

FEDERAL DISTRICT COURT JUDGES MOTION PRACTICE PREFERENCES

A poll of their law clerks

Prepared by Kate Norman (January 20, 2005)

	Over-length Memos	Extensions for Briefs	Allocation of Time	Other Pet Peeves/Preferences
Alba	Doesn't like it.	Doesn't like it.	Indicates what has been read, allows time but dislikes repetition.	Not complying with Rule 37 (not trying to resolve the issues before filing a motion).
Benson	Granted unless objection.	Granted unless objection.	No time restrictions.	When parties bicker about inconsequential motions.
Boulden	Will consider over-length memos.	With Justification.	Equally between parties. Gives time limits when calendar is full.	Raising the pivotal issue in oral argument.
Campbell	With motion if needed.	First request granted, multiple need justification. Motion before the deadline.	Allows time as needed.	Improper citations to the record; new theories brought up in oral argument not briefed; not letting the court know a pending motion is resolved or withdrawn; disparaging remarks about opposing counsel or their arguments.
Cassell	Not overly concerned.	Stipulated with justification.	Announces tentative ruling in writing 10 min. before, "Tell me why I'm making a mistake."	Hates bad briefs.
Greene	Allowed, but not usually helpful.	Allows, but dislikes continual requests	Allows time, but dislikes repetition.	Repeating arguments.
Jenkins	Granted if helpful and not unnecessary.	Depends on the reason.	Allots time as needed.	Likes attorneys to make arguments pointed on the issues. No game playing.
Kimball	Always grants (150 page grand prize!).	If stipulated then granted.	Allows equal time, prefers short and to the point. If the judge asks if there is anything else, that's the cue to wrap things up.	Dislikes misrepresentations in the law. Likes candor.
Nuffer	Depends on issue. Normally allowed with motion.	With stipulated motion and justification.	Prefers to decide on briefs. Oral argument is focused on specific issues.	Likes courtesy copies via email.
Sam	Disfavors, but will grant with justification.	Granted with stipulation unless affects court deadlines like trial.	Prefers to decide on briefs, but will grant equal time if appropriate.	Will not tolerate discourtesy to opposing counsel and witnesses.
Stewart	No, never.	Doesn't like it if it affects the trial date.	Opens oral argument with a road map and indicates issues and time allotment.	Dislikes it when the parties are not courteous.
Thurman	With Justification.	Trial briefs required 10 days before trial.	Allows both sides whatever time they need.	Failing to meet deadlines in scheduling order.
Wells	Allows begrudgingly.	Not a problem.	Equal time per side.	Dislikes discourtesy and when parties cannot agree on the order embodying the court's oral ruling.
Winder	Doesn't mind unless excessive	Grants with motion.	Based on requests of parties.	Dislikes being late and unprepared