Judicial Preferences Survey

Survey Completion Date 11/30/23

Contacting Chambers

Name: Jody Winters

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Judicial District: First District

Judicial Position: District Court Judge

County/Counties: McLeod

Set forth your preferred method to contact chambers (telephone, email, etc.):

Email.

To whom may attorneys direct scheduling/logistical questions?

Law Clerk.

To whom may attorneys direct substantive questions?

Law Clerk who will be given direction after reviewing the issue.

Motion Practice

Set forth your practices and procedures for scheduling motion hearings.

For the most part court administration handles motion scheduling.

Identify any type of motion for which you do not require a hearing.

Discovery dispute.

Do you accept telephone calls from attorneys to rule on discovery disputes that occur during depositions?

Yes.

How much time do you allot for motion hearings?

15-30 minutes.

Set forth your practices and procedures with respect to attending a hearing by telephone or video conference.

Acceptable unless it's a SC or hearing with testimony (contested evidentiary hearing) then in person...

Set forth your practices and procedures with respect to discovery motions.

Scheduling order will be issued.

Set forth your practices and procedures with respect to stipulations of the parties, including stipulations for protective orders.

Acceptable to file and will (generally) be signed.

Do you have particular requirements or procedures relating to requests to amend the scheduling order?

No.

Set forth your practices and procedures with respect to default proceedings.

Scheduled through court administration- remote hearing.

Set forth your practices and procedures with respect to handling emergency motions.

Filed and court administration will bring it to my attention.

If your preferences for motion hearings by remote means differ from any of your earlier answers, please describe your preferences for remote video conference hearings.

Do you want to receive paper courtesy copies of the parties' written submissions? If you do, set forth the number and preferred format of courtesy copies and identify any document type you do not want to receive.

No.

Set forth your preferences for handling informal requests for relief using the expedited, informal non-dispositive motion process set forth in Minn. Gen. R. Prac. 115.04(d).

Acceptable.

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Pre-Trial Procedures

Set forth your practices and procedures with respect to the submissions of additional legal authority or other materials at or after oral argument.

Should be submitted prior to hearing, but if something "new" is learned it will be accepted allowing the other party a time to respond to it.

Describe your preferred procedures for pretrial settlement conferences, including the timing of such conferences, persons who must attend, whether persons may attend by telephone or video conference, and how you participate in settlement discussions.

Preference is in person - all who have settlement authority. Will ask parties about the offers, how close they are in resolving the issues, if there is anything that I can do to assist with resolving the issues. May have a discussion about prior trials and how jurors have decided case(s).

Identify what technology you use in the courtroom and state whether you prefer a particular electronic format.

MNDES, presenting documents / exhibits / videos through computer.

Set forth your practices and procedures with respect to attorney's use of technology in the courtroom and during trial.

It's expected that they know how to use it and they will be given an opportunity to do a practice run prior to trial.

Do you permit parties to bifurcate oral argument so different attorneys address different legal issues?

Sure.

In-Person Trials

Are you willing to provide a date certain for trial?

Yes.

Set forth your practices and procedures for handling motions in limine.

Motions in limine should be scheduled 2 weeks (or 3 weeks) prior to the trial starting so that it will provide enough time to issue an order a few days before the trial is to start.

What is your schedule for a typical trial day?

8:30 voir dire, late morning or early afternoon starting with testimony, end for the day around 4:30.

Set forth your voir dire procedures.

Questionnaire goes out about 3-4 weeks before trial. During selection, I ask a number of questions before the attorneys.

Set forth your practices and procedures with respect to courtroom decorum, including movement in the courtroom, use of a podium, whether attorneys should sit or stand, and how to address witnesses.

Podium is fine as long as they wear the wireless mic. If attorney is at the table then prefer that they sit so the mic picks up everything that is said.

Do you impose time limits with respect to opening statements and closing arguments?

No.

Identify what technology you use in the courtroom and state whether you prefer a particular electronic format.

See previous response to this question.

Set forth your practices and procedures with respect to marking and using exhibits.

See previous response to this question.

For exhibits uploaded to the Minnesota Digital Exhibit System (MNDES), set forth your preferences regarding naming conventions for files uploaded to the system.

Describe the exhibit so it is clear what it is.

Set forth your practices and procedures for handling objections.

After stating the objection - state the specific objection, not a talking objection.

Set forth your practices and procedures with respect to the use of deposition testimony.

May attorneys obtain daily transcripts during trial? If so, what procedure should attorneys follow?

Depends on the court reporter whether she has time and if financial arrangements have been made with the court reporter.

Set forth your practices and procedures with respect to attorney requests to contact jurors at the conclusion of trial.

Acceptable.

Set forth any other preferences, practices, or procedures attorneys and parties may find helpful.

If your practice differs for trials by remote means, please describe the differences.