

JUDGE THOMAS HERMAN--PREFERENCES

MOTION PRACTICE

Upon filing a motion, provide the Court with a courtesy copy and a hearing will be scheduled as provided in our local rules. Motion for Summary Judgment will only be set for oral hearing upon request of a party. Agreed motions and entries are to be submitted prior to date set for hearing.

SETTLEMENTS

The Court will participate in settlement negotiations when requested. The Court will encourage mediation through the Court's Mediation Program.

CALENDARING, CONTINUANCES

Continuance requests will be considered in accordance with our local rule, in other words, for good cause. Agreed entries of continuance are to be submitted prior to date of hearing in order to free up valuable docket time.

PRETRIAL

A scheduling conference will be held early in the case history and a trial date will be established. A final Pre-Trial Conference will be set approximately 30 days prior to trial. Trial counsel and insurance reps are to be present vested with authority to settle. A trial brief is requested at the final Pre-Trial Conference. The Court will also set deadlines regarding witness disclosure, dispositive motions and discovery issues at the scheduling conference.

TRIAL

Proposed jury instructions are to be submitted prior to trial. A copy of the Court's jury instructions will be shared with counsel prior to closing arguments. Trial briefs to be filed at final Pre-Trial Conference. The Courts scheduling order is to be followed.

Mediation/ADR encouraged. The Court employs a full-time Mediator and with the parties' request, referral will be made to this Mediator.

No time limits on voir dire. The Courtroom is equipped with latest technologies for videotape depositions, and projection of exhibits onto a pull down screen. Attorneys may speak with jurors post trial, assuming the juror is willing. Jurors are permitted to take notes in most cases.

DISCOVERY

Time limits established in scheduling order. Dates of disclosure and expert witnesses are usually left to attorneys to determine. Court will rule, when requested, on disputed issues, motions to compel or for protective order.

COURTROOM ETIQUETTE

Stand when speaking. Avoid addressing attorneys by first name. Approach witnesses without requesting permission, as well as the jury box. Punctuality is always appreciated. Report in with the Bailiff, Mr. Gary Scalf for early morning dockets of pre-trials, plea/trial settings. If attorney is scheduled in more than one courtroom, advise Bailiff of whereabouts and accommodation will be made.

EXPECTATIONS/COMMENTS

Be prepared and be aware of both the strengths and weaknesses of your case. Unless good cause can be demonstrated, continuance will not be granted. Attempt to obtain agreement with regard to continuances. Be aware that many people (witnesses, jurors, and court staff) are affected by last minute requests for continuances. Attorneys are expected to be courteous, civil and professional at all times.