

# United States Magistrate Judge

John M. Bodenhausen

## **Courtroom 15S**

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## **Requirements**

### **1. Local and Federal Rules**

All parties are expected to know and follow the [Local Rules](#) of the Eastern District of Missouri, the Federal [Rules of Civil Procedure](#), and the [Federal Rules of Evidence](#).

### **2. Informal Matters**

I do not have a set time for informal matters, but am generally available. Please notify opposing counsel and make sure counsel for each party is available before requesting an in-court or telephone conference. Most minor, agreed deadline changes can be handled in writing, by filing a motion to extend the deadline and stating that opposing counsel consents.

### **3. Rule 16 Conferences and Case Management Orders**

Civil cases are usually set for Rule 16 conferences after all defendants have answered or filed motions in response to the complaint. If for some reason a party believes a conference should be sooner, that party should file a motion. Rule 16 conferences are conducted in person. When a party appears pro se, the Rule 16 conference is held in the courtroom, on the record. Out-of-town counsel may request to participate by telephone, but must notify chambers ahead of time and ensure that the Clerk has appropriate contact information.

At the Rule 16 conference, the parties should be prepared to discuss the facts of the case and all other matters set out in the Rule 16 Order, including settlement.

### **4. Scheduling and Status Conferences**

Counsel may request a scheduling or status conference when the need arises by calling chambers.

### **5. Discovery Disputes**

Before a motion to compel is filed, the parties are required to schedule a telephone conference with the Court and to send the Court a joint summary, no longer than one page, of the issues on which the parties

seek the Court's guidance. If at the conclusion of the conference it is determined that a motion to compel is necessary, the Court will set a briefing schedule. Any motions filed before a telephone conference is scheduled will be denied without prejudice.

## **6. Alternative Dispute Resolution (ADR)**

The Court will refer most civil cases to ADR. Please be prepared to discuss the appropriate timing for referral to mediation at the Rule 16 conference. When setting a date for mediation in the proposed schedule, counsel should consider what discovery they need in order to conduct a meaningful mediation conference. [A list of the court's neutrals](#) and [the Court's ADR procedures](#) can be found at [www.moed.uscourts.gov](http://www.moed.uscourts.gov). Please note that once the case has been referred to ADR, those deadlines are binding and may only be extended by court order.

## **7. Final Pretrial Conference**

Final pretrial conferences are usually held the week prior to the scheduled trial date. A form Final Pretrial Order will be attached to the Case Management Order for the parties to complete after consultation. Counsel should be prepared to argue any motions in limine, so that a ruling on such motions can be made in advance of trial, at the Final Pretrial Conference. The proposed Final Pretrial Order shall be filed no later than 14 days prior to trial.

## **8. Courtesy Copies**

When a party's submission is relatively large, in addition to electronic filing, the party may be required to submit a tabbed copy with a table of contents to chambers of (1) any motions for judgment on the pleadings, or motions for summary judgment, together with any supporting documents or exhibits; (2) any documents or exhibits in opposition; (3) any reply documents; and (4) all pretrial compliance matters. Chambers will inform counsel with courtesy copies are required.

## **9. Expert Witnesses**

(a) Be prepared at the Rule 16 conference to discuss the types of expert witnesses who are likely to testify in the case and whether (and when) the names and reports and/or depositions of the experts will be provided. Parties are allowed to stipulate to different ways of disclosing expert opinions, but in the absence of a stipulation, the provisions of Rule 26 will be applied.

(b) Treating health care providers who are testifying as to matters contained in their treatment notes will not be required to prepare reports or provide the other information required by Rule 26(a)(2)(B). In such cases, though, the health care providers will normally be limited to providing opinions that are related to the treatment and disclosed in their notes. In some cases, providers may be required to prepare reports (for example, where the provider is testifying as to causation).

## **10. Voir Dire/Jury Selection/Jury Instructions**

(a) Voir Dire: For the most part, attorneys are allowed to conduct the majority of voir dire, but the Court may conduct routine preliminary voir dire questioning. The Court will introduce counsel and briefly state the general nature of the case. Counsel may then inquire into matters relevant to

jury selection, but may not ask unnecessary questions in order to establish rapport, ask the jurors to make promises, make speeches, argue the case, or anything else that is not directly designed to elicit relevant information about the potential jurors. In every case, the Court reserves the right to conduct the entire voir dire. Counsel shall submit proposed voir dire questions to the Court no later than 14 days prior to trial.

(b) Jury Selection: After all questioning has been completed, the panel will be removed from the courtroom and the Court will immediately request the challenges for cause. No challenges for cause or statements that either the panel or any juror is unacceptable may be made in front of the jury panel. After for cause challenges to jurors, the parties will make peremptory challenges.

(c) Jury Instructions: [8th Circuit Model instructions](#) should be used when possible. If instructions from other sources 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 electronically on behalf of all the parties. Parties shall submit proposed instructions no later than 14 days prior to trial, and any objections to those instructions shall be submitted no later than 7 days prior to trial.

## **11. Courtroom Logistics**

(a) Available Technology: The Court has evidence presentation equipment, including camera, VCR, DVD, monitors, and hook-ups for computer-stored evidence or computer presentation. An explanation on the use of this equipment is available on the Court's website at [www.moed.uscourts.gov](http://www.moed.uscourts.gov) under [Courtroom Technology](#).

(b) Decorum: Please stand when the jury enters the courtroom, and at all times when speaking. Also, cell phone usage, eating or drinking (except water), gum chewing, or audible sound-makers are not allowed. The use of social media, (for example Facebook, Twitter, etc.) will not be allowed in the courtroom.

## **12. Trial Procedures**

(a) Opening statements: Opening statements may include exhibits so long as counsel has consent from opposing counsel and advises the Court in advance.

(b) Evidentiary Objections: No evidentiary objections shall be argued in the presence of the jury. Counsel must state the legal basis for the objection in a word (or at most, a phrase) without elaboration or argument (unless called to the bench). For purposes of "making a record," counsel may explain their positions and the Court may explain its ruling on the record after the jury has been excused.

(c) Recross: Recross is not allowed as a matter of right. It is only allowed if something new is brought out in redirect.

## **13. Sealed Documents**

Attorneys must comply with E.D.Mo. Local Rule 13.05 concerning sealed documents and files.