

Information and Guidelines

for Practice before

The Honorable Gordon J. Quist
United States District Court
for the Western District of Michigan

2009/2010

Hon. Gordon J. Quist
482 Federal Courthouse
110 Michigan, NW
Grand Rapids, Michigan 49503-2363
(616) 456-2253

Communications and General Information

1. Addresses and Telephone Numbers

United States District Court
482 Federal Courthouse
110 Michigan, NW
Grand Rapids, Michigan 49503-2363
Telephone: 616/456-2253
FAX: 616/456-2243

Judge Gordon J. Quist 456-2253

Judge Quist's Judicial Assistant/Case Manager -
Jane M. Tepper 456-2253

Judge Quist's Law Clerks -
Philip G. Henderson
Neil Marchand

Magistrate Judges -
Hon. Hugh W. Brenneman, Jr. 456-2568
United States District Court
582 Federal Courthouse
110 Michigan, N.W.
Grand Rapids, Michigan 49503

Hon. Ellen S. Carmody 456-2528
United States District Court
666 Federal Courthouse
110 Michigan, N.W.
Grand Rapids, Michigan 49503

District Court Clerk's Office -
Tracey Cordes, Clerk of Court 456-2360
United States District Court
399 Federal Courthouse
110 Michigan, NW
Grand Rapids, Michigan 49503-2363

2. Hours

The Judge's Office will be open Monday-Friday from 8:30 AM to 5:00 PM.

The Trial

1. Courtroom Decorum

The purpose of this paragraph is to describe certain basic principles concerning courtroom behavior and decorum. The requirements stated in this rule are minimal, not all-inclusive, and are intended to emphasize and supplement, not supplant or limit, the ethical obligations of counsel under the Rules of Professional Conduct or the time honored customs of experienced trial counsel. These requirements apply to all counsel and all persons at counsel table.

- A. This Court expects all attorneys and parties to act with courtesy and respect toward everyone in the courtroom. Avoid disparaging personal remarks or acrimony toward opposing counsel and remain wholly detached from any ill feeling between the litigants or witnesses. Address all remarks to the Court, not to opposing counsel. Refer to all persons, including witnesses, other counsel and the parties, by their surnames and not by their first or given names.
- B. Please be careful with the courtroom furniture. For example, do not put briefcases with metal feet on the tables. Do not bring anything to drink into the courtroom. Water is provided.
- C. Stand near the lectern while examining a witness and making statements to the jury; except that counsel may approach the Clerk's desk or the witness for purposes of handling or tendering exhibits. The recording system picks up lawyers' voices only when they are speaking into a microphone.
- D. Offers of, or requests for, a stipulation should be made privately - not within the hearing of the jury.
- E. Counsel shall admonish all persons at counsel table that gestures, facial expressions, audible comments, and the like, as manifestations of approval or disapproval, during the testimony of witnesses or at any other time, are prohibited.

2. Jury Selection

Counsel should submit an agreed statement of the case to be read to the jury which explains in simple terms the nature of the case. Unless the case is very complex, the summary should not exceed one paragraph. The purpose of the summary is to acquaint the jury with the nature of the case and to provide a basis for certain voir dire questions.

In criminal cases where jury trials have been demanded, the juries will generally be selected as follows:

- A. The Deputy Clerk will call 12 names for the jury panel plus one or two names for alternates, and such persons will be seated in the order they are called. Alternates will sit in seats 7 and 14 (1st and 2nd row on far left of jury box as you face it).
- B. The Court will then voir dire the jury asking its own questions and also questions proposed by the attorneys which have been submitted for review to the Court at or before the pretrial conference and which the Court considers appropriate. Attorneys will be permitted to participate in the questioning under limits set by the Court.
- C. Challenges for cause will be heard at sidebar. The Court will excuse any prospective juror for cause where appropriate, and replace the excused juror, and the process will be repeated.
- D. When the Court has determined that none of the prospective jurors in the jury box should be dismissed for cause, the parties may exercise their peremptory challenges. Counsel will be given a piece of paper with the appropriate number of challenges identified. In the first round of challenges, the government will write its peremptory challenges and give the paper to defense counsel who will then write defendant's peremptory challenges. After defense counsel writes defendant's peremptory challenges, the paper is returned to the Court. The Court will then excuse the challenged jurors.

The challenged jurors will be replaced, and the process repeated except (1) the defendant first exercises peremptory challenges during the second and all subsequent even numbered rounds; (2) no back strikes are

permitted (if a person is not peremptorily challenged the first time possible, the person cannot be peremptorily challenged later).

Jurors can be challenged for cause anytime.

- E. The process repeats itself until there is a jury.
- F. In a case with multiple defendants, the Court may allow additional peremptory challenges.

3. Exhibits

As a general rule, all evidentiary and demonstrative exhibits, must be shown to counsel prior to the beginning of trial. Do not wait until the witness is on the stand to show these items to opposing counsel.

The exhibits shall be clearly identified. In cases where counsel wishes to publish the exhibits to the jury and the party intends to introduce more than three documents, photos, charts, and other items capable of being digitized, counsel shall arrange to have all exhibits digitized for projection on the large screen in the courtroom. Projection of evidentiary and demonstrative exhibits is accomplished using the equipment in the courtroom. Questions concerning use of the evidence cart should be directed to the Systems Administrator for the U.S. District Court Clerk's Office at 616.456.2523. In addition, notebooks with the exhibits shall be prepared. The exhibits should be divided and tabbed with the exhibit numbers or letters. A list of the exhibits (Attachment, Exhibit 1) should be located in the front of the notebooks. One set of notebooks is for the Court, one set is for the deputy clerk in the courtroom, one set is for the use of the witnesses, and there must be a set of notebooks to be used by each party or counsel for the parties. When bringing a document to the attention of the Court and witnesses, counsel asking the questions should refer to the notebook volume and exhibit number.

Offer exhibits into evidence as soon as the foundation has been laid. Often, when lawyers wait until the end of the examination or the case to make the offer, the witness has completely discussed the document during testimony and the document is not in evidence.

Offer exhibits that have identical foundation requirements in a group. It wastes time to lay a separate foundation on several identical kinds of documents, showing the witness one at a time. If they are all the same type of document, show the witness exhibits 1 through 10, ask the witness to identify the exhibits and lay a foundation. (i.e., checking account statements of John Doe for the months January through June, 2006.) If the parties have stipulated to the admissibility of exhibits before trial, those exhibits will be admitted as a group after opening statements and before the first witness is called. These stipulated exhibits can then be referred to without the necessity of establishing a foundation.

4. Recesses

Before the jury arrives, and at each recess, you will be asked if there is anything that should be raised before the next session. If there is some problem, I should be advised before the jury returns to the jury box.

I am aware that counsel may not be able to anticipate everything, but many matters should and will be taken up during the recesses.

5. Scheduling

Generally, cases are tried Tuesday through Friday beginning at 8:30 AM and recessing at 1:30 PM, with a 20-30 minute break mid-morning. This schedule is subject to the other demands of my docket and the convenience of the parties and the jury. So, sometimes a trial will run all day. You will be notified in advance as to the trial schedule for a particular day. You must have enough witnesses to fill up the day.

6. Deposition Designations, Motions In Limine, and Jury Instructions

Deposition designations, motions in limine, and jury instructions must be filed pursuant to the schedule set in the Case Management Order. The Court will not entertain additional motions in limine or deposition designations unless good cause is shown.

