

Judicial Preferences

Chief Judge Waverly D. Crenshaw, Jr.

Middle District of Tennessee

1. Written correspondence from counsel to the court.

Written correspondence from counsel is discouraged.

2. Communication between counsel and the Judge's staff.

Requests for action by the Court and the submission of information to the Court should be made by motion or other appropriate filing. Judge Crenshaw's staff will occasionally communicate with counsel on purely administrative matters. Counsel should not ask the Judge's staff for legal advice.

3. Preference for holding telephone conferences.

Never. The Court always conducts in-person conferences.

4. Preference regarding oral arguments on motions.

Typically, there is no oral argument on motions. If oral argument will be useful, an order will be entered setting it. If a party believes oral argument would be of particular benefit on a motion, the party may file a separate motion that explains why oral argument should be scheduled.

5. Preferences regarding reply briefs.

Reply briefs are permitted without motion under Local Rule 7.01. Reply briefs of more than 5 pages are discouraged.

6. Preferences regarding requests for additional pages in excess of the page limitations set forth in the Local Rules.

The page limitations set out in the Local Rules are sufficient in all but the most exceptional cases. Any request for additional pages should be made by motion at least three business days before the document is due to be filed.

7. Preferences regarding the delivery of written reports to the court by expert witnesses who are scheduled to testify.

Counsel shall file expert reports and curriculum vitae to the Court at least 30 days before the final pretrial conference or any evidentiary hearing.

8. Preferences regarding the submission of briefs and supporting memorandum of law.

Counsel should never incorporate legal authority or factual argument from another document, including a prior brief or the brief of another party in the case.

9. Preference regarding motion practice and supporting memorandum of law.

Counsel should never incorporate or join the motion of another party. Unless the Court gives prior approval, each motion must explain how it applies to a specific party and how that party is entitled to relief.

10. Counsel participation in voir dire.

Counsel will be given a time limit to participate in voir dire.

11. Time limits for opening statement and closing arguments at trial.

A time limit for opening statements and closing arguments will be set after input from counsel regarding a reasonable time limit.

12. Preference for counsel to examine witnesses from counsel table or elsewhere, including whether you prefer counsel to remain seated while examining witnesses.

Counsel must stand and are to examine witnesses from the lectern or within an arm's length thereof.

13. Whether more than one attorney may handle trial for a party.

Only one attorney for a party may conduct examination and raise objections during the testimony of any witness. Counsel who object during direct must then conduct the cross examination. Judge Crenshaw encourages more senior counsel to identify portions of a trial that may be handled by more junior counsel.

14. Preference for handling sidebar conferences.

Sidebar conferences are discouraged. When possible, counsel should raise matters during breaks, when the jury is out of the courtroom. Counsel should confer with each other, anticipate these needs, and notify the courtroom deputy or the law clerk when the need to address an issue arises.

15. Allowance of examination of witnesses beyond redirect and recross.

Examination beyond redirect is discouraged, but on rare occasion it will be allowed.

16. Approach to motions *in limine*

If appropriate, motions *in limine* will be resolved at the final pretrial conference, but sometimes the context provided by the trial is necessary to make a decision.

17. Preferences regarding exhibits.

Exhibits shall be numbered sequentially in whole numbers (no letters, no sub-numbers), without exception.

18. Practice for the receipt of proposed jury instructions, including the form of jury instruction, and for proposed jury verdict form.

The parties should confer and file joint proposed jury instructions. Also, courtesy copy of requests for jury instructions should be sent as an attachment in word-processing format (e.g. Microsoft Word or other compatible format) to melissa_seay@tnmd.uscourts.gov by the date set out in the scheduling order.

19. Note-Taking by jurors.

Jurors will be allowed to take notes.

20. Whether the jury may take exhibits into the jury room for deliberation and, if so, any limits.

Yes, with limits on ammunition and firearms.

21. Written jury instructions provided to the jury.

Yes, before the jury receives the charge.

22. Requirements as to counsel's whereabouts during jury deliberations.

Attorneys are requested to stay within a short distance of the courtroom during jury deliberations, to facilitate prompt responses to jury questions or any other issues that may arise, and to leave a cell phone number for contact.

23. Handling requests for temporary restraining orders, preliminary injunctions, and other emergency relief.

Parties must comply with Rule 65 of the Federal Rules of Civil Procedure and Local Rule 65.01. The requesting party shall notify the opposing party if the Court sets an emergency hearing.

- 24. As to injunctions, whether expedited discovery and briefing is allowed and, if so, whether briefing is allowed before or after any preliminary injunction hearing, and whether proposed findings of fact or conclusions of law in such cases are required.**

Expedited discovery and briefing is allowed before a preliminary injunction hearing. Proposed findings of fact and conclusions of law are welcomed and will commonly be required.

- 25. General approach to settlement in civil cases and use of magistrate judges.**

All parties are required to engage in two independent attempts to resolve the case. The timing and method will be determined in conjunction with the Magistrate Judge.