

THE HONORABLE THOMAS A. GILLIGAN
SECOND JUDICIAL DISTRICT
POINTERS & PREFERENCES

I. Contact with Chambers

- The proper procedure for contacting Judge Gilligan's chambers is via email directly to **2ndjudgegilliganchambers@courts.state.mn.us** or call **651-266-8215**.
- Attorneys may direct substantive questions to Judge Gilligan's law clerk or court reporter at **2ndjudgegilliganchambers@courts.state.mn.us** or **651-266-8215/8216**.
- Attorneys may direct civil scheduling/logistical questions to Judge Gilligan's case manager, **Derek Reichstadt**, at **derek.reichstadt@courts.state.mn.us** or **651-266-8260**.

II. Motion Practice

- Attorneys may schedule a civil motion hearing by contacting Judge Gilligan's case manager Derek Reichstadt via email or phone.
- Judge Gilligan does not require a hearing for most discovery disputes or scheduling issues.
- Judge Gilligan does not accept telephone calls from attorneys to rule on discovery disputes which occur during depositions. Attorneys are expected to work these types of disputes out on their own.
- Judge Gilligan allots one hour for most dispositive motions and a half-hour for most non-dispositive motions.
- Hearings will be held remotely via Zoom unless otherwise indicated. With respect to attending an in-person hearing by telephone or video conference, attorneys must ask for permission in advance. Permission will be liberally granted.
- With respect to discovery motions, Judge Gilligan prefers parties to meet and confer in person or by phone. Follow the MSBA Professionalism Aspirations. Schedule a Zoom call if no resolution. The parties should submit one-page letters to chambers to frame the issue to be resolved.

- With respect to stipulations of the parties, including stipulations for protective orders, Judge Gilligan requests parties to reach an agreement, prepare and sign a stipulation, file the stipulation and proposed order, and submit to chambers.
- With respect to requests to amend the scheduling order, Judge Gilligan prefers parties to meet and confer in person or by phone, and make good faith efforts to reach an agreement. If agreement, file and submit to chambers the proposed amendments with a cover letter explaining the reason for the amendment request. If no agreement, schedule a phone hearing.
- With respect to default proceedings, file sufficient information with the court to prove entitlement to default. For consumer credit defaults, follow the Standing Order.
- With respect to emergency motions, follow standard scheduling practices as indicated above, but flag the urgency of the motion.

III. Written Submissions

- Courtesy copies of motion papers and supporting documents should be submitted to chambers (2ndjudgegilliganchambers@courts.state.mn.us) only if (1) filed less than two business days before the hearing; or (2) otherwise directed.
- Request permission to exceed the page limits set forth in the General Rules of Practice before filing.
- Permission to deviate from other requirements of the General Rules of Practice must be requested in advance, and good cause shown.
- For all motions, Judge Gilligan requests that meaningful and comprehensive proposed Findings of Fact, Conclusions of Law and Order be submitted in Word format to 2ndjudgegilliganchambers@courts.state.mn.us.

IV. In-Court Proceedings

- All exhibits shall be published via electronic display from counsels' laptops or the document camera provided. Electronic displays and HDMI cables with adaptors are provided in the courtroom.
- Technology use in the courtroom is welcome, including hybrid remote and in-person court appearances and testimony. Attorneys or staff should plan to set

up technology in advance, and be well-versed in its use. They can contact Judge Gilligan's law clerk for a courtroom technology primer in advance of the court appearance.

- With respect to submission of additional legal authority or other materials at or after oral argument, permission must be requested in advance and show good cause.
- Judge Gilligan allows parties to bifurcate oral argument. See below.

V. Pretrial Procedures

- Please refer to Judge Gilligan's scheduling order. He typically treats pre-trial hearings and settlement conferences as an opportunity for lawyers and their clients to discuss settlement with each other. He typically limits his involvement to addressing pretrial and trial issues, and setting expectations for trial.
- With respect to handling motions in limine, parties should follow the pretrial order. Judge Gilligan assumes all motions in limine can be heard the morning of trial, unless otherwise indicated by the parties.

VI. Trial

- Judge Gilligan begins trials at 9:00 a.m., provides a mid-morning break, a lunch break from 12:00 p.m.-1:00 p.m. or 1:30 p.m., depending on the trial, a mid-afternoon break, and a break for evening at 4:30 p.m.-5:00 p.m., depending on the trial.
- With regard to voir dire, Judge Gilligan asks that counsel does not duplicate the court's voir dire, and to follow the rules and the law. Do not try your case. He asks counsel to economize and be proportional. He requests counsel be respectful of the jurors.
- Judge Gilligan requests that counsel follow the MSBA Professionalism Aspirations. Attorneys should ask the Court's permission to approach the podium. Do not block the jury's view of evidence or witnesses. Counsel may be seated during voir dire or interrogation. He requests counsel address witnesses formally.
- Judge Gilligan does not impose time limits with respect to opening statement or closing arguments. However, economize and be proportional. Be respectful of the jurors.

- With respect to marking and using exhibits, Judge Gilligan encourages stipulations. Jurors and the court appreciate when attorneys agree to submit joint, stipulated exhibits. Contact Judge Gilligan's court reporter regarding numbering in advance of the trial. All in-trial/non-stipulated exhibits must have been identified as potential exhibits to the opposing side in advance of trial. Judge Gilligan requires exhibits be marked by the court reporter. Address authenticity, identification, and foundation with the appropriate witness, and be prepared to demonstrate the evidentiary basis for admission. Offer the exhibit.
- With respect to objections, Judge Gilligan asks counsel to state simply the evidentiary rule or doctrine upon which the objection is based. He may ask counsel to approach if he needs further information.
- With respect to the use of deposition testimony for impeachment, identify page and line, ask permission to approach witness, and inquire. For video, address objections/excisions in advance of presentation with opposing counsel. Ask for opportunity for ruling for unresolved objections in advance of presentation. Have video equipment ready in advance of presentation. Provide the court with the original transcript, which the court will mark-up contemporaneously with its presentation.
- Judge Gilligan encourages the use of remote technology for the presentation of testimony during in-person trials. Counsel should meet and confer on remote presentations of testimony.
- Attorneys may obtain daily transcripts during trial by contacting the court reporter in advance of trial at 651-266-8216.
- Judge Gilligan allows attorneys to contact jurors after the conclusion of trial in accordance with the rules, so long as they are respectful of the jurors' time and interest in privacy.

VII. Other Matters

- Fewer cases are going to trial and, as a result, there are fewer opportunities for lawyers in court, especially newer lawyers. Judge Gilligan feels strongly that the legal profession, including the bench, owes a duty to provide opportunities in court for newer lawyers, many of whom are more representative of our community at large. Judge Gilligan encourages counsel to permit lawyers with less experience to argue motions and participate actively in trials. In particular, Judge Gilligan prefers to see more diverse lawyers in the courtroom when they are integral members of the legal team and encourages newer lawyers who are

women and members of underrepresented, diverse communities to argue before the court. When requested, Judge Gilligan will permit arguments to be split to enable newer lawyers to argue parts of motions.

- Being a trial attorney is difficult, stressful work. Don't compound the difficulty or stress by treating opposing counsel, parties, witnesses, jurors, or court staff poorly. Be good to each other. Compromise where you can. Don't burn bridges. Ask only for what you need. Take the long view. Be generous in scheduling.