

## **PRACTICE AND PROCEDURE MANUAL**

### **U. S. DISTRICT JUDGE TODD J. CAMPBELL**

#### **I. Brief Biography**

Judge Todd J. Campbell was appointed by President Clinton on December 27, 1995. He graduated from the University of Tennessee Law School in 1982 and Vanderbilt University in 1978. Prior to his investiture, Judge Campbell served as counsel to the Vice President of the United States and engaged in the private practice of law in Nashville, Tennessee.

#### **II. Preliminary General Matters**

##### **A. Scheduling**

Doris Bush is Judge Campbell's Courtroom Deputy, (615) 736-5549. All scheduling requests should be made by written motion.

##### **B. Correspondence with Court**

All written communication with the Court should be in a manner expressly authorized by the Federal Rules of Civil Procedure. Letters to the Court are not so authorized and any letters submitted will be filed with the Clerk of Court as part of the record.

##### **C. Telephone Conference with the Court**

Telephone conferences will be considered upon request of a party to accommodate unique circumstances in a case.

##### **D. Telephone Conference with Law Clerks**

All scheduling requests should be made by written motion. Telephone conferences, when necessary, are permitted with Judge Campbell's staff attorneys concerning administration, but not the merits, of a case.

##### **E. Pro Hac Vice Admission**

Local Rule 1 applies to admission pro hac vice.

##### **F. Motion to Ascertain Status**

Local Rule 8(b)(8) applies to motions to ascertain status.

#### **III. Pretrial Matters -- Civil Cases**

##### **A. Scheduling Orders**

Under Local Rule 11, customized case management, scheduling orders are typically entered by the Magistrate Judge assigned to the case. Changes to a scheduling order, therefore, typically should be directed to the Magistrate Judge who entered the order.

## **B. Continuances and Extensions**

### **1. General Policy**

Continuances will be considered upon agreement of the parties or for good cause shown.

### **2. Requests**

All requests to the Court shall be made by written motion. No continuances or extensions are granted orally.

## **C. Pretrial Motions**

### **1. Referral to Magistrate Judge**

Under Local Rule 11, customized case management, most pretrial, non-dispositive motions are referred to the Magistrate Judge assigned to the case.

### **2. Oral Argument**

Motions for oral argument are granted when appropriate.

### **3. Briefs**

Briefs should be direct and to the point. Parties should pay particular attention to Local Rule 8(b)(7) regarding the statement of material facts not in dispute for purposes of summary judgment motions. Failure to respond to the statement shall mean the facts therein are not disputed.

### **4. Chamber Copies of Filings**

Copies of documents filed with the Clerk of Court should not be submitted to Chambers.

### **5. Proposed Orders**

Proposed orders are unnecessary.

## **D. Discovery**

### **1. Discovery Period and Extensions**

Under Local Rule 11, customized case management, most discovery matters are referred to the Magistrate Judge assigned to the case. Discovery disputes, therefore, are typically heard by the Magistrate Judge. Administrative Order 132-6 provides that the Court has opted out of Rule 26 (a)(1) of the Federal Rules of Civil Procedure regarding mandatory initial disclosure.

## **2. Interrogatory Responses**

Local Rule 9 applies to interrogatory responses.

## **3. Resolution of Discovery Disputes**

Under Local Rule 11, customized case management, most discovery matters are referred to the Magistrate Judge assigned to the case. Discovery disputes, therefore, are typically heard by the Magistrate Judge.

## **4. Confidentiality Agreements**

Confidentiality agreements are considered based on a balance between the public's right to have access to public court records and the need for confidentiality in a particular case.

## **5. Expert Witnesses**

Local Rule 12(c)(6) applies to expert witnesses. Judge Campbell generally has no objection to live testimony of expert witnesses on direct examination. Failure to comply with, or exceeding the scope of, the disclosures required by Rule 26(a)(2) of the Federal Rules of Civil Procedure shall be grounds for exclusion of an expert. Motions in limine should be filed if an expert's qualifications are challenged.

## **E. Settlement**

### **1. Settlement Conferences in Jury Cases**

Local Rules 20 to 27 apply to ADR.

### **2. Settlement Conferences in Non-Jury Cases**

Local Rules 20 to 27 apply to ADR.

## **F. Pretrial Briefs**

### **1. Form**

The content and deadline for pretrial briefs are discussed at a pretrial conference.

### **2. Scope in Non-Jury Case**

The content and deadline for pretrial briefs are discussed at a pretrial conference.

### **3. Scope in Jury Case**

The content and deadline for pretrial briefs are discussed at a pretrial conference.

## **G. Injunctions**

### **1. Scheduling**

Local Rule 8(d) applies to applications for temporary restraining orders. scheduling requests for cases assigned to Judge Campbell should be made to the Courtroom Deputy.

### **2. Expedited Discovery**

The Court will consider written motions for expedited discovery for good cause shown.

## **IV. Pretrial Matters - Criminal Cases**

### **A. Suppression Hearings**

Motions to suppress evidence shall be filed by the motion deadline and heard in advance of trial.

### **B. Motions**

Motions shall be made in writing and shall be supported by briefs. Parties shall comply with the Standing Discovery Order and Plan for Prompt Disposition of Criminal Cases.

### **C. Pretrial Conferences**

Pretrial conferences are typically not held in criminal cases, but are held in complex cases or upon request of a party.

## **V. Trial Procedure**

### **A. Scheduling**

Jury trials generally commence on Tuesday and continue until concluded. Trials generally run from 9:00 a.m. to 5:00 p.m. with a lunch break from 12:00 Noon to 1:00 p.m. Counsel are typically asked to arrive early or stay late to discuss matters outside the presence of the jury.

### **B. Out-of-Town Parties, Witnesses, or Attorneys**

Special requests to accommodate out-of-town individuals shall be made by written motion at the earliest available opportunity.

### **C. Motions in Limine**

Motions in limine shall be filed prior to the pretrial conference and shall be argued at the pretrial conference. An order setting the pretrial conference will provide the deadline for the filing of motions in limine.

### **D. Courtroom Decorum**

Local Rule 12 applies to courtroom decorum.

### **E. Voir Dire**

In civil cases, typically, seven jurors are seated. There are no alternates in federal civil trials. Each side (not each party) has three peremptory challenges.

Jury selection begins by the Court placing fourteen (14) panel members in the jury box. The Court then does the initial voir dire followed by counsel for Plaintiff and counsel for Defendant. In pro se cases, the Court conducts all the voir dire.

If seven or more panel members remain after the juror challenges are completed, the seven members with the lowest seat numbers are sworn as jurors. If less than seven panel members remain, additional panel members are placed in the jury box for voir dire. Once a side passes a juror without challenge, they may not challenge that juror later.

The process, if necessary, continues as described until the jury is fully selected.

Jury selection in criminal cases follows the same pattern as in civil cases except twelve (12) jurors and two (2) alternates are typically selected.

### **F. Note Taking by Jurors**

Jurors are permitted to take notes, subject to instructions by the Court.

### **G. Opening Statements**

#### **1. Length**

Judge Campbell typically does not place a limit on the length of an opening statement. However, opening statements may be limited on a case-by-case basis.

#### **2. Use of Exhibits**

Exhibits for which there is no dispute as to admissibility or authenticity may be used in opening statements. Contested exhibits shall not be used. Evidence that is the subject of a pending motion in limine shall not be discussed in an opening statement.

### **H. Side Bar Conferences**

Side bar conferences should be requested when necessary, but such requests should not be routine.

## **I. Videotaped Testimony**

The parties shall notify the Court at the pretrial conference that videotape or audiotape evidence will be used so that appropriate equipment will be available. The parties shall be prepared to edit or selectively play such evidence to comply with evidentiary rulings.

## **J. Deposition Reading**

The Court will permit two lawyers to play the roles of counsel and witness in reading depositions.

## **K. Exhibits**

The parties should stipulate as to the admissibility and authenticity of as many exhibits as possible. If an exhibit will be passed to the jury, the parties shall bring enough copies for each juror as well as the Court. Counsel shall familiarize themselves with how to use the evidence presenter.

## **L. Motions for Judgment as a Matter of Law**

Rule 50 of the Federal Rules of Civil Procedure applies to motions for judgment as a matter of law.

## **M. Proposed Jury Instructions and Verdict Forms**

Judge Campbell requires all proposed jury instructions and verdict forms to be filed prior to the pretrial conference. The order setting the pretrial conference will set the filing deadline. Proposed jury instructions shall cite to the authority that is the basis for the instruction.

## **N. Proposed Findings of Fact and Conclusions of Law**

Local Rule 12(i) applies to proposed findings of fact and conclusions of law. Judge Campbell typically does not require that proposed findings of fact and conclusions of law be submitted prior to trial.

## **O. Offers of Proof**

Counsel shall request offers of proof when appropriate and such proof typically will be taken during a break in the trial.

## **P. Jury Deliberation**

### **1. Copy of Instructions**

Each juror will receive a copy of the jury charge and verdict form for use in their deliberations.

### **2. Access to Exhibits**

Exhibits admitted into evidence, absent an objection, go with the jury to the jury room for their deliberations.

### **3. Access to Transcript of Testimony or Videotaped Testimony**

The Court considers requests by juries for review of trial testimony on a case-by-case basis. Daily transcripts are not available to the Court absent special arrangement by the parties.

### **4. Availability of Counsel**

Counsel must advise the Courtroom Deputy of where they may be reached on short notice upon the jury reaching its verdict.

### **5. Taking the Verdict and Special Interrogatories**

Judge Campbell reads the verdict form and polls the jury.

### **6. Polling the Jury**

Judge Campbell polls each individual juror.

### **7. Interviewing the Jury**

Local Rule 12(h) applies to post-verdict interrogation of jurors. Jurors shall be interviewed only in exceptional circumstances.

## **VI. Sentencing in Criminal Cases**

### **A. On Guilty Pleas**

Administrative Order 117-3 of the Court generally provides that sentencing shall occur more than 80 days after a plea of guilty to allow for the preparation of a presentence report.

### **B. After Verdict**

Administrative Order 117-3 of the Court generally provides that sentencing shall occur more than 80 days after a verdict of guilty to allow for the preparation of a presentence report.

## **VII. Other Comments**

### **A. Pretrial Conference**

The parties will receive a pretrial order regarding the following matters for consideration at the pretrial conference:

Counsel are required to submit a joint proposed pretrial order prior to the pretrial conference. The pretrial order must contain: (1) a recitation that the pleadings are amended to conform to the pretrial order and that the pretrial order supplants the pleadings; (2) a statement of the basis for jurisdiction of the Court; (3) a short summary of the plaintiff's theory (no more than one page); (4) a short summary of the defendant's theory (no more than one page); (5) a statement of the issues; (6) a succinct statement of

the relief sought; (7) a summary of any anticipated evidentiary disputes; and (8) an estimate of the anticipated length of trial.

Counsel must also submit to the Court prior to the pretrial conference, the following: (1) proposed jury instructions, with citations to supporting authorities; (2) proposed jury verdict forms; (3) stipulations; (4) motions in limine; (5) witness list; and (6) exhibit list.

Counsel shall also be prepared at the pretrial conference to: (1) identify and discuss undisputed facts and issues; (2) discuss the status of discovery; (3) preview proposed testimony; (4) discuss expert testimony; (5) preview proposed exhibits; (6) discuss motions in limine; (7) discuss settlement; and (8) discuss what shall be in the pretrial briefs and when the briefs shall be filed.

The parties may be required to file additional materials as necessary.

### **B. Summary Judgment**

Lawyers should carefully follow Local Rule 8(b)(7) regarding the statement of material facts not in dispute for purposes of summary judgment motions. Failure to respond to the statement shall mean the facts therein are not disputed.

### **C. Expert Witnesses**

An expert witness is subject to exclusion if the disclosure required by Rule 26(a)(2) of the Federal Rules of Civil Procedure is not made timely or if the testimony offered exceeds the scope of the disclosure.