



CASE MANAGEMENT PROCEDURES JUDGE GILBERT C. SISON

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CIVIL CASES

Conflicts of Interest

In order for Judge Sison to identify potential conflicts of interest, all counsel for non-governmental parties must disclose interested parties and affiliates in accordance with Federal Rule of Civil Procedure 7.1.

Counsel shall provide updated information as necessary throughout the pendency of the action. Additionally, for all cases other than class actions, counsel shall list all parties in the caption of pleadings, so Judge Sison can assess whether any possible basis for disqualification exists.

Rule 26 Disclosures

Federal Rule of Civil Procedure 26 will be strictly enforced. Counsel should keep in mind the following:

- Rule 26(a)(1) specifies initial disclosures, and these must be supplemented pursuant to Rule 26(e).
- Rule 26(a)(2)(A) refers to all expert disclosures, and, again, these must be supplemented pursuant to Rule 26(e).
- Rule 26(a)(2)(B) addresses retained or specially employed experts. Again, Rule 26(e) requires supplementation.
- Rule 26(a)(3) deals with pretrial disclosures (not discovery) which must be made at least 30 days before trial under the rules. However, Judge Sison requires a different deadline. Thus, Rule 26(a)(3) disclosures should be made 4 weeks before the scheduled Final Pretrial Conference date. Objections are due 2 weeks after the disclosures are made. These disclosures (and the objections) shall be filed electronically with the Clerk of Court. Judge Sison will take up any objections at the Final Pretrial Conference.

Mandatory Mediation Program

The Court has adopted a Mandatory Mediation Plan (“Plan”). *See* SDIL-LR 16.3(a); Administrative Order No. 301. Under the Plan, non-exempt civil cases are referred to

the Court's Mandatory Mediation Program ("Program") when a presumptive trial date is assigned. Other cases may be referred into the Program in the discretion of the presiding judge or magistrate judge.

Rule 16 Conferences

Attorneys must confer and submit a Joint Report of Parties prior to the scheduled conference. A form for use in that regard may be downloaded ([here](#)), and is also included as an attachment to the Local Rules. If the case is a class action, click ([here](#)) for the form. The report must be jointly submitted – one report bearing the original signature of each attorney of record. In most cases, the conference will occur even though the joint report has been timely submitted. However, depending on the case and at the Court's discretion, the conference may be cancelled after review of a timely- submitted joint report. The joint reports shall be submitted at least 7 days before the scheduling conference. The Joint Report should be submitted using one of the following forms: (1) [Joint Report for Cases Referred to Mandatory Mediation](#); (2) [Joint Report for Cases not Referred to Mandatory Mediation](#); or (3) [Joint Report for Class Actions](#). These forms are also available on the "Forms" page of the District Court's website (www.ilsd.uscourts.gov/forms-0).

The scheduling and discovery conference will be telephonic. The Court will instruct the parties by a docket text order on how to participate in the telephonic conference. Occasionally, an attorney may be present at the courthouse at the time the conference is scheduled. When that happens, counsel may come to Judge Sison's courtroom and appear in person. The attorney who is most familiar with the case should participate in the conference.

The purpose of the Rule 16 conference is twofold: (1) to identify and plan to deal with novel or difficult discovery issues; and (2) to schedule a settlement conference. Counsel should be prepared to discuss both at the conference. During the scheduling conference, the Court will identify the least amount of discovery necessary for a successful settlement conference.

Settlement Conferences

Settlement conference dates are typically selected during the Rule 16 conference. Settlement conferences can also be set at the request of the parties subject to the Court's availability. Settlement conferences will normally be set at 9:00 a.m. with the understanding that the conference may continue for the entire business day. Lead counsel and the parties must attend. A named individual defendant need not attend if covered by liability insurance. In that case, an insurance representative with full authority to negotiate and settle the case must be here. A proper defendant representative will be a

person who can agree to any sum demanded by the plaintiff without resort to the telephone. Relief from this attendance requirement may be requested but is not likely to be granted. However, the Court recognizes that extenuating circumstances and situations do sometimes arise and such circumstances and situations will be judged on a case-by-case basis.

In employment cases, defendants should not bring anyone who had any relevant input in the employment decision(s) which gave rise to the underlying lawsuit. In some cases, due to the size of the defendant company, this is unavoidable. However, when it can be avoided it should be. A good rule of thumb is to leave behind anyone who might testify at trial concerning the reasons for the employment action taken.

Settlement statements are not filed through the Court's electronic filing system. Instead, the parties should submit their settlement statements directly to chambers through its proposed documents inbox at GCSpd@ilsd.uscourts.gov. Settlement statements are due 7 days prior to the scheduled settlement conference date.

If during preparation for a settlement conference a party determines that negotiations will be futile, then that party must contact chambers immediately. Defendants who appear with nothing but nuisance money may find themselves paying the cost of plaintiff(s) and plaintiff(s)' attorneys to attend.

Click ([here](#)) for a copy of the [Settlement Statement of Attorney](#).

Telephonic Appearances at Various Conferences and Hearings

For the convenience of the attorneys and the parties, the Court often schedules various matters for a telephonic hearing. Those matters include, but are not limited to, scheduling conferences, discovery disputes, status conferences, and various motion hearings. The Court reminds the attorneys and the parties to treat these telephonic hearings as if they were being held in person and to be punctual for these hearings. Appearing late or missing these hearings is extremely disruptive to the Court's schedule and wastes the time of the attorneys and parties who attend in a timely manner.

If an attorney or a party fails to appear as directed for a regularly scheduled telephonic conference or hearing, a show-cause order will be issued. If the attorney or a party fails to appear for another regularly scheduled telephonic conference or hearing, the privilege of appearing by telephone will be revoked and in-person appearances will be required for all matters.

Discovery Disputes

- *Consented Cases*

The parties are encouraged to resolve discovery disputes informally without Court intervention. Before Judge Sison will consider any discovery matter, the party seeking the discovery (or seeking to avoid answering or responding to discovery) must certify that it has, in good faith, conferred or attempted to confer with the other party regarding the discovery dispute.

If the discovery dispute cannot be resolved informally, the parties will be required to submit a **one-page joint statement of the issues**. The joint statement of the issues should succinctly state, in a non-argumentative fashion, the issues in dispute that require Court intervention. The joint statement of the issues should also provide a brief outline of the attempts the parties have made to resolve the discovery dispute informally.

If written discovery is involved, the parties should submit the actual discovery in dispute as an attachment to the joint statement (*e.g.*, if the parties have a dispute over the Defendant's objections to Plaintiff's interrogatories, then the actual disputed interrogatories and objections should be submitted as an attachment). The Court will then set the matter for a discovery dispute conference after receipt and review of the joint statement of the issues.

If, after reviewing the joint statement of the issues **or** meeting with the parties in a discovery conference, the Court believes that written briefing is necessary, then it will set a briefing schedule. The briefing schedule will be expedited and include page limits. (*e.g.*, a seven-day response deadline and a five-page limit for briefs).

The joint statement of the issues (along with any written discovery) should be sent to the Court via email to GCSpd@ilsd.uscourts.gov. The parties must also CC Judge Sison's Courtroom Deputy Clerk, Catina Simpson, at Catina_Simpson@ilsd.uscourts.gov.

In appropriate circumstances, and for good cause shown, the Court reserves the right to award costs (or in referred matters issue a Report and Recommendation for the imposition of costs) associated with the discovery dispute against the non-prevailing party.

- *Discovery disputes referred by a District Judge*

Disputed discovery matters that are referred to Judge Sison by a district judge for disposition will be handled on a case-by-case basis depending on how the district judge has instructed the parties to proceed.

Motion Practice

- *Pleadings*

All pleadings must be filed with the Clerk's Office via the Case Management/Electronic Case Filing (CM/ECF) system.

- *Responses & Replies*

In accordance with Local Rule 7.1(c), Judge Sison allows 30 days for parties to file memoranda responding to dispositive motions, post-trial motions, and motions to remand. For motions other than these, Local Rule 7.1(g) governs response deadlines and supporting brief requirements.

Responsive memoranda can be no longer than 20 pages, unless written leave of court is obtained. Reply briefs are strongly discouraged. If filed, reply briefs may be no longer than 5 pages and must be filed within 14 days of service of the response. See Local Rule 7.1(c).

These deadlines and page limits may be altered by Judge Sison, where appropriate or necessary in a particular case.

- *Oral Argument on Motions*

Judge Sison will set motions for hearing at his discretion but does not do so in every case. It is not necessary for counsel to request a motion hearing, but counsel may file a motion requesting a hearing if oral argument on a motion is desired.

- *Urgent or Time Sensitive Motions*

After filing an urgent or time sensitive motion with the Clerk's Office via the Case Management/Electronic Case Filing (CM/ECF) system, counsel must also inform Judge Sison's Courtroom Deputy Clerk or the law clerk assigned to the case that such a motion has been filed.

- *Motions in Limine*

Motions *in limine* are due **21 days** prior to the Final Pretrial Conference. Responses to motions *in limine* must be filed **no later than 7 days after the motion is filed**. Arguments on such motions will be heard at the Final Pretrial Conference where necessary. Given the nature of motions *in limine*, failure to file motions by the deadline generally will not prejudice a party's ability to move *in limine* before the jury is impaneled. Later-filed motions, however, may be stricken if their consideration would delay the start of trial.

- *Daubert Motions*

All *Daubert* motions (seeking to exclude expert testimony/evidence) must be filed by the dispositive motion deadline, not the motion *in limine* deadline.

Counsel is ADVISED that *Daubert* motions not filed in accordance with this deadline will be denied as untimely.

- *Motions to Dismiss*

In any dismissal motion filed before Judge Sison, the movant must clearly state: (1) the specific section under which dismissal is sought, *i.e.*, not just “Rule 12(b)” but “Rule 12(b)(1)” or “Rule 12(b)(6),” etc.; (2) whether dismissal is sought of the complaint, the entire case, or just certain parties or claims; and (3) whether dismissal is sought with prejudice or without prejudice. See Local Rule 7.1(c) for briefing deadlines governing dismissal motions, subject to modification by Judge Sison via Order in a particular case.

- *Trial Briefs*

Trial Briefs are not required. If filed, they are due **14 days** prior to the scheduled trial date. Trial briefs should not be used to rehash issues previously rejected by the Court via ruling on a dispositive motion.

Trial Procedure

- *Trial Dates*

Judge Sison assigns newly-filed or removed non-prisoner civil cases a **specific trial date**. Continuances of the scheduled trial date will be given only in exceptional circumstances.

By Notice, a Final Pretrial Conference will be scheduled to take place generally between 14 to 45 days before the scheduled trial date.

- *Trial Hours*

Trials generally begin at 9:00 a.m., although a different time may be specified by Order or Notice in a given case. Counsel, however, are expected to report by 8:30 a.m. so that the Court can address various matters as they come up during the trial.

Especially as to *jury* trials, the Court makes every effort to conclude each day by 4:30 p.m. In trials that proceed 9:00 a.m. to 4:30 p.m. daily, an hour lunch break is taken around noon. Typically, one 15-minute morning break and at least one 15-minute afternoon break will be taken. Counsel is reminded to avoid stopping unilaterally to announce he or she is “ready to break now.” The Court will determine when to take a break after learning from counsel the anticipated time of the examination remaining.

Motions, jury instruction conferences, and other matters may be handled with counsel prior to 9:00 a.m. or after 4:30 p.m., as directed by Judge Sison.

- *Attorney Conference Room*

A conference room is available near Judge Sison's courtroom for attorney-client or attorney-witness consultation. Please see Judge Sison's Courtroom Security Officer for access.

- *Attorney Availability During Jury Deliberation*

Counsel must give the Courtroom Deputy Clerk a telephone number where they can be reached when the jury indicates it has reached a verdict or has a question. Counsel should be able to arrive in the courtroom within 10 minutes after being contacted.

- *Post-Verdict Juror Interviews*

At the conclusion of the trial, Judge Sison informs the jurors that they may, but are not required to talk to counsel about the case. Counsel are instructed that they may only talk to jurors if the jurors approach counsel.

Final Pretrial Order

Counsel shall prepare a [Final Pretrial Order](#) using Judge Sison's approved form. It is mandatory.

Local Rule 16.2(b)(1) provides that the parties shall submit a signed, joint Final Pretrial Order no later than **3 days** prior to the Final Pretrial Conference date. Counsel shall e-mail the Final Pretrial Order to Judge Sison's proposed document in-box at: GCSpd@ilsd.uscourts.gov. The parties shall put effort into drafting the statement of the case provided in the Final Pretrial Order, as the Court reads it to the jury during voir dire.

Mandatory Exhibit List

NOTE: The parties shall identify the exhibits they intend to use at trial in the disclosures timely made pursuant to Federal Rule of Civil Procedure 26(a)(3). When possible, objections filed pursuant to Rule 26(a)(3) will be resolved at the Final Pretrial Conference.

The parties shall bring their Rule 26(a)(3) disclosures and any objections to the Final Pretrial Conference.

In addition to the provisions of Rule 26, the parties shall prepare an Exhibit List stating the number and brief description of each exhibit they expect to present at trial. The Exhibit List must be submitted at least **4 business days** before the scheduled trial date using the approved form (a revision of AO Form 187). A copy of that blank form will be provided to counsel by the Courtroom Deputy Clerk. The parties may also request the template by contacting Judge Sison's Courtroom Deputy Clerk, Catina Simpson, at (618) 482-9334 or by email at Catina_Simpson@ilsd.uscourts.gov.

Other points to note when preparing the exhibit list:

- Letters should not be used to identify exhibits (, use only 1, 2, 3, 4; do not use 1, 1A, 1B, 2, 2A). *i.e.*
- Do not designate any exhibits as "group" exhibits.
- Designate multiple page exhibits with one exhibit number, using page numbers for further identification.
- Do not group sets of multiple photographs. Give each photograph a separate exhibit number.
- Do not assume that the Court will allow any exhibits to be passed among jurors. Publication will be handled by evidence presentation technology or by use of juror notebooks.

Finally, the Court encourages the parties to assemble an exhibit book for witnesses to view while being examined, as this expedites the examination process.

Specific questions about preparing the exhibit list should be directed to the Courtroom Deputy Clerk, Catina Simpson, by email to Catina_Simpson@ilsd.uscourts.gov or may be raised at the Final Pretrial Conference.

Witness List

The parties shall disclose the names of witnesses as directed by Federal Rule of Civil Procedure 26(a)(3) and include in the Final Pretrial Order the name of all persons who may possibly/potentially be called at trial. The list of witnesses in the Final Pretrial Order may be read to the jury during voir dire. Absent extraordinary circumstances, any person not included on the list *will not be permitted to testify at trial*, because his/her name will not have been disclosed to the potential jurors.

If a different deadline is not set on CM/ECF, then by 12:00 noon on the business day prior to trial, counsel shall each e-mail a final list of the witnesses they are intending to call at trial to Courtroom Deputy Catina Simpson at Catina_Simpson@ilsd.uscourts.gov.

Questions regarding the witness lists may be addressed to Catina Simpson at (618) 482-9334.

Jury Instructions

Unless this deadline is altered by an Order entered by Judge Sison in a specific case, the parties shall submit their proposed jury instructions **in electronic and paper form no later than 7 days before the Final Pretrial Conference**. The electronic form must be sent in Microsoft word format and submitted to Judge Sison's chambers via email message to GCSpd@ilsd.uscourts.gov.

Instructions are not to be filed with the Clerk of Court. The Court prefers the use of Seventh Circuit Civil Pattern Jury Instruction. Proposed instructions should be in regular case, and each instruction must be submitted both in "marked" and in "clean form." The clean instructions should contain only the text of the instruction and no other writing. The marked instructions must contain the text of the instruction, without heading. At the bottom, the marked copy should list the name of the party submitting it (e.g., "Plaintiff's Proposed Instruction No. 1") and a reference to the source of the instruction (e.g., 7th Cir. Civil Pattern Instruction No. 1.01). If any instruction is modified in any way, counsel should designate the instruction as modified.

When submitting the required paper instructions, counsel shall paper clip each marked instruction to the corresponding clean instruction, placing the marked version on top. For example, the marked version of Defendant's Proposed Instruction No. 1 should be clipped on top of the clean version of Defendant's Proposed Instruction No. 1, and so forth. The parties shall also exchange proposed instructions prior to the final pretrial conference. When possible, *the parties should work together in an effort to produce one set of proposed instructions*. If the parties are unable to agree on certain instructions, each party may submit a version of the contested instructions. Plaintiff is primarily responsible for the burden of proof instructions, the damage instructions, the verdict instructions and the verdict forms. Defendant is primarily responsible for the cautionary instructions. The paper form should likewise be submitted or mailed to chambers **no later than 7 days before the Final Pretrial Conference**.

Jury Selection

- *Jury Questionnaires*

Jury questionnaires [click here](#) are completed by each venire person before being placed

on a venire panel. The completed questionnaires are placed in binders according to venire number and provided to each party before jury selection begins. Questionnaires must be returned to Courtroom Deputy Catina Simpson after the jury is selected. Questionnaires are confidential and may not be retained by any party.

- *Voir Dire*

Judge Sison conducts preliminary voir dire, which includes many of the basic questions such as residence, employment, and prior jury service. If counsel would like Judge Sison to question jurors about certain issues during voir dire, proposed questions may be submitted 7 days before jury selection. Judge Sison will review the questions and may or may not inquire of the jury during his voir dire. After Judge Sison concludes preliminary questioning, each party may participate in voir dire separately.

- *Selection Methodology*

The jury is selected outside the presence of the venire in open court. Challenges for cause are entertained first and then peremptory challenges are taken up next.

Generally, each side is given 3 peremptory strikes. After strikes for cause, the first proposed juror goes to the Plaintiff to strike or accept the juror, then the Defendant may accept or strike the juror. The next juror will be tendered to the Defendant first. This alternating process will continue until all peremptory strikes are exhausted. Back-striking is not allowed. If there are multiple plaintiffs or defendants, the parties may move for additional strikes. In its discretion, the Court may allow additional peremptory challenges if the size of the venire permits, after challenges for cause have been determined.

Typically, in civil cases eight jurors will be chosen, and all remaining at the end of closing arguments will participate in deliberations pursuant to Federal Rule of Civil Procedure 48.

- *Juror Notes*

Jurors are permitted to take notes during trial and may refer to them during deliberations.

- *Assessment of Jury Costs*

Local Rule 54.1 allows the Court to assess juror costs (including per diem and mileage expenses) against one or more parties, if they failed to advise the Court of the settlement of a case prior to 3:00 p.m. on the last full business day before trial was scheduled to commence. The Court strives to keep juror costs down, and assessment of costs will be

considered if a jury is brought in unnecessarily. Nonetheless, the parties are strongly encouraged to pursue settlement up to and throughout the trial.

Opening Statement and Closing Argument

The Court will determine the time counsel will be given for opening statement. Any exhibits which counsel wish to use during the opening must first be shown to opposing parties to determine whether there is agreement for its use. In the event of a disagreement, the Court will only allow the use of the exhibits for which admissibility can be determined promptly and without causing a delay in the start of the trial. Electronic demonstrative aids that do not involve exhibits to be introduced during trial, such as Power Point, must be shown to opposing parties and the Court for evaluation of its reasonableness.

Examination of Witnesses

Counsel are expected to plan trial time so as to prevent delays caused by a witness's absence. Witnesses should be present and ready to testify when called. Unless the Rule on Witnesses has been invoked, a party's next witness should be in the courtroom and ready to take the stand when announced. Counsel should not agree to suspend testimony for a period of time as an accommodation to witness availability without consulting the Court.

Objections and Questions

The Court does not allow speaking objections. When objecting, counsel shall briefly state the grounds for the objection without argument. The Court will solicit further argument, if necessary.

Bill of Costs

Federal Rule of Civil Procedure 54(d)(1) provides that costs (other than attorneys' fees) shall be allowed "as of course" to the prevailing party, unless the District Court otherwise directs. Rule 54(d)(1) further provides that such costs may be taxed by the Clerk of Court "on 14 days' notice." Pursuant to Local Rule 54.2, opposing counsel will be allowed 14 days (from the date the Bill of Costs is filed in this Court) to file any objections. If no objections are filed within that 14-day period, the Clerk of Court will tax the appropriate

costs. If objections are timely-filed, the matter will be reviewed and resolved by Judge Sison.

CRIMINAL CASES

Miscellaneous Motions

Any motion for travel filed by a defendant must be filed no later than 48 hours prior to the scheduled or planned travel date. Counsel must also notify Judge Sison's Courtroom Deputy Clerk, Catina Simpson, that such a motion has been filed.

When filing any time-sensitive motion, counsel must inform Judge Sison's Courtroom Deputy Clerk, Catina Simpson, that such a motion has been filed.

Guilty Pleas

In the event a defendant decides at any time before trial to enter a plea of guilty, a United States Magistrate Judge is authorized by 28 U.S.C. 636(b)(3) and SDIL 72.1(b)(2). However, the consent of the Defendant and the United States of America is required to conduct the proceedings required by Federal Rule of Criminal Procedure 11 incident to the plea. The parties must also contact the district judge prior to setting a plea date with the magistrate judge.

The parties are instructed to contact Courtroom Deputy Catina Simpson at (618) 482-9334 to schedule change of plea proceedings. You may also contact the Courtroom Deputy for the consent forms that the parties are required to submit to the Court.

Judge Sison requires submission of proposed plea documents to his proposed documents box at GCSpd@ilsd.uscourts.gov at least 2 days prior to the scheduled plea date.

MISCELLANEOUS

Courtroom Technology Features and Usage Guidelines

The courtroom technology system can broadcast video and audio content from a variety of sources/devices to all areas of the courtroom. The flexibility to support a myriad of devices and content types comes at the expense of a “plug and play” approach. In other words, connecting your unique device and displaying your unique content may require some slight configuration changes to your device.

Therefore, it is strongly recommended that you communicate with the court’s IT department regarding your evidence presentation intent PRIOR to your court appearance. (Counsel can call Courtroom Deputy Catina Simpson at (618) 482-9334 and coordinate contact with the IT department.)

- *Document Camera (AKA “Elmo Camera)*

The courtroom is equipped with an electronic camera (“ELMO”) that can be used to display physical documents or objects to electronic viewing monitors disbursed throughout all areas of the courtroom.

- *Computing Devices (i.e., laptops and mobile devices)*

The courtroom is equipped with “connector inputs” at three locations (prosecution table, defense table, and presentation cart) to facilitate the connection of any electronic computing device having a VGA or HDMI output connector on that computing device. Once connected, the entire screen and the audio output of the device can be broadcast to the electronic viewing monitors and speakers disbursed throughout all areas of the courtroom.

- *Electronic Media*

The courtroom is equipped with a VHS/DVD combination unit that can be used to broadcast VHS tape or DVD video and audio to the electronic viewing monitors and speakers disbursed throughout all areas of the courtroom.

- *Video Conferencing*

The courtroom is equipped with a video conferencing system that can be used to connect to outside parties and simultaneously broadcast that outside parties' image and audio throughout the entire courtroom. **NOTE:** The outside party must have access to very specific video conferencing equipment OR have a laptop with a webcam attached along with a special software package installed that is downloaded from the Court. Participants wishing to video conference must make arrangements in advance and conduct a test with the Court's IT department.

- *Annotation*

The courtroom has a touch screen monitor with annotation features located at the presentation cart and at the witness box. This device can be used to annotate "on top of" any video image being displayed from any device connected to the system. The annotations display to the electronic viewing monitors disbursed throughout all areas of the courtroom.

- *Audio Conferencing*

The courtroom is equipped with an audio-conferencing system that can be used to allow multiple outside parties to communicate with the courtroom via telephone. The outside party audio can be broadcast to the entire courtroom.

Courtroom Demeanor

Attorneys must stand and be near a microphone while addressing the Court, the jury, or any witness. Attorneys who are soft-spoken will be required to use a portable microphone or the microphone at the podium or at counsel table. Attorneys need only request permission to approach a witness once and need not seek permission thereafter. Witnesses must be addressed formally or with the appropriate professional title.

Side-bar conferences are permitted but should be limited to extraordinary circumstances because adequate time is available at the beginning and end of each day to discuss witness problems and other issues that may arise.

At all times, attorneys are expected to conduct themselves in a professional and civil manner in their dealings with each other, with the Court and its staff and with any other participant in court proceedings. Although some lawyers believe

that incivility is part of the litigation process, Judge Sison does not share that belief. Judge Sison is courteous and respectful to all who enter his chambers and courtroom and will expect and tolerate no less from anyone else.

Promptness

Promptness is expected of everyone involved in proceedings before the Court, whether held in person or by telephone. Please contact the Courtroom Deputy if it appears that you will be late.