

1. Written communication from counsel to the Court.

Accepted for routine matters such as scheduling, advising of settlement status, etc. with copy to counsel for all parties. No communication should address the merits of any matter, except for providing information pertaining to informal discovery disputes as expressly directed by the Court. Counsel for all parties should be copied.

2. Communication between counsel and the Judge's law clerks.

Permitted, as per above, via email

to TXWDml_NoJudge_Chambers_WA_JudgeMacLemore@txwd.uscourts.gov. If there is a time-sensitive matter related solely to scheduling, counsel may contact chambers by telephone with participation or express permission of counsel for all parties.

3. Standard form for scheduling order(s).

See link to form on the Court's website.

4. Counsel input regarding the discovery period, extensions, trial date, etc.

Counsel participate in preparing the case schedule. Once a scheduling order has been entered, counsel are expected to comply with the deadlines or seek timely relief therefrom supported by good cause. Any extension of any deadline and any continuance should be requested as soon as the need for that relief is known.

5. Notice of Removal cases

Plaintiffs are encouraged to review the state court petition and ensure it complies with federal law and contains sufficiently detailed allegations to support the causes of action and discovery plaintiff wishes to pursue.

6. Telephonic and videoconference hearings in lieu of personal appearances.

The Court expects all lawyers who will be actively involved in any argument to personally attend the hearing on any such motion. Remote appearances for hearings may be allowed if there are attorneys involved whose offices are a significant distance from the Court UNLESS the number of lawyers or the subject matter of the hearing would, in the Court's judgment, make a remote hearing impractical.

The Court will also allow younger attorneys to appear in person as the principal advocate for a party and more experienced attorneys to appear remotely and contribute as appropriate to promote opportunities for younger attorneys to appear in federal court.

For all remote appearances, counsel should maintain appropriate decorum as if present in the courtroom.

7. Accommodations for out-of-town parties, attorneys, or witnesses.

The Court will attempt to accommodate specific problems related to the appearance of out-of-town parties, attorneys, and witnesses. Counsel should alert the Court as soon as they become aware of any such issues by email

to TXWDml_NoJudge_Chambers_WA_JudgeMacLemore@txwd.uscourts.gov with copy to all

counsel of record. The Court will determine whether it will act based upon the information provided or require a written motion.

8. Oral arguments on motions.

The Court will schedule oral argument on a motion if it believes such argument will be useful. Parties should not use oral arguments to merely rehash what has been addressed in the written pleadings. If the Court sets oral arguments, it is because the Court wants to hear more about the relevant issues and it wants to make sure any questions it has are addressed.

9. Slides/demonstratives/presentations for hearings

Parties are encouraged to submit their exhibits, demonstratives, or presentation slides for hearings via email to opposing counsel and court staff at Abigail_Ernstes@txwd.uscourts.gov and TXWDml_NoJudge_Chambers_WA_JudgeMacLemore@txwd.uscourts.gov at least two hours before the hearing start time or as otherwise instructed by the Court.

10. Procedures for handling discovery disputes.

The Court generally enters an order regarding the process for resolving discovery disputes. This order directs the parties to confer in good faith prior to submitting any disputes and to use the Court's discovery dispute chart process for submitting the dispute to the Court. A form chart is included on the Court's website.

11. Document type when submitting proposed orders and discovery charts

Parties are to provide proposed orders and discovery charts in Microsoft Word format via email or if preferred, parties may request for documents to be submitted through a secure link through the US Court's box.com. To request a secure link, please the Court's Law Clerks at TXWDml_NoJudge_Chambers_WA_JudgeMacLemore@txwd.uscourts.gov. Parties are to utilize the Proposed Scheduling Order Template and the Discovery Dispute Chart Template located under the "Courtroom Guidance" tab.

12. Courtesy copies of motions, briefs, and other writings for chambers.

Only if requested by the Court.

13. Filing documents under seal.

Please refer to the Court's Standing Order Regarding Filing Documents Under Seal.

14. Requirement to confer before requesting sealing.

The parties are required to meet and confer prior to filing a motion to seal documents. All motions to seal information that has been designated as confidential, whether by a party or non-party to the action, must include language certifying that the meet and confer requirement has been met.

15. Requests for additional pages in excess of the page limitations set forth in Local Rule 7.

Must be timely submitted by written motion.

16. Submission of trial briefs by counsel.

Proposed Findings of Fact and Conclusions of Law are required in non-jury trials. The Court may require briefs to be filed depending on the nature of the case and issues in dispute.

17. Counsel participation in voir dire.

The Court will conduct a general voir dire, and then counsel may supplement; however, the Court reserves the right to limit counsel's participation as justice may require.

18. Time limits for opening and closing statements at trial.

The Court will allow counsel input when determining how much time will be allotted for opening and closing statements; however, once the Court has determined the time allotted, counsel must abide by those limits.

19. Requirements when addressing the Court and examining witnesses.

If physically able, counsel must stand when addressing the court, making objections, or examining witnesses unless otherwise instructed. Generally, counsel must question witnesses from the podium, but the Court will entertain well supported requests to do otherwise if made pre-trial.

20. Number of attorneys who may participate in argument and the questioning of witnesses at trial for a single party.

The Court does not automatically impose any limit on the number of attorneys who may make arguments and question witnesses at trial for a single party; however, only one attorney may examine any given witness, including making objections on cross examination. Only one attorney may handle any given argument, although different attorneys may handle the opening and closing statements. The Court encourages firms to provide opportunities for attorneys newer to the profession to meaningfully participate in making arguments and examining witnesses at trial, and the Court will allow limited exceptions to its general practice to provide those opportunities if the Court is notified that an effort is being made by more experienced counsel to also provide such an opportunity.

21. Demonstrative exhibits

Counsel shall confer regarding the use of any demonstrative exhibits. Demonstrative exhibits used during trial must be approved by the Court prior to being displayed to the jury.

Demonstratives generally may not be used during voir dire, but the Court will entertain limited exceptions to this general practice.

22. Introducing video testimony and using courtroom technology.

Counsel must notify the courtroom deputy in advance if video deposition testimony will be utilized at trial or if counsel wishes to make use of the Court's evidence presentation equipment. Counsel is encouraged to make use of the courtroom technology and to schedule a time with the Clerk's Office to test the equipment and receive any necessary training.

23. Pre-marking of documentary and photographic exhibits and other demonstrative evidence for trial.

The scheduling order sets a date certain for exchanging exhibit lists and reviewing exhibits. Any exhibit which may be introduced at trial must be pre-marked at the final pre-trial conference.

24. Mechanism for presenting exhibits at trial.

An exhibit should not be published to the jury without the Court's permission.

25. Written motions and/or briefs for judgment as a matter of law or judgment on the pleadings when such motion is made during trial.

Preferred, but not required.

26. Notetaking by jurors.

Note taking by juror is permitted.

27. Exhibits in the jury room for deliberation.

The Court utilizes the Jury Evidence Recording System (JERS), which allows the jury, during deliberation, to view electronic copies of exhibits received into evidence on a monitor in the jury room.

28. Submission of written verdict forms (in the form of interrogatory questions) to the jury.

Special verdict forms are utilized when necessitated by the nature of the particular case.

29. Written jury instructions provided to the jury.

The Court does provide written instructions to the jury.

30. Counsel's location during jury deliberations.

Counsel is not required to stay at the courthouse during deliberations but must provide a cellular telephone number to the courtroom deputy and remain close enough to return within ten minutes of being contacted.

31. General approach to settlement in both jury and non-jury civil cases.

The parties are generally expected to attempt to resolve their cases prior to trial by participating in good faith in mediation. Parties who do not wish to engage in mediation should be prepared to explain to the Court why their case is not suitable for mediation.

32. Notifying the Court of settlement.

If the parties settle their case, counsel shall promptly file a Notice of Settlement. Additionally, the parties must submit a stipulation of dismissal or an agreed order of dismissal within 30 days of the date the Notice of Settlement was filed or before the trial date, whichever is sooner, unless that date is extended by the Court upon motion, or the Court directs otherwise.