

HONORABLE DAVID A. DEMERS

PRACTICE PREFERENCES

CIRCUIT CIVIL

1) DEPOSITION DISPUTES:

Immediate telephone hearing with the judge or appear before the judge for immediate resolution.

2) UNIFORM MOTION CALENDAR:

Each case is limited to ten minutes. There is such a calendar once a week.

3) TELEPHONIC HEARINGS:

-Are permitted. Must be set forth in the notice of hearing.

-Attorney may attend in person.

-The party filing the notice is responsible for getting each person on the telephone line prior to calling the judge.

-Evidentiary matters will not be considered without prior leave of court.

4) PROPOSED ORDERS:

Send to court and a copy to opposing counsel. Proposed order must be accompanied by a cover letter reflecting that opposing counsel was copied. Court will hold order for five (5) business days unless the cover letter reflects the parties are in agreement.

5) DISCOVERY CUT-OFF:

Ten days prior to trial.

6) PRETRIAL STATEMENTS:

Parties must submit one proposed pretrial order.

7) MOTIONS IN LIMINE:

To be scheduled at a separate hearing, **NOT** at pretrial and **NOT** on the morning of trial.

8) PRETRIAL CONFERENCES:

Required for trials exceeding **four** hours.

9) EMERGENCY HEARING:

-Send a copy to court and to the other side with a cover or FAX letter. Court will advise as to whether it is an emergency.

-Emergency matters involve **only** matters where the moving party will suffer irreparable harm if relief is not granted immediately.

-Emergency matters **do not** involve matters where the party just wants relief immediately and has set the hearing solely for that reason.

10) TRIAL:

Trials set for more than one day will be held on consecutive days, if possible.

11) ATTORNEY FEES:

All issues regarding attorney fees shall be left for subsequent hearings unless the parties request otherwise.

12) COURTROOM DEMEANOR:

- Request permission to approach the bench.
- Permission to approach the witness is not required.
- Be professional.

13) EVIDENCE:

- Tangible evidence is to be copied and exchanged at least **10 days prior to trial**.
- All evidence is to be pre-marked for identification by counsel, and the clerk will mark exhibits as received into evidence.
- After showing the exhibit to opposing counsel, it may be shown to the witness without first showing it to the judge.

14) MEDIATION:

Is always required unless otherwise ordered for special reason.