* three weeks before the trial date, or if no date-certain is specified, three weeks before the trial block. Responses to motions *in limine* are due two weeks before the trial date, or if no date-certain is specified, two weeks before the trial block. Parties should consult with Judge Peterson's law clerk about whether a hearing on motions *in limine* should be scheduled before the trial date.
- Judge Peterson will conduct settlement conferences if asked by the litigants to do so.

VI Trial

- **Trial Days:**
 - Judge Peterson's typical trial days are
 - Morning: 9:00 a.m. – 12:00 p.m. with a recess in the middle. The timing of the recess is flexible to allow for a natural break in the proceeding.
 - Lunch: 12:00 p.m. – 1:30 p.m.
 - Afternoon: 1:30 p.m. – 4:30 p.m. with a recess in the middle. The timing of the recess is flexible to allow for a natural break in the proceeding.
- **Witness Scheduling**
 - Judge Peterson does not have a requirement about how much notice

counsel must provide the opposing side about which witnesses will be testifying on a particular trial day, but he acknowledges that most good lawyers cooperate by letting each other know about their witness-schedule in advance.

- **Objections**
 - Judge Peterson requires objecting attorneys to state the basis of the objection in one word. They are not required to stand when objecting. If additional arguments regarding the objection are needed, counsel must approach the bench.
- **Use of Podium**
 - Judge Peterson does not require parties to stand at the podium when examining witnesses or addressing the jury.
- **Opening Statements and Closing Arguments**
 - Judge Peterson does not impose time-limits on opening statements or closing arguments.
- **Approaching a Witness**
 - Judge Peterson requires attorneys to ask the Court's permission before approaching a witness.
- **Witness Lists, Exhibit Lists and Exhibits**
 - Judge Peterson requires parties to serve other parties with an exhibit list and copies of all exhibits proposed, three weeks before the trial date, or if no date-certain is specified, three weeks before the trial block. Parties must meet and confer regarding exhibits as soon as possible after exchanging exhibits, and attempt to stipulate to admissibility. Parties must mark exhibits prior to trial. Parties may use electronic exhibits in cases with voluminous exhibits, but the Court requests a hard copy for the case record.
- **Contacting Jurors After Trial**

- Judge Peterson has no policy governing attorneys' wishes to contact jurors following trial.