THE HONORABLE SUSAN M. ROBINER
FOURTH JUDICIAL DISTRICT
CIVIL PRACTICE POINTERS & PREFERENCES

I. Contact with Chambers

- Attorneys should review the Case Management Order, Scheduling Order, and Trial Order issued in a case before contacting chambers with case-management or logistical questions. If these orders do not address the question, counsel should call Judge Robiner's law clerks; do not use the chambers email address and do not call Judge Robiner's direct line.

- The Court will likely conduct a telephone conference to resolve discovery disputes. Parties should refer to the Scheduling Order. The Court will initiate the telephone call.

II. Motion Practice

- Deadlines for the filing of motions are set out in the Scheduling Order. The Court imposes no requirements beyond those set out for dispositive and non-dispositive motions in the Minnesota Rules of Civil Procedure and Minnesota General Rules of Practice.

- If the parties resolve a contested motion before the motion hearing, counsel need not file a stipulation and may instead notify the Court of the resolution by phone call or short letter. If some issues are resolved before the hearing but others remain, the parties may also notify the Court of the resolved motions at the motion hearing.

- As required by Minnesota Rule of Civil Procedure 37.01(b) and Minnesota General Rule of Practice 115.10, counsel for the parties must meet and confer before bringing any discovery disputes before the Court. If the meet-and-confer is unsuccessful, the parties must then schedule a telephone conference with the Court before bringing a formal motion.

- The Court will accept telephone calls from attorneys to rule on discovery disputes that occur during the course of a deposition.

- Attorneys should call Judge Robiner's clerks to schedule a motion hearing. Hearings are generally—but not exclusively—scheduled at 8:45 a.m. and 1:30 p.m. Counsel should notify the Court when calling if a motion will reasonably require a longer time for hearing.

- Parties should follow the rules for e-filing for filing documents pursuant to a protective order or under seal.

- Parties may stipulate to changes to the Scheduling Order which do not change the trial date or shorten the time between the deadline for hearings on dispositive motions and the

start of trial without the Court's prior consent. If a change to either of these dates is necessary, the parties should arrange a telephone conference with the Court to address modifications to the Scheduling Order.

III. Written Submissions

- Attorneys should be sure that all submissions to the Court, including scanned documents, are clear and legible.

- Attorneys should provide one paper courtesy copy to chambers if the entire filing, including briefs and exhibits, totals fifty pages or more. If the entire filing is less than fifty pages, attorneys should provide an electronic courtesy copy to the email address stated in the Scheduling Order.

- Attorneys may bind paper courtesy copies as they see fit.

- Counsel need not submit courtesy copies of case authority along with their written submissions, unless required by statute.

IV. In-Court Proceedings

- Counsel should arrive on time for hearings.

- Attorneys may speak from counsel's table or the podium, as they see fit. In either instance, however, counsel should be certain that they are speaking into a microphone.

- The Court has no preference for the side of the courtroom on which each party sits.

- If multiple attorneys are representing multiple parties on the same side, different attorneys may address different issues.

- Attorneys should assume that the Court is familiar with the facts and arguments in the briefs. Attorneys should avoid simply reiterating their briefs.

- The Court does not typically take live witness testimony for hearings on preliminary injunctions or motions for temporary restraining orders. Instead, parties should rely on the affidavits submitted with their written materials.

- If an attorney presents new case authority not cited in the briefs, the attorney should give the case name and citation on the record. While the attorney should provide a courtesy copy of the case to opposing counsel, a courtesy copy need not be presented to the Court.

- Parties are permitted to use technology, but they should be sure that its use furthers their case. If parties wish to use any technology, such as a computer to play a video or an Elmo to project images, they must provide the technology

themselves. Counsel should also bring easels and pointers, if they intend to use them.

V. Pretrial Procedures

- All pretrial information is provided in the Court's Trial Order. The Court will not conduct a pretrial conference unless a conference is requested.

- Although Judge Robiner asks some questions during *voir dire*, attorneys should be prepared to conduct the majority of *voir dire*.

- The Court's preferences for jury instructions, special verdict forms, and witness lists are included in the Trial Order.

- Motions in limine receive a separate motion hearing only when they are requested and are numerous.

- If the parties wish to request a settlement conference, they should contact one of Judge Robiner's clerks.

VI. Trial

- Trial days typically run from 9:00 a.m. until approximately 4:30 p.m., with a twenty-minute break in the morning, a twenty-minute break in the afternoon, and a ninety-minute break for lunch.

- The Court will ask counsel which witnesses will appear the following day. Although the Court will generally hear witnesses in the order set by counsel, non-party subpoenaed witnesses may be taken out of order.

- If counsel is using technology during trial, it may be left in the courtroom overnight, as the courtroom is locked at the end of each day.

- When making an objection, attorneys should stand and briefly state the objection and its basis. The Court will then rule on the objection. If Judge Robiner needs additional information to rule on the objection, she will question counsel.

- If an attorney wishes to dispute the Court's ruling on an objection, the attorney should make an offer of proof. The Court will make a record when the jury is in recess.

- Attorneys may remain at counsel table when questioning witnesses, but they should stand at the podium for opening statements and closing arguments.

- The Court does not usually impose time limits on opening statements or closing arguments.

- Attorneys must ask the Court's permission before approaching a witness.

- Witnesses and opposing counsel must be addressed formally during trial. The appropriate title—such as Mr., Ms., or Dr.—and not a first name should be used.

- Counsel should consult the Trial Order for the Court's preferences on exhibits to be used at trial. Although attorneys may use electronic exhibits, the jury will only receive paper exhibits in the jury room.

- If counsel wishes to use video or audio recordings or to present demonstrative evidence, they are responsible for bringing all necessary equipment.

- If counsel wishes to use a videotaped deposition at trial, counsel should alert the Court at the beginning of the trial so the Court may rule on any objections on the videotaped deposition. After objections have been ruled on, counsel should then edit the video to include only the admitted portions and to exclude any objections.

- Attorneys may use actors to read deposition transcripts during trial. As with videotaped depositions, counsel should alert the Court of this at the beginning of trial so that the Court may rule on any objections.

- Attorneys are encouraged to be present in the courtroom for the reading of the jury's verdict out of respect for the jury and for the process.

- If attorneys wish to obtain daily transcripts during trial, they must make arrangements with the court reporter.

- Attorneys may contact jurors after the conclusion of trial. Although the Court notifies jurors that attorneys may contact them after trial, the Court does not provide attorneys with any contact information.