

QUESTIONNAIRE FOR JUDGE/COMMISSIONER BENCH BOOK

JUDGE/COMMISSIONER: CHRISTINA L. WILSON –First and Second District Courts

1. Discovery

Q: What is your practice with respect to setting an initial case schedule? Modifying it once set?

A: N/A

Q: Has your district adopted any local rules with respect to resolving discovery disputes?

A: N/A

Q: What is your practice regarding discovery disputes? How do you handle status and scheduling matters for discovery issues?

A: In the second district, I will usually have a telephone conference first and then an in court hearing, if necessary. In the first district, those matters are addressed by the assigned judge.

Q: What is your approach to granting extraordinary discovery?

A: I view them as very fact specific and I will grant them.

Q: What is your practice regarding sanctions for discovery abuses?

A: If there are abuses, I will sometimes order sanctions, including attorneys fees.

Q: Are you generally available to hear disputes that arise during depositions?

A: N/A

Q: What insights do you have for litigants with respect to discovery matters in general, especially in light of the November 1, 2011 amendments to the Utah Rules of Civil Procedure?

A: Please follow the rules.

2. Motions

Q: Do you prefer that counsel provide copies of the cited authorities prior to a hearing? What about unpublished cases?

A: No. If it is cited in the memorandum, that is sufficient.

Q: Do you appreciate courtesy copies of briefs being delivered to your chambers prior to a motion hearing? If so, how far in advance do you want them?

A: No. Due to my traveling schedule, it is difficult for me to obtain the courtesy copies in time for them to be helpful.

Q: What is your policy on allowing overlength memoranda? Extensions of the briefing schedule?

A: Unless an order is signed to allow overlength pleadings, I will not read past the 25 pages. I will allow for overlength pleadings if the circumstances require.

Q: Do you schedule motion hearings automatically upon receipt of notices to submit, or do you prefer or require that counsel call to schedule hearings?

A: Hearings are scheduled automatically.

Q: Under what circumstances do you decline to grant a request for oral argument?

A: N/A

Q: Do you have any recommendations or preferences regarding written advocacy that you would like counsel to be aware of?

A: I appreciate clearly stating what the requests are in a motion for temporary orders. For Orders to Show Cause, it is helpful to refer to the paragraph/sentence of the alleged violation by number, ie. Paragraph 9 of the Decree.

Q: Do you have any particular guidelines or preferences that you expect counsel to follow at oral argument?

A: Please be brief. Unless I state otherwise at the hearing, I have read all of the pleadings in the matters prior to the hearing. I understand that argument is helpful for attorneys and the parties, but unfortunately, the hearings are usually scheduled for 15 minutes and so it is very helpful if argument is brief.

Q: Do you have any guidelines or preferences that you expect counsel to follow regarding temporary restraining orders or preliminary injunctions?

A: Please clearly state the irreparable harm in argument.

3. Final Pretrial Conference

Q: In your view, what is the purpose of the final pretrial conference?

A: N/A

Q: What topics or issues should counsel come prepared to discuss at the final pretrial conference?

A: N/A

Q: What steps do you take, if any, at a final pretrial conference to encourage settlement of the case?

A: N/A

Q: Do you require clients to be present at final pretrial conferences?

A: N/A

Q: Do you typically hear motions in limine and other trial-related motions at the final pretrial conference, or at another time?

A: N/A

Q: Do you appreciate or require pre-trial briefs from counsel?

A: N/A

4. Jury Trials

Jury Selection:

Q: How is voir dire conducted in your courtroom? Do you allow counsel to participate in voir dire? If so, to what extent?

A: N/A

Q: When do you require requested voir dire questions to be submitted?

A: N/A

Q: Do you allow or encourage the use of jury questionnaires? If so, by when must jury questionnaires be filed?

A: N/A

Jury Instructions:

Q: When do you require instructions to be submitted?

A: N/A

Q: Do you have a set of standard jury instructions that you use? If so, how can counsel obtain a copy?

A: N/A

Q: What form do you prefer requested instructions to take (e.g., do you prefer instructions accompanied by supporting cases, etc.)? Is a citation to MUJI 1st or 2nd sufficient legal authority?

A: N/A

Q: Do you prefer to receive an electronic copy of requested instructions?

A: N/A

Q: When do you prefer to hear disputes over jury instructions:

A: N/A

Trial Procedure: I am answering these for informal trials and evidentiary hearings, which I hold if the parties stipulate and my calendar allows.

Q: What is your preferred trial schedule (e.g., 9 to 5 with an hour for lunch, 8 to 2 with no lunch, etc.)? Are there any set days/times when you schedule other matters and not trial?

A: If it is an informal trial, I usually set it for a one-half (1/2) day setting, unless a longer time is required. If it is an evidentiary hearing, I set it based on how long the parties anticipate needing. Both informal trials and evidentiary hearings are usually scheduled in the afternoon.

Q: Do you prefer to hear disputes over trial exhibits before trial or during:

A: Immediately before, but not at a special setting.

Q: What is your practice regarding the use of trial exhibits or demonstratives during opening statements?

A: Usually does not apply for an informal trial or evidentiary hearing.

Q: What are your preferences with respect to trial exhibits? What are the

preferences of your clerks with respect to trial exhibits?

A: If the parties can agree to one binder, that is best. If not, please have the exhibits in a binder, with a copy for me on the day of trial.

Q: Do you have any guidelines or preferences regarding the use of technology at trial?

A: No.

Q: What are your preferences and/or procedures related to witness scheduling?

A: For evidentiary hearings, I prefer witness lists to be exchanged at least one week before the hearing, if possible.

Q: Do you allow counsel to move freely around the courtroom during trial?

A: Yes.

5. Bench Trials

Q: Do you have any particular guidelines or preferences that counsel should be aware of regarding bench trials as opposed to jury trials?

A: N/A

6. Post-trial Issues

Q: Do you appreciate or require proposed findings of fact and conclusions of law from counsel?

A: N/A

Q: Do you appreciate or require post-trial briefs from counsel?

A: N/A

7. Technology in the Courtroom

Q: To what extent do you allow the use of technology in your courtroom?

A: I will allow technology however counsel wish to use it and as allowed by the constraints of the courtroom.

Q: Do you find the use of any particular type of computer-assisted presentations effective and/or useful?

A: N/A

Q: Do you find the use of any particular type of computer-assisted presentations unhelpful?

A: No.

8. Criminal Matters

Q: How do you handle requests for continuance on pretrials, arraignments or roll calls?

A: N/A

Q: When may the issue of bail best be addressed in your courtroom?

A: N/A

Q: What is your policy, if any, on pleas in abeyance?

A: N/A

Q: What information do you want from counsel at the time of sentencing?

A: N/A

Q: Are private pre-sentence evaluations useful or encouraged?

A: N/A

Q: Do you have any standard sentences the bar should be advised about, *i.e.*, DUI sentencings, acceptance of alcohol-related recklessness?

A: N/A

Q: How should counsel on busy law and motion calendar handle calling a case?

A: N/A

Q: What advice do you have for prosecutors to be most effective in your courtroom?

A: N/A

Q: What advice do you have for defense counsel to be most effective in your courtroom?

A: N/A

9. Special Issues for Domestic Cases

Q: Are there any special issues that arise in your courtroom in domestic cases of which you would like the bar to be aware?

A: My schedule is as follows: Mondays-Farmington, Tuesdays and Wednesdays-Ogden, Thursday-Logan, Friday-Brigham City. Unfortunately it is not possible to have hearings for one court heard in a different court.

For Protective Orders, if there is a dispute as to whether the Protective Order will enter, there will be an evidentiary hearing held on the day of the hearing, at the end of the calendar.

Q: What documents do you want filed before appearing on a motion for temporary orders?

A: Financial declarations, if there are financial issues, an affidavit, a motion and any necessary supporting documentation.

Q: What documents do you want filed before appearing on a motion for a custody evaluator?

A: The motion and supporting memorandum and financial declarations, if they have not already been filed.

Q: What are the special procedures for filing a Motion for an Order to Show Cause?

A: Please file an Order to Show Cause to be signed by the Court and a supporting affidavit for all Orders to Show Cause, even countermotions. If the Order is not filed, the hearing will likely be continued until the Order is filed. The Order and affidavit must be served.

Q: Do you have any preferences for compelling and filing financial declarations? Any practice pointers for counsel as to how you would like these completed or filed?

A: Please fill them out completely and please do not file all of the supporting documentation unless it is required/helpful for the case. Please file the financial declaration as its own document, not as attached to an exhibit.

Q: Do you want any type of motion binder delivered? Is this helpful, or does e-filing render these obsolete?

A: Binders are helpful for informal trials and evidentiary hearings only. For all other hearings, I can download all necessary documents.

Q: Do you appreciate courtesy copies of briefs being delivered to your chambers prior to a motion hearing? If so, how far in advance do you want them, and how do you want them assembled (folder, binders, with or without exhibit tabs, etc.)

A: Please deliver courtesy copies for informal trials one week before the trial. For evidentiary hearings, please bring courtesy copies to court the day of the hearing.

Q: Is there a special way that you would like proposed orders to be filed?

A: No, please follow Rule 7.

Q: How should discovery deadlines be handled on petitions to modify, where a schedule is not automatically issued by the court?

A: Counsel should try to reach an agreement on a schedule. If they cannot do so, please set it for a hearing or telephone conference.

Q: Do you have a policy on child interviews with respect to custody?

A: I will consider child interviews, but I do not routinely grant them.

10. Courtroom Protocol

Q: Is lack of civility ever a problem in your courtroom? If so, what steps do you take to address it?

A: Occasionally; I speak with counsel briefly.

Q: What are your opinions regarding courtroom dress?

A: Professional attire.

Q: Do you allow children in your courtroom?

A: No. No one under the age of 18.

Q: What is your courtroom practice with respect to attorney cell phones? Clients? Those in the gallery?

A: Everyone can have a phone, but the ringer should be turned off and it should be put away and not be taken out unless it is needed for the hearing.

Q: What, if anything, do you do to enforce promptness in your courtroom?

A: I try to keep to the calendar as much as possible. I will usually wait approximately 5 minutes before I proceed with the hearing. I understand that life happens and sometimes people are late; if that happens, please let the court know. Also, I will sometimes give time constraints for argument.

11. Comments from Case Managers and Judicial Assistants

Q: The name and phone number of my case manager(s) is:

A: N/A

Q: My case manager wants you to please do these things:

A: N/A

Q: The name and phone number of my judicial assistant(s) is:

A: Please see utcourts.gov.

Q: My judicial assistant wants you to please do these things:

A: N/A

12: Other items

Q: Do you have a judicial biography that you would like hyperlinked to your bench book? If so, please advise us of the link to this information or provide us with a copy of the same so we may link it to your bench book.

A: N/A

Q: Do you have any stock jury instructions, verdict forms, or other information you would like hyperlinked to your bench book? If so please advise us to the link to this information or provide us with copies of the same so we may link it to your bench book.

A: N/A