**Virginia Beach Bar Association**

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**A Primer on Practice in Federal Court:  What to Expect in Civil Cases**

**Filed in the Norfolk and Newport News Divisions**

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1. **RULES APPLICABLE TO FEDERAL CIVIL PRACTICE**

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* 1. **Federal Rules of Civil Procedure and Local Civil Rules**

It goes without saying that the Federal Rules of Civil Procedure are a starting point for most of the issues addressed in this outline. In addition, it is important for federal court practitioners to be familiar with the Local Civil Rules adopted by the Eastern District of Virginia which apply in all of the divisions. The Local Civil Rules are available on the court’s website at http://www.vaed.uscourts.gov/localrules/index.html.

* 1. **E-Filing Policies and Procedures**

Since 2007, the Eastern District has used e-filings for civil cases, with the majority of all filings in a civil case completed by e-filing. The court still requires that some items be filed in paper, including complaints, removal petitions, consent orders, returns of service, waivers of service, sealed documents, trial exhibits, and offers of judgment.

Even though most pleadings are e-filed, some judges require courtesy copies delivered to chambers for certain filings. Information on judges who require courtesy copies is available at http://www.vaed.uscourts.gov/ecf/documents/NorfolkInformation8-29-14.pdf.

The forms for admission to the Eastern District are available at: http://www.vaed.uscourts.gov/formsandfees/documents/Norfolk-NN\_Attorney\_Admission\_ LetterandApplication.pdf. In addition to paying a fee, each application must be signed by two attorneys already admitted to practice in the Eastern District.

To the extent that an attorney seeks to appear pro hac vice in a case, the forms can be e-filed and the fee paid by credit card. The forms are available at http://www.vaed.uscourts.gov/formsandfees/documents/Pro\_Hac\_Vice\_ Application2.pdf.

In order to make an appearance in a case in the Norfolk and Newport News Divisions, a lawyer must be able to e-file which means the lawyer must have an ECF filing login and password. To obtain an ECF filing login and password, a lawyer must take and pass the online quiz for e-filing. Information on the registration process is available at http://www.vaed.uscourts.gov/ecf/E-Filing%20Registration.html.

The E-filing Policies and Procedures are available at http://www.vaed.uscourts.gov/ecf/E-FilingPoliciesandProcedures-new.htm. Another source of information on e-filing is the Frequently Asked Questions assembled by the court which are available at http://www.vaed.uscourts.gov/ecf/cmecf\_faqs.html.

1. **COMPLAINTS**

When filing a complaint in the Eastern District, the submission must be made in paper to the clerk’s office. In addition to the complaint, a plaintiff must file a financial interest disclosure statement as required by Federal Rule of Civil Procedure 7.1 and Local Civil Rule 7.1 which identifies any parent corporation and any publicly held corporations owning 10% or more of its stock. The form for the financial interest disclosure statement is available at http://www.vaed.uscourts.gov/courtdocs/civil-forms/Financial\_Interest\_Disclosure\_ Statement.pdf.

In addition, a plaintiff must submit a summons for each defendant to be served with the complaint and must remit the filing fee of $400 to the clerk’s office. The schedule of fees applicable in the Eastern District is available at http://www.vaed.uscourts.gov/formsandfees/2014%20Fee%20Schedule.pdf.

At the time when a new case is filed, the clerk’s office assigns a district court judge and a magistrate judge to handle each new case.

Each party has the option of consenting to proceed before a magistrate judge. To the extent that all parties to an action consent to proceed before a magistrate judge, all further proceedings, including trial, will be handled by the magistrate judge. The form to consent to proceed before a magistrate judge is available at http://www.vaed.uscourts.gov/courtdocs/civil-forms/Norfolk\_NNews\_Magistrate\_Consent\_Form.pdf.

1. **RESPONSIVE PLEADINGS**

The relevant rules for responsive pleadings are Federal Rules of Civil Procedure 8, 12, 13, and 14.

A defendant must serve responsive pleadings within twenty-one (21) days of service unless the defendant is the United States, a United States agency, or a United States officer or employee sued only in an official capacity which has sixty (60) days after service on the United States attorney to file responsive pleadings.

To the extent that additional time is needed for a defendant to file responsive pleadings, a motion can be made under Local Civil Rule 7. If such motion is filed before the time to file responsive pleadings has expired, no supporting memorandum in required. If the time to file responsive pleadings already has expired, the defendant must file a memorandum in support.

Federal Rule of Civil Procedure 8(b) addresses defenses, admissions, and denials, and Rule 8(c) lists affirmative defenses which must be affirmatively stated in response to a pleading.

Motions to dismiss under Federal Rule of Civil Procedure 12(b) include seeking dismissal based on (1) lack of subject matter jurisdiction; (2) lack of personal jurisdiction; (3) improper venue; (4) insufficient process; (5) insufficient service of process; (6) failure to state a claim upon which relief can be granted; and (7) failure to join a party under Rule 19. The defenses listed above in (2) through (5) are waived if they are not made by motion under Rule 12 or included in a responsive pleading or in an amendment allowed by Rule 15(a)(1).

Compulsory and permissive counterclaims and crossclaims are addressed by Federal Rule of Civil Procedure 13. A party must file an answer to a counterclaim or a crossclaim within twenty-one (21) days after service.

As a third-party plaintiff, the defending party may serve a summons and complaint on a non-party who is or may be liable to it for all or part of the claim against it. Fed. R. Civ. P. 14. Unless a third-party complaint is filed within fourteen (14) days after service of the original answer, the third-party plaintiff must file a motion to obtain leave of court to file a third-party complaint. Id.

A party may amend a pleading once as a matter of course within twenty-one (21) days after serving it or if the pleading is one to which a responsive pleading is required, twenty-one (21) days after service of a responsive pleading or twenty-one (21) days after service of a motion under Rule 12(b), (e), or (f), whichever is earlier. Fed. R. Civ. P. 15. In all other circumstances, a party only can amend a pleading with the opposing party’s written consent or the court’s leave which should be freely given when justice so requires. Id.

1. **RULE 26(F) CONFERENCE AND INITIAL PRETRIAL CONFERENCE**

Rule 26(f) requires that the parties confer “as soon as practicable – and in any event at least 21 days before a scheduling conference is held or a scheduling order is due under Rule 16(b).” The date for the Rule 26(f) conference is set in the Norfolk and Newport News Divisions by the Rule 26(f) pretrial order.

At the Rule 26(f) conference (which can be conducted by phone), the parties are to discuss the possibilities for settlement and arrangements for 26(a)(1) disclosures, and they are to attempt to agree on a discovery plan. Fed. R. Civ. P. 26(f). The parties are not required to submit a written Rule 26(f) discovery plan in the Norfolk and Newport News Divisions. See Local Civil Rule 26(A)(1)(b) (noting that at the 16(b) conference the parties are permitted “to report orally on their discovery plan”).

Through the Rule 26(f) pretrial order, the court will set a Rule 16(b) scheduling conference at which time the court will determine the trial date and all applicable deadlines for discovery, expert disclosures, and other pre-trial filings. Counsel are required to appear in person for the Rule 16(b) scheduling conference which usually is conducted by the courtroom clerk. After the 16(b) scheduling conference, the court will issue a Rule 16(b) scheduling order containing all of the relevant dates. See also Local Civil Rule 16.

1. **RULE 26(a) DISCLOSURES**

The key rules and orders to consult regarding Rule 26(a) disclosures include Federal Rules of Civil Procedure 5 and 26, Local Civil Rule 26, the 16(b) scheduling order entered by the court, and any other discovery or pretrial orders issued by the court.

Federal Rule of Civil Procedure 26 is titled “Duty to Disclose; General Provisions Governing Discovery” and delineates the various pretrial discovery disclosures required in federal court. Local Civil Rule 26 is titled “Discovery and Disclosure” and supplements and amplifies Federal Rule of Civil Procedure 26. It is important to consult both rules when determining the timing of pretrial events.

Generally, Rule 26 seeks to impose upon the parties “a duty to disclose, without awaiting formal discovery requests, certain basic information that is needed in most cases to prepare for trial or make an informed decision about settlement.” Fed. R. Civ. P. 26 advisory committee’s note, subdivision (a)(1993).

**A. Rule 26(a)(1) Initial Disclosures**

Rule 26(a)(1) initial disclosures must be made “within 14 days after the parties’ Rule 26(f) conference” unless a different time is set by stipulation or court order. For the Norfolk and Newport News Divisions, the deadline for Rule 26(a)(1) disclosures will be set by the court in the Rule 26(f) pretrial order.

Rule 26(a)(1) disclosures must contain the following categories of information:

(i) **the name, address and telephone number of each individual “likely to have discoverable information”** that the disclosing party “may use to support its claims or defenses, unless the use would be solely for impeachment”

(ii) **a copy – or a description with location – of “all documents, electronically stored information, and tangible things”** that the disclosing party “may use to support its claims or defenses, unless the use would be solely for impeachment”

(iii) **a computation of each category of damages claimed by the disclosing party**, including copies of the documents “on which each computation is based, including materials bearing the nature and extent of injuries suffered”

Rule 26(a)(1)(B) describes certain types of proceedings which are exempt from making Rule 26(a)(1) initial disclosures.

**B. Rule 26(a)(2) Expert Disclosures**

Rule 26(a)(2) relates to the disclosure of experts. In the Norfolk and Newport News Divisions, the deadlines for expert disclosures will be set by the 16(b) scheduling order. The 16(b) scheduling order usually contains four relevant dates: date to identify experts by party with burden of proof; date for expert disclosures by party with burden of proof; date for expert disclosures by party without burden of proof; and date for rebuttal expert disclosures by party with burden of proof.

Rule 26(a)(2) requires that “unless otherwise stipulated or ordered by the court, the disclosure **must be accompanied by a written report – prepared and signed by the witness**.”

**C. Rule 26(a)(3) Pretrial Disclosures**

Rule 26(a)(3) pretrial disclosures relate to disclosure of all witnesses and exhibits to be used at trial, including a designation of all witnesses whose testimony the parties expect to present by deposition.

In the Norfolk and Newport News Divisions, the deadline for Rule 26(a)(3) pretrial disclosures will be set in the 16(b) scheduling order entered by the court.

Rule 26(a)(3) disclosures and objections will be exchanged among counsel and then ultimately included into the final pretrial order presented to the court at the final pretrial conference.

**D. Rule 26(a) Disclosures are NOT to be filed with the Court**

“Discovery and other disclosures are not to be filed per Federal Rule 5(d)(1) and the Rule 16(b) scheduling order. Disclosures under 26(a)(1) and (2) are to be made among counsel only. Disclosures under 26(a)(3) are to be made among counsel and included as part of the final pretrial order, but are not to be filed earlier.” See http://www.vaed.uscourts.gov/resources/norfnnewshints.html. The Richmond and Alexandria Divisions offer a similar statement that discovery and 26(a) disclosures should not be filed with the court. See http://www.vaed.uscourts.gov/resources/alexandriahints.html; http://www.vaed.uscourts.gov/resources/richmondhints.html.

**E. Other Noteworthy Aspects of Local Civil Rule 26**

One of the most important aspects of Local Civil Rule 26 is its requirement that all objections to interrogatories, requests or applications under Fed. R. Civ. P. 26 through 37 “shall be served within **fifteen (15) days** after the service of the interrogatories, request or application.” Local Civil Rule 26(C). Although Rules 30 and 35 provide that responses to discovery requests are due **thirty (30)** days after service, for objections to be preserved they must be lodged within **fifteen (15) days** under the Local Civil Rules.

This means that objections to discovery must be served fifteen (**15**) **days** after service, and responses must be served thirty (**30**) **days** after service.

Additionally, Local Civil Rule 26 requires that all objections to discovery be “specifically stated.” This aspect of Local Civil Rule 26 seeks to eliminate boilerplate or more general objections.

1. **DISCOVERY MOTIONS**

Under Federal Rule of Civil Procedure 26(c), a party may move for a protective order. Such a motion must include a certification that the party has in good faith conferred or attempted to confer with the other parties involved in an effort to resolve the dispute without court action. For good cause shown, the court may enter a protective order to, among other things, require that a trade secret or other confidential research, development, or commercial information not be revealed or be revealed only in a specific way.

Federal Rule of Civil Procedure 37 governs motions to compel discovery responses. Such motions may be made (a) if a deponent fails to answer a question; (b) a corporation fails to make a designation under Rule 30(b)(6); (c) a party fails to answer an interrogatory; or (d) a party fails to respond that an inspection will be permitted or fails to permit an inspection.

The important aspects of Local Civil Rule 7 as it relates to discovery motions are as follows:

* A motion shall be deemed withdrawn if the movant does not set it for hearing (or arrange to submit it without hearing) within thirty (30) days after the date on which the motion is filed;
* Counsel have a duty to “meet and confer in person or by telephone” in a good-faith effort to narrow the area of disagreement prior to setting the motion for hearing;
* All motions, apart from the few exceptions noted in Local Civil Rule 7(F)(2), must be accompanying by a brief which includes a citation to authorities.
* Unless the court states otherwise, a response brief to a motion is typically due eleven (11) days after service (plus any additional days for service – see Fed. R. Civ. P. 6(d)) with a rebuttal brief due within 3 days after service of the opposing party’s response brief.
* Opening and responsive briefs, exclusive of affidavits and supporting documentation, shall not exceed thirty (30) pages. Rebuttal briefs shall not exceed twenty (20) pages.

Local Civil Rule 7(F).

Discovery motions generally will be heard by the magistrate judge assigned to a case. Generally speaking, hearings can be requested for such motions by filing a request for oral argument and by contacting the magistrate judges’ courtroom deputies (222-7222) with available dates which all counsel have for scheduling a hearing.

1. **SEALING COURT FILINGS**

The process for submitting documents for filing under seal is set forth in Local Civil Rule 5 and the relevant case law from the Court of Appeals for the Fourth Circuit. Ashcraft v. Conoco, Inc., 218 F.3d 288, 302 (4th Cir. 2000); Va. Dept. of State Police v. Wash. Post, 386 F.3d 567, 575 (4th Cir. 1984). Sealing court records implicates both First Amendment and common law rights of access to court documents. SeeNixon v. Warner Commc’ns, Inc., 475 U.S. 589, 597 (1977). Because these two sources of protection require different levels of scrutiny, the court is required to assess the source of the public’s right of access in evaluating any request to seal. SeeStone v. University of Maryland Med. Sys. Corp., 855 F.2d 178, 180-81 (4th Cir. 1988). But regardless of the source of the public’s right of access, it “may be abrogated only in unusual circumstances.” Id. at 182.

Before requesting sealing, the parties should confer regarding the need for the materials to be part of the record, and the reasons why confidentiality of the particular documents must be maintained. A party’s bare desire to preserve confidentiality without any underlying factual basis will not be sufficient to justify sealing. In addition, protective orders which govern the parties’ handling of discovery not submitted for filing do not represent any judicial determination of the need for confidentiality of court records and should not form the sole basis for sealing requests.

If sealing is requested, the party seeking sealing must file a motion to seal, along with (1) a non-confidential description of what is to be sealed; (2) a statement as to why sealing is necessary and why another procedure (such as redaction) will not suffice; (3) references to governing case law; and (4) a statement as to how long sealing is sought. Documents submitted for filing under seal are then submitted in hard copy in a sealed envelope designated as required by the Rule. The clerk scans those documents and limits their access pending the court’s ruling on the motion to seal. Ordinarily, if sealing is denied, the party submitting the document will be directed to refile the unredacted version not under seal.

1. **SETTLEMENT CONFERENCES**

The magistrate judges in Norfolk and Newport News regularly conduct settlement conferences at the request of the parties or as ordered by the presiding judge. Whether ordered or requested, the settlement conference process begins with a telephone call to the magistrate judges’ courtroom deputies (222-7222), who will provide available dates and times for a settlement conference with the assigned magistrate judge. Once counsel agree on an available date, the assigned magistrate judge issues a settlement conference order setting out the requirements to prepare for and attend the settlement conference.

The written settlement statement must include, among other things, the identity of those attending the settlement conference, a summary of the strengths and weaknesses of the parties’ claims or defenses, a history of the parties’ previous settlement negotiations, and a statement of the parties’ settlement expectations. Settlement statements are usually faxed or delivered directly to the magistrate judge and are NOT FILED in the proceedings. In addition, the settlement conference order requires that a party with full authority to settle the case attend and participate in person. Requests to appear by phone must be approved in advance and are generally looked on with disfavor.

During the settlement conference, the parties meet together with the magistrate judge for an opening session during which each side presents an opening statement outlining their position in the case and expectations for the settlement conference. These statements are generally handled by the attorneys, although the presiding magistrate judge will usually offer parties and others in attendance an opportunity to speak. Thereafter, negotiations usually proceed in private caucuses with the settlement judge moving among the parties in separate rooms. Ex parte communications are obviously permitted during the settlement conference and may occur before and after. It is the usual practice of magistrate judges in Norfolk and Newport News to recuse from a case if the settlement conference is unsuccessful and remain available for follow up meetings or telephone conversations related to the settlement process.

If the parties conclude a settlement, either before or after the settlement conference, they are required to file a Notice of Settlement advising the court that the matter is resolved. If the matter is concluded prior to the presentation of an agreed dismissal order, the parties are usually provided 11 days to submit an agreed order. Thereafter, the clerk will forward a dismissal order for entry. If the parties are not requesting that the court retain jurisdiction to enforce the settlement agreement, they may submit a stipulation of dismissal signed by all parties who have appeared pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(ii).

1. **SUMMARY JUDGMENT MOTIONS**

Summary judgment motions are governed by Federal Rule of Civil Procedure 56 and Local Civil Rules 7 and 56.

**A. Timing**

The time provisions of Fed. R. Civ. P. 56(b) do NOT apply in the Eastern District of Virginia. Instead, Local Civil Rule 56 states that “No motion for summary judgment shall be considered unless it is filed and set for hearing or submitted on the briefs **within a reasonable time before the date of trial**, thus permitting a reasonable time for the court to hear arguments and consider the merits after completion of the briefing schedule specified in Local Civil Rule 7(F)(1).” Local Civil Rule 56(A).

Further, some of the district court judges in the Norfolk and Newport News Divisions address summary judgment motions in the 16(b) scheduling order by setting deadlines for such filings or specifying that disposition of motions for summary judgment is left to the discretion of the court, and such motions may or may not be addressed prior to trial.

It is important to file motions for summary judgment as far in advance of the trial date as practicable, generally immediately after the close of discovery.

**B. Listing of Undisputed Facts**

Pursuant to Local Civil Rule 56(B), summary judgment motions must contain a separate listing of alleged undisputed material facts (with citations to the parts of the record relied upon which support that the listed facts are undisputed) that support summary judgment. Parties responding to such summary judgment motion must specifically controvert each alleged undisputed fact with evidence and citation to the record, or the facts will be deemed admitted. Local Civil Rule 56(B).

**C. Separate Motions Not Permitted Without Leave of Court**

In the Eastern District, a party may only file one motion for summary judgment. Any additional summary judgment motions may only be filed with leave of court. Local Civil Rule 56 (“Unless permitted by leave of Court, a party shall not file separate motions for summary judgment addressing separate grounds for summary judgment.”).

**D. Request for Oral Argument**

If counsel seek to request a hearing on the motion, the party should submit a notice of request for oral argument. Even if such a request is made, the judges in the Norfolk and Newport News Divisions determine whether a hearing is necessary.

**E. Formatting**

Local Civil Rule 7 sets forth formatting requirements for all motions and briefs filed in the Eastern District. Additionally, Local Civil Rule 7 requires that all motions must be accompanied by a separate brief in support, “setting forth a concise statement of the facts and supporting reasons, along with a citation of the authorities upon which the movant relies.”

1. **FINAL PRETRIAL CONFERENCES**

The 16(b) scheduling order entered by the court specifies the date on which the final pretrial conference will be conducted.

In the Norfolk and Newport News Divisions, the final pretrial conference will typically be conducted by the magistrate judge assigned to the case.

It is the responsibility of all parties to offer a joint proposed draft of the final pretrial order prior to the final pretrial conference, and the deadline for submitting the draft also will be included in the 16(b) scheduling order. Though all parties share in the responsibility for ensuring this final pretrial order is submitted to the court at the final pretrial conference, typically it is plaintiff’s counsel that is to take the lead in circulating a proposed final pretrial order to all counsel.

The proposed final pretrial order typically includes:

* A stipulation of undisputed facts;
* Identification of documents, summaries of other evidence, and other exhibits in accordance with Rule 26(a)(3)(A)(iii) to which the parties agree;
* Identification of Rule 26(a)(3)(A)(iii) materials sought to be introduced by each party to which there are unresolved objections, stating the particular grounds for each objection, and arranging for the presence of such materials at the conference;
* Identification of witnesses in accordance with Rule 26(a)(3)(A)(i), indicating any unresolved objections to the use of a particular witness and the grounds therefor;
* A designation of those witnesses expected to testify by deposition in accordance with Rule 26(a)(3)(A)(ii);
* The factual contentions of each party; and
* The triable issues as contended by each party.

1. **TRIAL PREPARATION**

**A. Jury Instructions and Voir Dire**

The key rules to consider include Federal Rule of Civil Procedure 38 and Local Civil Rules 38 (Demand for a Jury Trial), 47 (Jurors), 51 (Proposed Jury Instructions and Voir Dire), and 54 (Costs – Notice of Appeal – Jury Costs).

A demand for a jury in a civil action must be made in writing and in accordance with Federal Rule of Civil Procedure 38. See Local Civil Rule 38. In the event a new party is added, the new party may demand a trial by jury at any time within twenty-one (21) days after such party is served with process or summons. A jury trial demand in removal actions will be governed by Federal Rule of Civil Procedure 81(c).

When a jury trial has been demanded, proposed voir dire and jury instructions must be submitted to the Court. The deadline for this submission will be included in the Rule 16(b) scheduling order entered by the court.

Despite the request for proposed voir dire, most judges in the Norfolk and Newport News Divisions will conduct their own voir dire (as opposed to having the attorneys ask the questions during voir dire) and will read from a voir dire outline that they use in all their civil cases. Nevertheless, the Court will often hear argument regarding certain questions specific to the case which the parties seek to include.

Judges in Norfolk and Newport News typically run an efficient voir dire and jury selection process. Litigators should typically come prepared to put on their first witness on the first day of trial.

Local Civil Rule 51 governs proposed jury instructions and voir dire. It provides that “except as provided otherwise in a pretrial or scheduling order, in all cases tried to a jury the parties shall submit proposed instructions and voir dire questions to the Court in duplicate, with a copy to opposing counsel, **at least five (5) business days before the scheduled trial date**.” Local Civil Rule 51. The language of the Rule 16(b) scheduling orders used by judges in the Norfolk and Newport New Divisions typically tracks Local Civil Rule 51 as it relates to proposed jury instructions and voir dire. As an example, language from a recent Rule 16(b) scheduling order reads:

“**Trial by jury has been demanded**. Proposed *voir dire* and two sets of jury instructions (TYPED IN CAPITAL LETTERS), shall be electronically filed and delivered, to the Clerk on or before **July 6, 2015**. Counsel are also required to include a CD of the proposed voir dire and jury instructions with the delivery to the Clerk. Jury instructions are to be submitted in duplicate. The first set of instructions shall be individually titled, numbered, and include authorities. Each instruction in the second set of jury instructions shall be captioned “INSTRUCTION NO. ”, titled, and without supporting authority.”

A final important caveat of Local Civil Rule 51 is the statement reminding counsel that proposed instructions filed with the court must be “proffered to the Court during the instruction conference and ruled upon by the judge to become a part of the official record for appeal.” Local Civil Rule 51.

**B. Proposed Findings of Fact and Conclusions of Law**

If the case is proceeding by bench trial, instead of proposed jury instructions and voir dire, the parties will instead submit to the court proposed findings of fact and conclusions of law.

This is a document that each party will prepare independently and then file with the court simultaneously. The document will typically include a section for undisputed proposed findings of fact, additional proposed findings of fact, and proposed conclusions of law.

The Rule 16(b) scheduling order entered by the court will specify the date on which such proposed findings of fact and conclusions of law are due.

**C. Motions in Limine**

Generally speaking, judges prefer to address motions in limine before the start of trial and prefer that such motions be filed before the final pretrial conference. Motions in limine must comply with Local Civil Rule 7.

Although most Rule 16(b) scheduling orders in the Norfolk and Newport News Divisions will not include a specific motions in limine deadline, it is good practice to file such motions far enough in advance of trial to permit sufficient briefing.

**D. Preparation and Submission of Exhibits**

Local Civil Rule 79 provides specific requirements for the submission of trial exhibits. Specifically, all exhibits must be **“placed in a binder, properly tabbed, numbered and indexed”** with the original and two copies to be delivered to the court (with an additional copy to opposing counsel) at least **one business day before trial**. Local Civil Rule 79.

Unless otherwise ordered by the Court, photographs may be substituted for bulky exhibits or other demonstratives.

**E. Technology in the Courtroom**

The use of cell phones, laptops and other technology is not permitted in the Norfolk and Newport News Divisions without specific permission from the court.

Many of the courtrooms in the Norfolk and Newport News Divisions are equipped to accommodate electronic exhibits, slides and other electronic presentations. Thus, parties should take advantage of these options and seek the court’s permission sufficiently in advance of the trial date.

Once permission is obtained, all coordination of technology issues and questions, including setting up a practice run with the technology, should be coordinated through the court technology administrator (courtroom\_tech@vaed.uscourts.gov).

The link below provides further detail: http://www.vaed.uscourts.gov/resources/Court%20Technology/evidence\_presentation\_systems.htm.