

United States District Judge

Chief Judge Rodney W. Sippel

**Courtroom 16S**

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## Requirements

### 1. Local and Federal Rules.

Many answers to frequently asked questions are contained in the [Local Rules](#) of the [Eastern District of Missouri](#), the [Federal Rules of Civil Procedure](#), the [Federal Rules of Criminal Procedure](#), and the [Federal Rules of Evidence](#). All counsel are expected to know these rules and to follow them.

### 2. Rule 16 Conferences in Civil Cases

After all defendants have answered a civil complaint, a Rule 16 Conference will be set. The attorney preparing and trying the case must appear for the conference unless permission is granted by this Court for another to appear. If you believe that the parties are ready for a scheduling conference and one has not been set, please notify the Judicial Assistant for an expedited conference.

### 3. Case Management Orders in Civil and Criminal Cases

The deadlines set forth in the Civil and Criminal Case Management Orders will be strictly enforced. Modifications should be requested by filing an appropriate motion to amend and will be granted only upon a showing of exceptional circumstances.

### 4. Alternative Dispute Resolution in Civil Cases

All civil cases (except Habeas Corpus) will be referred to Alternative Dispute Resolution unless either party convinces this Court that the case may only be decided by a ruling of law. Most ADR referrals are for a sixty-day period. Plaintiff's counsel will be designated as lead counsel, who shall work with opposing counsel to select a neutral and notify the court clerk of the agreed neutral no later than twenty (20) days from the start of referral.

A [list of approved neutrals](#) and the court's [ADR referral procedures](#) may be obtained from the court. If a settlement is reached, this Court shall be notified immediately and parties shall file a Stipulation for Dismissal within thirty (30) days.

## **5. Informal Matters**

Informal matters are heard on Fridays at 9:00 a.m. in Courtroom 16 South. Oaths for admission to the Western District of Missouri are also heard on Fridays.

## **6. Courtesy Copies of Dispositive Motions and Pretrial Compliance Materials.**

Parties shall submit a paper courtesy copy to chambers of (1) any motions to dismiss, motions for judgment on the pleadings, or motions for summary judgment, together with the memorandum in support and any exhibits; (2) any opposition memorandum, including exhibits; (3) any reply memorandum in support, including exhibits; and (4) all pretrial compliance materials. Courtesy copies may be mailed or hand-delivered to chambers at 111 South Tenth Street, Suite 16-S, St. Louis, Missouri 63102.

## **7. Sealed Documents**

Attorneys are referred to the provisions of E.D.Mo. Local Rule 13.05 concerning sealed documents and files.

## **8. Pretrial Conferences in Civil and Criminal Cases**

Parties are required to appear for trial 30 minutes before the scheduled jury selection for a final pretrial conference, in Courtroom 16 South, on the record. For a 9:00 a.m. jury selection, you must be in Courtroom 16 South at 8:30; for a 1:15 p.m. jury selection, you must be in the courtroom no later than 12:45. We will use this time to discuss any evidentiary problems, motions in limine, and scheduling issues.

## **9. Jury Instructions in Civil and Criminal Cases**

The 8th Circuit Model Instructions should be used when possible. The basic introductory and boilerplate instructions must be based on the 8th Circuit model instructions. If instructions from any other source are proffered, they must be accompanied by case authority.

Parties are required to meet and confer regarding jury instructions and whenever possible submit one package of jury instructions to the court on behalf of all the parties. Parties shall submit a "clean" copy and a "dirty" copy of each instruction proffered. A "clean" copy for the jury will reflect only "Instruction No. \_\_\_\_" at the top with no further explanatory comments.

The parties shall also submit their proffered jury instructions to the Court in WordPerfect format by e-mail to my Judicial Assistant, Brian Crow at the following e-mail address:  
brian\_crow@moed.uscourts.gov.

## **10. Available Courtroom Technologies**

The Court has [evidence presentation equipment](#) available, including an evidence camera (ELMO), VCR, DVD, monitors, and hook-ups for computer stored evidence or computer presentations. Please call the Case Management Team in the Clerk's office to schedule training before trial. Training usually takes no more than 30 minutes, and gives you the opportunity to get comfortable with our equipment configuration before trial. If you intend to use your computer with the Evidence Presentation System, you must confer with the clerk's office before trial to be sure your settings and connections are appropriate for our system. Counsel is expected to use this equipment for all trials.

## **11. Voir Dire in Civil and Criminal Cases**

I will begin voir dire by asking counsel to introduce themselves and the persons at counsel table, including the parties to the case. I will then ask introductory questions, covering such things as the nature of the charges, burden of proof, prior jury service, length of the trial, etc. If you want me to ask any specific questions please submit them in writing.

Each party must provide me with a list of potential witnesses the morning of trial, so that I may ask if the potential jurors know any of the potential witnesses.

Counsel will be allowed twenty minutes voir dire to ask questions. After all questioning has been completed, the venire panel will be removed from the courtroom and I will immediately ask for challenges for cause. No challenges for cause or statements that the panel is acceptable may be made in front of the jury panel. After any persons are stricken for cause, the plaintiff will make its strikes and then the defense will make its. The first twelve jurors remaining after the strikes will be seated. The number of alternates depends on the length of trial. The same procedure is used in criminal cases.

After the jury is selected, all copies of jury lists must be returned to the clerk.

## **12. Trial**

a. Time of Trial: Times for starting and adjourning the trial day will be announced at the start of trial. Court will begin promptly and the jury will not be kept waiting. In particular, counsel are warned not to raise preliminary matters at the start of the trial day, when the jury and all others are ready to proceed. The Court will be available to resolve preliminary matters 15 minutes prior to the scheduled start of the trial day, or during the lunch break, or at the conclusion of the trial day. Trial time and jury time will not, however, be lost.

b. Evidentiary Objections: No evidentiary objections shall be argued in the presence of the jury. There will be no speaking objections. Counsel must state the legal basis for their objections in a word or, at most, a phrase without elaboration or argument (unless called to the bench). Bench conferences during trial are discouraged. For purposes of "protecting the record" and assisting the Court of Appeals, counsel may explain their positions and the Court may explain its ruling on the record after the jury has been excused for a scheduled break or lunch.

c. Recross: Recross is not allowed as a matter of right. Recross is only allowed if something new is brought out on redirect.

d. Closing arguments: Twenty minutes is the presumptive time limit. The clerk will provide you with a warning if you request.

### **13. Decorum and General Courtroom Rules**

a. Notify the Deputy Clerk upon arrival and introduce additional counsel, support staff and parties.

b. Stand when the jury enters the courtroom; stand at all times when speaking. No eating, drinking (other than water), gum chewing, or audible beepers or watches are allowed. Cell phones and other electronic devices shall be turned off.

c. Counsel shall treat each other and all witnesses, including adverse witnesses, professionally and courteously.

d. All witnesses must be addressed by their last names, with appropriate titles. Do not call any witnesses by their first names, and please advise witnesses not to address counsel by their first names. Only one lawyer per party may question a particular witness.

e. Children are not allowed as spectators unless they are accompanied by an adult seated with them in the spectators' area. A party to the suit (defendant, attorney, case agent, etc.) cannot qualify as the attending adult.

f. All statements by counsel should be directed to the Court and not to opposing counsel.

g. Counsel shall disclose the identity and order of witnesses as far in advance as possible, but in no event less than 24 hours before the beginning of the trial day on which the witnesses are to be called.

h. Unless otherwise stipulated, examining counsel must show each exhibit to opposing counsel prior to showing it to a witness. Demonstrative and summary exhibits must be shown to opposing counsel in advance of trial, even if not offered into evidence. All exhibits should be marked in advance.

i. Counsel must stand for all objections. Counsel should instruct their witnesses not to answer a question while an objection is pending. Non-examining counsel should remain seated during witness examination unless standing to make an objection.

j. Verbal or Facial Contact with the Jury: All persons at counsel table shall not make any verbal comments, facial expression, laughter, or other expressions, verbal and non-verbal with the jury which would be interpreted as conveying a comment one way or the other with respect to any testimony, argument or event that may occur during trial. Nor shall any such persons offer gratuitous comments about witness testimony or opposing counsel. Any persons violating this rule may be summarily ejected from the courtroom. Any signaling to a witness in the stand will be treated as contempt of court.

k. Sidebars are disfavored. Counsel are directed to "raise" all anticipated issues during breaks when the jury is not in the room.

1. If there are tapes to be used in a case, counsel for both sides shall resolve any dispute between any alleged inaccuracy of the transcripts and the tape recordings. If it proves impossible for counsel to resolve the dispute, they shall so advise the Court at least five (5) days before trial so that the Court will not be confronted mid-stream with this problem and the resulting delay and expense to the parties and the Court.

Well tried cases or even famous trials don't just happen. A well tried case is the result of hard work, preparation and good lawyering.

Additional sources of information which may help answer your questions include:

The Federal Judiciary Homepage;

The Federal Judicial Center; and

The United States Sentencing Commission.

Courtroom