

UNITED STATES DISTRICT COURT Eastern DISTRICT OF OKLAHOMA
JUDGE HEIL – CHAMBERS RULES

Professionalism, courtesy, decorum, and common sense shall dictate all behavior in this Court. The parties and attorneys, including pro se litigants, will be held to the highest standard of professional conduct, personal and professional courtesy and deportment throughout all proceedings conducted in this Court.

1. **Local Rules:** You are expected to be familiar with all local rules and specifically LCvR 83.7, concerning courtroom behavior, and adhere strictly to each of the requirements of this rule.
2. **Motions and Responses:**
 - a. The parties are expected to cite to unpublished cases using the Westlaw citation. If a Westlaw citation is not available, the unpublished case shall be attached to the filing.
3. **Requests for Extension of Time and Extension of Scheduling Order:**
 - a. Must be in writing.
 - b. Absent an emergency, any request for extension should be filed at least forty-eight hours before the scheduled deadline.
 - c. Must follow the standards outlined in the Federal Rules of Civil Procedure, as interpreted and applied by the Tenth Circuit, and must meet the requirements of LCvR 7.1(i).
 - d. Counsel should not assume that the amount of time between the discovery deadline and start of trial is an invitation to request an extension of deadlines while keeping the trial date as set. Any request for extension of time will likely affect the trial setting.
 - e. In criminal cases, if the request implicates the Speedy Trial Act, an originally signed Waiver of Speedy Trial form must be filed.
4. **Settlement Conferences:** It is the Court's expectation that parties attend a Settlement Conference mid-way through discovery. Requests to continue a Settlement Conference because discovery is not complete will not be granted absent good cause. The Court expects the parties to actively engage in discovery from the onset of the litigation.
5. **Advocacy:** Federal courtroom advocacy opportunities are rare. To assist in the training of the next generation of attorneys, the Court strongly encourages new or inexperienced attorneys to participate in courtroom proceedings and conferences. The Court is amenable to having multiple attorneys speak if it creates opportunities for junior lawyers.
6. **Courtroom Protocol in General:**
 - a. All electronic devices must be powered off.
 - b. Do not place on the courtroom furniture, including chairs, conference tables, or benches, feet, shoes, or any objects which might scratch or mar the surfaces including briefcases with metal closures or feet, demonstrative aids, exhibits, etc.
 - c. Do not chew gum or eat food, mints, candy, etc. in the courtroom.
 - d. No beverages, other than bottled water, are allowed in the courtroom.

7. Pretrial Conference:

- a. Counsel are required to meet prior to the Pretrial Conference to review all proposed exhibits. Allegations during trial that counsel have "never seen" one of opposing counsel's listed exhibits will be viewed with disfavor.
- b. At the pretrial conference, counsel should be prepared to present their arguments regarding (1) objections to exhibits, (2) pending dispositive motions, and (3) pending motions in limine. The Court intends to conclude the Pretrial Conference with the case ready for trial.
- c. Counsel should also be prepared to address all matters expected to cause numerous sidebar conferences or lengthy argument during trial. Once a jury is seated, the Court wants to keep them working and interested in the case. When possible, argument and record-making should be delayed until the beginning of a convenient recess, or before or after the trial day.
- d. Civil cases: One (1) week prior to the Pretrial Conference, the parties shall provide two (2) notebooks containing any exhibits with remaining objections to the Court.

8. Motions in Limine and *Daubert* Motions:

- a. The Court strongly encourages the use of motions in limine to resolve complicated or unusual evidentiary issues. Such motions should be filed by the deadline set forth in the Scheduling Order and will be addressed at the Pretrial Conference, as necessary. Counsel should not wait until trial to seek exclusion of evidence counsel knew opposing counsel would seek to introduce. If a motion in limine is not timely filed, it will not be considered absent a showing of manifest injustice.
- b. In particular, counsel are directed to raise objections to anticipated scientific evidence and expert testimony by a timely motion in limine. Any issues implicating *Daubert v. Merrell Dow Pharmaceuticals, Inc.* 509 U.S. 579 (1993), should be raised in a *Daubert* motion pursuant to the deadline set forth in the Scheduling Order.
- c. The parties are each limited to one (1) omnibus motion in limine which may not exceed forty (40) pages.
- d. The parties are discouraged from filing a motion in limine requesting an order that the parties be required to follow the Federal Rules of Evidence. Any motion in limine filed should concern specific evidence.

9. Change of Plea

- a. The Petition to Enter Plea of Guilty, any Information and the Plea Agreement, if applicable, must be provided to the Court three (3) business days before the Change of Plea hearing.