



## CIVIL MANAGEMENT PROCEDURES

### Judge David W. Dugan

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## **Case Tracking and Related Case Management Matters**

After the first appearance of a defendant or default date, whichever occurs first, Judge Dugan will enter a [Uniform Trial Practice and Procedures Order](#) assigning a track and a trial date. *See* Local Rule 16.1. Upon entry of this order, Judge Dugan will also docket an [Order Setting the Rule 16 Scheduling and Discovery Conference](#); [an Order Referring the Case to Mandatory Mediation](#) (if appropriate); and a [Case Management Order](#), providing guidance regarding Discovery Disputes, Rule 26(a) Disclosures, Motions in Limine, Daubert Motions, Motions to Dismiss, Trial Briefs, the Final Pretrial Order, Exhibit and Witness Lists, and Jury Instructions.

## **Conflicts of Interest**

In order for Judge Dugan to quickly identify potential conflicts of interest, all parties must comply with Federal Rule of Civil Procedure 7.1 and Local Rule 7.1-1.

## **Status Conferences**

Generally, after a scheduling order is entered, the Court will set the case for a status conference following the dispositive motion deadline. If at any time during the pendency of the litigation the parties believe that an additional status conference would be beneficial, they may request one by filing a motion.

## **Motion Practice**

All motions will be considered by Judge Dugan except in rare instances or because of emergency in which case a motion may be referred to a Magistrate Judge. The parties will be advised if a motion has been referred to a Magistrate Judge for disposition via the Case Management/Electronic Case Filing (CM/ECF) system.

- ***Form, Content, & Deadlines***

Please consult Local Rule 7.1(a) and (b). Please note that deadlines and page limits specified in Local Rule 7.1(a) and (b) may be altered by Judge Dugan, where appropriate or necessary in a particular case.

- ***Oral Argument on Motions***

Please consult Local Rule 7.1(c).

Parties should note that Judge Dugan, in his discretion, may *sua sponte* set motions for hearing but does not do so in every case. The Courtroom Deputy Clerk will notify all parties by entering a Notice in CM/ECF when a hearing is set. Hearings on motions will take place in-person in East St. Louis unless otherwise indicated by the Court.

In addition, the Court is aware that the opportunities for inexperienced attorneys to participate in courtroom advocacy have diminished over the past years. The Court believes that courtroom experience is often important to the

training of the less experienced attorneys. Therefore, to facilitate the training of the less experienced attorneys, the Court welcomes requests for oral argument of motions to further the active participation of any relatively inexperienced attorneys.

- ***Teleconferences/Video Conferences***

If the Court orders a teleconference or video conference, instructions for participating will be included in the CM/ECF notice setting the matter. In the rare case where the Court orders the parties to arrange a teleconference, counsel is responsible for setting up the teleconference with a professional teleconference provider, the cost of which shall be shared by the parties equally, unless Judge Dugan orders otherwise.

Note: For more information regarding remote appearances in Judge Dugan's courtroom, see the "Miscellaneous" section below.

## **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 Dana Winkeler after the jury is selected. Questionnaires are confidential and may not be retained by any party.

- ***Voir Dire***

Judge Dugan conducts preliminary voir dire which also includes some demographic and qualification questions. After Judge Dugan concludes preliminary questioning, each party may participate, with limitations imposed by the Court, in voir dire separately. Counsel also may request that Judge Dugan question jurors on certain issues that may be sensitive or which a party would rather the Judge ask instead of counsel. In its discretion, the Court may conduct the voir dire without participation of counsel. In light of privacy concerns, counsel should only refer to prospective jurors by their juror number.

- ***Selection Methodology***

The jury is selected outside the presence of the venire, in open court. Challenges for cause are entertained first. Then the parties will be permitted to caucus privately before the process begins for exercising peremptory challenges.

Please consult Federal Rule of Civil Procedure 47 and 28 U.S.C. § 1870 for information regarding preemptory challenges.

Please consult Federal Rule of Civil Procedure 48 for information regarding the number of jurors, unanimity of verdict, and juror polling.

- ***Jurors***

Jurors are permitted to take notes during trial and may refer to them during deliberations. Jurors are paid a \$50 attendance fee and reimbursed for travel to the courthouse. See the court's website at [www.ilsd.uscourts.gov](http://www.ilsd.uscourts.gov) for information/specifics.

- ***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 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 jurors are caused to appear unnecessarily. Nonetheless, the parties are strongly encouraged to pursue settlement up to and throughout the trial.

## **Trial Procedure (Non-Prisoner Civil Cases)**

- ***Firm Trial Dates***

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

- ***Trial Hours***

Trials generally begin at 8:30 a.m., although a different time may be specified by Order or Notice in a given case. Generally, Judge Dugan expects counsel to arrive 30 minutes prior to the trial's scheduled start time.

Especially as to *jury* trials, the Court makes every effort to conclude each day no later than 4:30 p.m.

Motions, jury instruction conferences, and other matters may be handled with counsel before the jury arrives or after the jury has been dismissed for the day, as directed by Judge Dugan. During trial, counsel is strongly encouraged to bring to the attention of the Court any matter requiring its immediate consideration so as to avoid the unnecessary of delay of trial or unnecessary juror wait time. Additionally, motions filed on the eve of trial that could have been filed before or at the time of the final pre-trial conference will not be viewed favorably.

- ***Attorney Conference Room***

A conference room is available near Judge Dugan's courtroom for attorney-client or attorney-witness consultation. Please see Judge Dugan's Courtroom Security Officer or courtroom personnel 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***  
Counsel may not question jurors after a verdict has been reached without prior approval of Judge Dugan.
- ***Courtroom Audio System***  
An audio/video system in Judge Dugan’s courtroom transmits live audio/video from the courtroom to Judge Dugan’s chambers. Attorneys, witnesses, and anyone attending court proceedings should be aware that, unless the microphones near them are deactivated, their statements may be heard in chambers.

Note: For information regarding the **Courtroom Technology System** in Judge Dugan’s courtroom, see the “Courtroom Technology Features and Usage Guidelines” section below.

## **Bills of Cost**

Federal Rule of Civil Procedure 54(d)(1) provides that costs (other than attorneys’ fees) shall be allowed 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 Dugan.

## **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 Dana Winkeler at (618) 482-9012 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.
- ***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 courtroom.

## **Courtroom Demeanor**

During trial, attorneys are encouraged to stand at either counsel table or the podium while addressing the Court, the jury, or any witness.

Attorneys and litigants are at all times expected to be respectful to the witnesses, jurors, Courtroom staff and the Court. In the event that an attorney or litigant disagrees with a statement or ruling of the Court, there exist ample avenues on which to seek reconsideration or review of any such statement or ruling. While in the Courtroom or in the presence of any juror, other expressions or physical manifestations of disagreement or displeasure with the Court or its rulings (such as “rolling of the eyes”, “huffing” or “puffing”, etc.) are inappropriate and will likely result in the imposition of sanctions.

Attorneys who are soft-spoken will be required to use the microphone at the counsel table or podium. Attorneys need not seek permission to approach a witness. **Side-bar conferences are permitted only in extraordinary circumstances.**

It is expected that all evidentiary objections be made by stating in a short and concise manner the nature of the objection and the specific Federal Rule of Evidence on which the objection is based. Speaking objections will not be tolerated.

### **Guidelines for Remote Appearances**

Remote proceedings are official court proceedings. All participants must maintain appropriate demeanor and decorum at all times. Appropriate attire is mandatory for any remote appearance before the Court. A participant should dress for a remote proceeding as if he or she were attending the proceeding in the courtroom. Flagrant disregard of this requirement may lead to the exclusion of the participant from the hearing. No participant may, without written authority from the Court, record, copy, broadcast, live-stream or otherwise electronically duplicate any remote proceeding.

### **Timeliness**

It is expected that all attorneys, litigants and witnesses be on time for each court session. The proponent of a witness shall ensure the timely appearance of any such witness

Trial engagements take precedence over any other business. If you have matters in other courtrooms, arrange in advance for the handling of such matters by you or have an associate handle them for you.

One guiding principle for all jury trials is that the jurors' time must not be wasted. The jurors should go home from every day of trial with the feeling that they have had a good, solid day of progress toward conclusion of their service and that the parties and their lawyers did not waste their time. In keeping with this principle, attorneys and litigants are expected to move the presentation of their case-in-chief forward in a way so as to minimize any unnecessary delay. Further, if an issue or motion arises during trial that must be addressed immediately, it should be brought to the Court at the beginning or close of business, or during a break, so as not to unnecessarily increase the jury's wait time.

### **Organization of Trial Materials**

Judge Dugan has specific preferences for how documents and other trial materials should be organized and provided to the Court and to the jury. If a case is proceeding to trial, Judge Dugan's courtroom deputy will provide the parties with additional information regarding his directives for these matters. This includes but is not limited to the handling of exhibits, deposition transcripts, and video or audio presentations. The Court expects the parties to comply with these directives as if set forth fully herein.

### **Case Management/Electronic Case Filing System**

The Court's CM/ECF system requires electronic filing of all pleadings, with a few narrow exceptions. Additionally, the Court's Orders are sent to the parties electronically rather

than by regular mail. Participation in CM/ECF is mandatory.

While Judge Dugan and his law clerks run daily reports for their cases, they do not always receive immediate notification of newly filed motions. For this reason, **if an attorney e-files an urgent or time-sensitive motion (such as a motion to continue a setting set on the following day), s/he should call the chambers mainline ((618) 482-9225) and request to speak with the law clerk assigned to the case or call Courtroom Deputy Dana Winkeler ((618) 482-9012) to inform chambers that the motion has been filed.**

### **Communication with the Court**

Attorneys and litigants ordinarily should communicate only by motion or memorandum. Urgent matters or general inquiries can be sent by email message to [DWDpd@ilsd.uscourts.gov](mailto:DWDpd@ilsd.uscourts.gov) (with a copy to all counsel of record); the message will be forwarded to the appropriate person in chambers.

*Ex parte* oral communications with the Court on substantive matters in a pending case are prohibited.

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