

Tips for Practicing Before Judge Duffin

As of July 11, 2017

We are here to help. To assist litigants appearing before me, here are some tips.

I. Contacting the court:

- A. Please avoid calling chambers. Most questions (including matters related to scheduling, filing, and docketing matters) are handled by my deputy clerks who work in the office of the Clerk of Court.

Cases ending in an even number: 414-297-3964

Cases ending in an odd number: 414-297-3128

Please have your case number ready when you call.

The deputy clerks will transfer you to chambers staff if necessary.

- B. Email address for submitting proposed orders or documents related to mediations conducted by me: DuffinPO@wied.uscourts.gov

Please do not use this email address for other inquiries or correspondence.

- C. Conference line for telephonic hearings

Call-in number: 669-254-5252

When prompted, use meeting ID 160 9647 6949# and # again and then enter passcode 943682#.

II. Practical tips to help your case go smoothly

- A. If you want the court to do anything, **file a motion**, not a letter, notice, or stipulation. This helps ensure that the electronic filing system properly directs the filing. If a request for court action is not filed as a "motion," court action on your request may be delayed. *Parties should file a motion even if they are jointly asking the court to do something.*

- B. Extensions of time: It is easiest if you can talk to the other side to see if the other side opposes your request. Then file an expedited motion, *see* Civ. L.R. 7(h), requesting an extension of time and stating whether the other side opposes the request. *Please, do not wait until the last day to seek an extension.*

C. Amending pleadings: Prior to bringing a motion to file an amended pleading under Fed. R. Civ. P. 15(a)(2), counsel should first consult any represented party to determine whether the motion is opposed. If the request to amend is unopposed, counsel should provide written consent so the amended pleading may be filed without the need for a motion.

D. Discovery disputes: Obviously, try to work it out.

If a party believes that a telephonic conference with me will be helpful in avoiding the need to file a formal discovery motion, the party is invited to file a motion requesting a telephonic conference regarding the dispute.

However, parties should be aware that my role in such a conference will be largely to assist the parties in agreeing to a resolution.

If a party wants me to rule on a dispute (and award attorney's fees and expenses as a result) the party must file a motion to compel.

E. Paper copies: I generally do not need paper copies of any filings. If there is some reason I need you to provide a document in paper format my staff will contact you and request it.

F. Sealed documents: In addition to complying with Gen. L.R. 79(d), any party seeking to seal any document must ensure that only the confidential portions of that document are withheld from public view. For example, a document that contains confidential sections generally should not be sealed in its entirety. Rather, a redacted document should be publicly filed and an un-redacted version filed under seal.

Filers are responsible for ensuring effective redaction prior to public filing.

If a document is sealed, it must be served upon other parties in paper format. Parties do not receive sealed documents electronically.

G. Oral argument: Oral argument is rare. If I think it is appropriate, I will notify the parties. Nearly all motions are resolved on the briefs.

III. A few personal preferences

- A. Citations: It is easiest for me to read your briefs if you follow *The Bluebook: A Uniform System of Citation* and place citations in the text of a brief rather than in footnotes.
- B. Footnotes: If they are used at all, footnotes should be limited. Please do not attempt to reserve or advance an argument by way of a footnote.
- C. Try to keep filings clear and uncluttered. For example:

Attachments: Care should be taken to properly name electronically filed attachments. Rather than simply "Attachment 1" a descriptive title makes it easier for me to find what I am looking for, e.g., "Ex. A – 2015 Sales Figures."

Duplicative filings: It is usually not necessary to submit the same exhibit more than once. So, for example, if the plaintiff attaches a deposition to her motion for summary judgment, the defendant does not need to submit that deposition again as part of his response.

- D. Motions to strike are disfavored and should be reserved for extraordinary circumstances.
- E. In court:

Attorneys can stand or sit when addressing the court or questioning a witness.

Attorneys should ensure they speak into a microphone. This isn't so everyone in court can hear you; it's because hearings are audio recorded and if you are not by a microphone the record will be incomplete.

Attorneys do not need to ask permission to briefly approach a witness. But, again, ensure you are by a microphone when asking questions. Counsel should then return to the podium or counsel table to continue questioning the witness.

Attorneys are permitted to bring water bottles and covered beverages into court.

IV. Things to remember if a party is pro se:

- A. Serve all filings upon pro se litigants in paper and file a certificate of service. Pro se litigants do not participate in the electronic filing system.
- B. If you file a motion for summary judgment (or a motion under Fed. R. Civ. P. 12(b)(6) or (c) presenting matters outside the pleadings), remember to comply with Civil Local Rule 56(a).

If you have questions that are not covered here, feel free to contact one of my deputy clerks at the numbers above. Although court staff cannot provide legal advice or reveal confidential details of a case, we want to help to the fullest extent we can.