

CHAMBERS RULES FOR THE HON. JOHN F. HEIL, III

EASTERN DISTRICT OF OKLAHOMA

Last updated April 25, 2024

General Chambers Rules

1. **Expectations:** 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.
2. **Local Rules:** You are expected to be familiar with all local rules, particularly LCvR 83.7 concerning courtroom behavior, and adhere strictly to the requirements of these rules.
3. **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.
4. **Motions and Responses:**
 - a. **Statement of Conferral:** Any motion must state on the first page whether it is opposed or unopposed. If opposed, the motion must include a statement of conferral evidencing the manner in which conferral with opposing counsel took place. If concurrence to the motion could not be obtained or was refused, the motion should explain why concurrence could not be obtained. A motion that fails to include a statement of conferral or a statement as to whether the motion is opposed or unopposed may be summarily denied.
 - b. **Unopposed Motions:** The Court will generally only entertain a motion to take judicial notice of a fact or a motion to declare an issue as a matter of law if the issue is contested by the parties. If the issue is uncontested, the Court prefers the parties file a stipulation. Unopposed motions may be stricken unless good cause is shown for the need for the Court's determination.
 - c. **Motions in Limine:**
 - i. 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.

- ii. 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.
 - iii. Each party is limited to one (1) omnibus motion in limine which may not exceed forty (40) pages.
 - iv. 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.
- d. **Citation to unpublished cases:** Cite to unpublished cases using the Westlaw citation. If a Westlaw citation is not available, the unpublished case shall be attached to the filing.

5. Courtroom Protocol:

- a. All electronic devices must be powered off. On a showing of good cause, counsel may obtain approval for the use of electronic devices during trial.
- 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.
- e. Only the attorney questioning a witness should raise objections concerning that witness' testimony.
- f. To the extent a sidebar conference is allowed during examination of a witness, only the attorney questioning the witness should present argument.
- g. Do not greet or introduce yourself to adverse witnesses. Commence your cross-examination without preliminaries. Do not face or otherwise appear to address yourself to jurors when questioning a witness.
- h. Physical evidence should be handled with disposable gloves. If physical evidence to be presented at trial involves biological matter or potential biohazards, advance notice should be given to the Court's courtroom deputy—preferably at pretrial conference, but no later than the day that exhibit lists are due.

Criminal Chambers Rules

1. Hearings:

- a. All counsel, including out of state counsel, are required to attend all criminal hearings *in person*.
- b. Counsel are encouraged to appear 15 minutes early for any hearing.
- c. Pretrial conferences are typically set on a pretrial docket and are typically heard in case number order. If a lengthy hearing (more than 10 minutes) is anticipated or the Court wishes to hear pending motions, the pretrial conference may be moved to a separate time or to the end of the docket.
- d. Sentencings and revocations are typically set on a sentencing docket. If a lengthy hearing (more than 30 minutes) is anticipated, please notify the courtroom deputy as soon as possible and the hearing may be moved to a separate date and/or time.

2. Joint Status Report Regarding Production of Discovery:

- a. The joint status report (“JSR”) should be filed in CM/ECF as a “Status Report.”
- b. The JSR should provide a substantive update on the status of discovery including, but not limited to, any materials yet to be produced, any materials requested but not produced, the reason any materials have not been produced, and the anticipated timing of any such forthcoming production. If a discovery motion is anticipated, this information should be included in the JSR.
- c. If a change of plea hearing is already set, a JSR is unnecessary. If the case is ready for change of plea, counsel shall notify the Court’s courtroom deputy on or before the date the JSR is due. Failing to file a JSR merely because the parties anticipate a change of plea is unacceptable.
- d. Failing to file the JSR without any notice to the Court is unacceptable.

3. Motions to Continue Deadlines, Scheduling Order, and/or Trial:

- a. Every motion must be clearly titled as unopposed, agreed, or opposed. Pursuant to LCrR 12.1(B) and Judge Heil’s General Chambers Rule 4(a), every motion *must* contain a statement outlining each party’s position—including any co-defendants—with respect to the requested relief.
- b. A proposed order is not required.
- c. Unless the case has been declared complex, if a motion to continue requests an extension of the trial setting, a speedy trial waiver must be filed. The Court will not rule on a motion to continue a trial setting without a correct, executed waiver on file.

- i. The waiver must be submitted on the Court’s form, which can be downloaded at this link: [Required Waiver of Speedy Trial Form](#).
 - ii. The waiver must specifically reference the excludable dates. For example, if the defendant is set on the September 9, 2024 trial docket and is requesting a continuance to the October 28, 2024 trial docket, the waiver shall state “Defendant specifically requests that all delays from a continuance of his/her jury trial from September 9, 2024 to October 28, 2024 be excluded from computation under the Speedy Trial Act pursuant to 18 U.S.C. § 3161, et seq.”
 - iii. The waiver must be signed by the defendant and by defendant’s counsel.
 - iv. Ideally, the waiver should be filed contemporaneously with the motion to continue.
 - v. If you file a motion to continue ahead of pretrial conference but are unable to file a signed waiver prior to the pretrial conference, the motion to continue will be addressed at the pretrial conference. However, defense counsel are expected to timely meet with their clients in advance of the pretrial conference, and the Court discourages the use of pretrial conferences simply to obtain waivers.
 - vi. In a multi-defendant case, a waiver of speedy trial is required from each defendant (unless, as above, the case has been declared complex).
- d. Judge Heil’s criminal trial dates are:

June 10, 2024
June 24, 2024
August 5, 2024
September 9, 2024
September 30, 2024
October 28, 2024
December 2, 2024
January 6, 2025
February 3, 2025
March 3, 2025
March 31, 2025
May 5, 2025
June 2, 2025
June 30, 2025
August 4, 2025

4. Motions and Stipulations:

- a. Pursuant to LCrR 12.1(E), any response shall be filed within seven days of any motion’s filing.

- b. Replies are not permitted without leave of Court. If leave is granted, replies shall be limited to five pages.
- c. Only one motion to suppress per defendant is permitted absent leave of Court.
- d. The parties should meet and confer in good faith to discuss any stipulations that would streamline the issues at trial. Any stipulations agreed to should be submitted by the date listed in the scheduling order. Counsel are reminded of Judge Heil's General Chambers Rule 4(b) regarding unopposed motions and stipulations.
- e. In addition to complying with General Chambers Rule 4(a) requiring a statement of conferral between parties, motions related to probation/supervised release issues must also state the position of the United States Probation Office.

5. Changes of Plea:

- a. When a defendant is ready to plead guilty, notify the Court's courtroom deputy Nick Davis by email at nick_davis@oked.uscourts.gov. Please include any dates that are good for the hearing and any dates to avoid.
- b. In most cases, the change of plea hearing will be referred to the criminal duty Magistrate Judge and set on their court schedule.
- c. If the change of plea hearing is set before a Magistrate Judge, you must email the Magistrate Judge's courtroom deputy the following plea documents three (3) business days prior to the change of plea hearing:
 - i. [Petition to enter plea of guilty](#);
 - ii. [Consent to appear by video conference](#);
 - iii. [Consent to Magistrate Judge for change of plea](#);
 - iv. [Waiver of jury form](#);
 - v. [Waiver of indictment \(if applicable\); and](#)
 - vi. Plea agreement and plea agreement supplement (if applicable).
- d. If the change of plea hearing is set before Judge Heil, the petition to enter plea of guilty, waiver of jury form, waiver of indictment (if applicable), and plea agreement and plea agreement supplement (if applicable) must be emailed to Judge Heil's courtroom deputy Nick Davis at nick_davis@oked.uscourts.gov three (3) business days in advance.
- e. Absent good cause, any superseding information must be filed at least three (3) days prior to the change of plea hearing.

Civil Chambers Rules

1. 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(h)-(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.

2. 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.

3. Pretrial Conferences:

- 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 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. One (1) week prior to the pretrial conference, the parties shall provide two (2) notebooks containing any exhibits with remaining objections to the Court.

4. Trials:

- a. The Court sets civil trials on a trailing docket following criminal cases. At pretrial, counsel will be advised as to their position on the trial docket. The parties should understand that a number of criminal cases are likely to be added to the trial docket.

The Court will not entertain a motion to continue trial merely because of the number of criminal cases on the docket. Criminal cases routinely resolve on the eve of trial. Counsel will be prepared to try their case in the event all criminal cases resolve. Counsel may communicate with the Court's courtroom deputy for updates concerning the criminal cases on the docket.