

STANDING ORDERS FOR CIVIL CASES

The Honorable Sarah D. Morrison
United States District Court for the Southern District of Ohio
Eastern Division

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Counsel¹ must comply with the following Standing Orders. Failure to comply may result in sanctions.

I. GENERALLY

A. Civility

Civility reflects the good character of those who practice it. It also plays a key role in the efficient and fair administration of justice. Counsel must read the Statement of Civility in the Local Rules for the Southern District of Ohio and conduct themselves accordingly. The Court will not tolerate rudeness or bullying—verbal or written, in the Court’s presence or not. Counsel must not make *ad hominem* attacks.

B. Accessibility

The Court endeavors to ensure that all case participants have equitable access to the judicial process. To that end, all requests for reasonable accommodation will be considered. Any request should be sent to Morrison_Chambers@ohsd.uscourts.gov. Accommodation requests should not be filed via ECF.

C. Motions, Generally

1. Page Limitations

Briefs are subject to a 25-page limit. Reply briefs are further limited to ten pages. Counsel must seek leave of Court before filing excess pages. Leave will be granted only on a showing of good cause. Any brief exceeding the page limit without leave of Court will be summarily stricken from the docket.

Motions for leave to exceed the page limitation must be filed sufficiently in advance of the deadline to allow the Court to rule on the motion.

Page limits do not include signature blocks, certificates of service, or tables of contents and authorities.

2. Filing

Motions and supporting memoranda must be filed together in one document.

¹ All requirements of “counsel” also apply to litigants representing themselves (proceeding *pro se*). Litigants representing themselves are expected to review the Court’s *Pro Se* webpage: ohsd.uscourts.gov/pro-se.

3. Formatting and Footnotes

All filings must use 12-point font, one-inch margins, and double spacing. Citations to authority, the record, and the docket must be in-line with the cited text, not in footnotes. All other footnotes are generally disfavored. Any footnotes must be in 12-point font, single-spaced.

4. Standards of Review

Counsel need not include standard of review language in routine motions, or responses thereto, unless the standard is contested.

5. Depositions Filed in Support

If any party cites to a deposition, that party must ensure that the entire deposition is filed via ECF. If any party wishes to file a deposition under seal, counsel must first seek leave of Court. *See* S.D. Ohio Civ. R. § 5.2.1(a).

6. Proposed Orders

Proposed orders on unopposed motions are appreciated. Any proposed order must be filed via ECF and e-mailed to Morrison_Chambers@ohsd.uscourts.gov.

D. Specific Motions

1. Motions to Continue Proceedings / Extend Deadlines

Any motion to continue proceedings or extend deadlines must be made in writing and must state the grounds for the motion. Before filing, moving counsel must confer with opposing counsel. The motion must state whether opposing counsel consents.

Any motion to continue must provide jointly-proposed dates/times for a continued proceeding. If the parties cannot agree on proposed dates/times, the motion must explain why no agreement could be reached.

If a motion to continue proceedings or extend deadlines is filed within three business days of the proceeding/deadline, moving counsel must notify Chambers by phone at (614) 719-3300.

2. Motions for Leave to File Supplemental Authority

Motions for leave to file supplemental authority are generally disfavored. The only supplemental authority appropriate for filing is authority that is both new and binding on this Court (*i.e.*, a decision of the Sixth Circuit or Supreme Court).

3. Motions to Appear Remotely

Proceedings set to take place before the Court will be in-person unless the hearing notice specifically states otherwise. Counsel and case participants may not appear remotely except with leave of Court.

Any motion to appear remotely (by Zoom) must be made in writing at least four days before the scheduled appearance. Before filing, moving counsel must confer with their opposing counsel. The motion must state whether opposing counsel consents to a remote appearance. The motion must also state the specific grounds for the request.

Counsel and case participants appearing remotely must do so from a quiet room with a stable internet connection. Headsets are encouraged. The Court is not responsible for the functionality of any technology utilized.

4. *Daubert* Motions

Unless a Trial Scheduling Order establishes otherwise, any pretrial motion addressing the admissibility of expert testimony under *Daubert v. Merrell Dow Pharm., Inc.*, 509 U.S. 579 (1993) and Federal Rule of Evidence 702, shall be filed separately and at least 20 days prior to the final pretrial conference. Responses are due ten days after the motion is filed. Replies are not permitted unless ordered by the Court. The Court's page limitation applies to briefing on *Daubert* motions. Depending on the nature of the *Daubert* challenge, the Court may conduct a hearing prior to ruling on the motion.

5. Motions for Temporary Restraining Order

Counsel is responsible for contacting Chambers to request an informal conference after filing a motion for a temporary restraining order. See S.D. Ohio Civ. R. 65.1(a).

E. Opportunities for Newer Attorneys

The Court endeavors to create opportunities for newer attorneys to develop advocacy skills. To that end, any party may file a notice advising the Court that, if oral argument is granted on a pending motion, the noticing party intends to have a newer attorney some or all of the motion. A "newer attorney" is any attorney with six or fewer years of practice. The Court will schedule the motion for argument if at all practicable. Opposing counsel need not send a newer lawyer to argue. The Court draws no inference whatsoever from a party's decision to have a newer, or more experienced, attorney argue any motion.

II. TRIAL PROCEDURES

A. Counsel Tables

Plaintiff will use the counsel table next to the jury box. Defendant will use the counsel table across from Plaintiff.

B. Appearances

Upon arrival, counsel will enter their appearance with the Court Reporter and the Courtroom Deputy before the start of the opening session of the trial or any other proceeding before the Court.

C. Court Sessions

Trial will be held Monday through Friday of each week. Morning session begins at 9:00 a.m. and will recess at approximately 10:30 a.m. for 15 minutes. Lunch recess will be at approximately 12:00 p.m. Afternoon session begins at 1:00 p.m. and will recess at approximately 3:30 p.m. for 15 minutes. Court will adjourn at approximately 5:00 p.m.

The parties and all counsel will be present at counsel tables at all sessions before the jury is brought into the courtroom and will remain at counsel tables until after the jury leaves the courtroom at the end of all sessions. The parties and counsel will stand upon the entrance and exit of the jury.

D. Addresses by Counsel

Counsel will address the Court and the jury in the following manner:

- Voir dire examination, opening statements, and closing arguments will be conducted from the lectern facing the jury.
- All addresses to the Court will be made from the lectern facing the Court.
- Counsel shall stand when addressing the Court for any reason.

E. Examination of Witnesses

Counsel shall conduct their examination from the lectern.

In advance of trial, counsel will instruct his or her witnesses to answer questions with courtesy. Evasive answers, answering a question with a question or disrespect to opposing counsel will not be permitted.

Counsel are expected to extend equal courtesy to all witnesses. Counsel will wait until the witness has finished an answer before asking the next question. Multiple and repetitious questions will not be permitted. Counsel may not by any

action, inflection or expression indicate disbelief of any witness's answer. Counsel shall admonish their clients and witnesses to desist from such conduct.

Witnesses shall be treated with fairness and consideration. They shall not be shouted at, ridiculed or otherwise abused. The untruthful or hostile witness can be examined firmly and extensively without abuse.

When a party has more than one attorney, only one may conduct the direct or cross examination of a given witness.

Counsel shall not approach a witness or the bench without asking the permission of the Court. When permission is granted for the purpose of working with an exhibit, counsel should resume the examination from the lectern when finished with the exhibit.

Counsel are responsible for witnesses speaking so that their testimony will be easily heard by all members of the jury.

Upon completing their examination of the witness, counsel shall advise the Court, after which the Court will advise opposing counsel to proceed.

During examination of a witness, counsel will first obtain permission from the Court if they wish to confer with co-counsel.

Generally, the Court will not allow re-cross.

F. Objections

Counsel will stand when making an objection and will make the objection directly and only to the Court.

When objecting, state only that you are objecting and the legal grounds. Objections shall not be used for the purpose of making speeches, repeating testimony, or to attempt to guide a witness or influence the jury.

Argument will not be heard on objections, except at the Court's request. Either counsel may request a bench conference.

G. Decorum

Colloquy, or argument between counsel, will not be permitted. All remarks shall be addressed to the Court.

Counsel shall maintain a professional and dignified atmosphere throughout the trial.

Appearance, mannerisms, or habits that are designed to arouse the sympathy or prejudice of the jury are an impediment to an impartial trial and will not be permitted.

During a trial, counsel shall not exhibit familiarity with witnesses, jurors, or opposing counsel and shall avoid the use of first names. No juror shall be addressed individually or by name.

During opening statements and final arguments, all persons at counsel table shall remain seated and be respectful so as not to divert the attention of the Court or the jury.

Do not ask the Court Reporter to mark testimony. All requests for re-reading of questions or answers shall be addressed to the Court.

H. Demonstrative Evidence

If any sketches, models, diagrams, or other demonstrative evidence of any kind will be used during the trial, they must be shown to opposing counsel one week prior to trial. Objections to the same must be submitted to the Court prior to the commencement of trial. Demonstrative evidence prepared solely for the purpose of final argument shall be shown to opposing counsel at the earliest possible time but in no event later than one-half hour before the commencement of the arguments.

Counsel must supply his/her own easel, flip charts, etc. for trial.

I. Jury

The Court will seat a jury of eight members. In accordance with Fed. R. Civ. P. 48, all jurors shall participate in the verdict unless excused pursuant to Rule 47(c). Unless the parties otherwise stipulate, the verdict shall be unanimous and no verdict shall be taken from a jury reduced in size to fewer than six members.

J. Voir Dire Examination

The whole panel of prospective jurors (*i.e.*, those in the jury box and those seated in the rear of the courtroom) will be examined and accepted or challenged for cause and peremptorily challenged in one continuous examination.

Each prospective juror is assigned a number by the Clerk's Office. Counsel will be provided with a list of the jurors' names and numbers prior to the commencement of trial. When challenging a juror, counsel should refer to the juror by number.

The Court will conduct a preliminary voir dire examination tailored to the issues in the case being tried. Counsel may supplement the Court's examination,

but they may not repeat in the same or in some other form any question already put to the panel by the Court. Counsel must address their questions to the whole panel in general and may not question an individual juror unless it develops from a question put to the whole panel that the answer of a specific juror justifies further inquiry.

Counsel will not be permitted to question jurors individually regarding background information. This information is contained in juror questionnaire forms which are on file in the Clerk's Office. Counsel should examine these questionnaires prior to the commencement of trial. Counsel must not disseminate or duplicate these questionnaires, or cause them to be disseminated or duplicated. Counsel may inquire regarding any omission in a juror's answer to the juror questionnaire or, after obtaining the Court's permission, regarding any inquiry justifiably elicited by information contained in the juror questionnaire.

K. For Cause Challenges

The entire panel shall be challenged for cause, jurors seated in the jury box and those seated in the rear of the Courtroom. Any jurors seated in the jury box who have been excused for cause will be replaced by the next available juror from the rear of the courtroom.

L. Peremptory Challenges

Each party will be entitled to three peremptory challenges. 28 U.S.C. § 1870.

The parties will exercise their peremptory challenges alternately with the plaintiff exercising the first challenge. If either party "passes," that challenge will be counted as used.

Peremptory challenges will be directed only to the prospective jurors seated in the jury box. When a juror is excused, he or she will be replaced by the next available juror from the rear of the courtroom.

III. SANCTIONS

Counsel shall comply fully and literally with these Standing Orders. The Court will consider the imposition of appropriate sanctions in the event of non-compliance, including but not limited to monetary sanctions, the dismissal of claims or defenses, and/or the exclusion of evidence. Fed. R. Civ. P. 16(f).

IT IS SO ORDERED.

/s/ Sarah D. Morrison
SARAH D. MORRISON, CHIEF JUDGE
UNITED STATES DISTRICT COURT