

Policies and Procedures

Judge Michael Beato

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I. Communication with the Judge and Judicial Assistant

Impartiality is the most basic principle of judicial ethics. Judges and judicial assistants are restricted by principles of judicial ethics from communicating about pending cases outside of hearings, or filed and served documents. That said, for scheduling or procedural matters, a party may email the judicial assistant—if all parties are also copied on the email. The parties shouldn't argue, or litigate, matters when emailing the judicial assistant.

II. Courtesy Copies

Parties should email courtesy copies of filed documents to the judicial assistant, with all parties copied on the email.

III. Motion Practice

Before filing a non-dispositive or non-emergency motion, the moving party must confer with the non-moving party in good faith, to potentially resolve the pending issue. At the end of the motion, the moving party must certify that the conferral took place, or that a conferral was attempted. An email sent to the non-

moving party, hours before filing the motion, doesn't count as a conferral. If the motion doesn't contain a conferral certification, the motion may be denied without prejudice.

The parties should also email courtesy copies of motions and responses to the judicial assistant, with all parties copied on the email.

If a party would like a motion hearing, the party should contact the judicial assistant for dates and times, and provide an estimated hearing duration. If convenient for both parties, the hearing can be over Zoom, or over the telephone.

#### IV. Evidentiary Hearings and Non-Jury Trials

For all evidentiary hearings and non-jury trials, it's paramount that all parties know which witnesses will be testifying, and which documents will be admitted into evidence. At least forty-eight hours in advance of the hearing or non-jury trial, witness and exhibit lists should be exchanged between the parties, and filed on the docket. Witness lists should include short descriptions of witnesses' expected testimony. Exhibits need not be filed on the docket, but exhibits should be exchanged between the parties at least forty-eight hours in advance of the hearing or non-jury trial.

#### V. Proposed Orders

Parties can email proposed orders to the judicial assistant, with all parties copied on the email. A proposed order should be in a word document.