

Lindahl, Jamie C.

From: J. Walter Sinclair <JWSinclair@hollandhart.com>
Sent: Thursday, February 7, 2019 3:40 PM
To: Flynn Peterson, Kathleen
Subject: [EXTERNAL] Special Edition: Task Force On Mentoring - A New Tool For Mentoring

Kathleen – I response to your task forces email and the request for “ iii. If a court in your jurisdiction has local rules or practices that facilitate participation by newer advocates in court proceedings please share those with us.” – here is our Magistrate Judge Candy Dale’s motion practice rule which guarantees you a hearing if you allow an associate to make the oral argument. Good luck.

http://www.id.uscourts.gov/district/judges/dale/Motion_Practice.cfm

“Hearings to Encourage Less Experienced Lawyers: A request for oral argument on a contested substantive motion may be filed, and the Court will schedule oral argument, if the request indicates a lawyer of less than seven years out of law school, or pro bono counsel, will conduct the oral argument (or at least a majority). The Court intends this standing rule to promote more opportunities for less experienced lawyers to appear in Court. It also applies to law students who have obtained a Legal Intern Limited License from the Idaho State Bar.”

J. Walter Sinclair
Holland & Hart LLP
800 West Main Street, Suite 1750, Boise, ID 83702
T 208.383.3928 F 208.343.8869 M 208.869.3036

HOLLAND & HART 



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FRIDAY, FEBRUARY 15, 2019

IMAGE: "Sawtooth National Forest - Stanley, Idaho"



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U.S. Magistrate Judge Candy W. Dale

Motion Practice

Judge Dale's Motion Practice



Hearings: Upon review of the briefing, the Judge will determine if a hearing is necessary in accordance with Local Rule 7.1. Typically, the Judge will require the parties to present oral argument on dispositive or other substantive motions. Counsel should be familiar with the briefing and details of the case, and be prepared for questions from the Bench. The Court will have read the briefs, and counsel will be expected to discuss their argument rather than recite their briefs.

Notice of Hearing: If the Judge determines a hearing is necessary, the Court will issue a notice of hearing. The parties do not need to contact the Court to schedule a hearing. (Dist. Idaho L. Rule 7.1)

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Telephonic Hearings: Telephonic hearings will be scheduled only upon request and authorization by the Judge, and only if the parties are unable to attend an in-person hearing. The Court's notice of hearing will provide instructions for initiating the telephone conference, and typically will require the moving party to initiate the call.

Motions for Summary Judgment: The Court prefers only one dispositive motion per side. If it becomes necessary, due to the complexity or number of issues presented by some cases to address all issues within the 20 page limit for briefs, Dist. Idaho Loc. R. 7.1(b)(1), then it is appropriate to file a motion for permission to file an over-length brief, rather than filing separate dispositive motions in an effort to comply with the 20 page limit.

Cross Motions for Summary Judgment: To avoid the panoply of briefs generated by the filing of cross motions for summary judgment, the Court prefers that the briefing be combined as follows: initial motion for summary judgment; response combined with cross motion; reply combined with response to cross motion; and a final reply brief. If the parties are unable to address the issues in the 20 page limit, they may request permission to file an overlength brief.

Motions to Strike: Motions to strike filed in response to a motion for summary judgment are disfavored. Fed. R. Civ. P. 56(c)(2) permits a responding party to object to evidence (or cited material) that is not admissible. The objection functions like an objection at trial, and may be contained within the briefing or in a separate appendix. Counsel are discouraged from filing separate motions to strike, because the practice unnecessarily prolongs the summary judgment briefing schedule.

Discovery Disputes: The Court has additional requirements for filing motions related to discovery disputes, found at the following link: [discovery disputes](#).

Assistance: For assistance with scheduling, or if the parties require a modification of a hearing date or time, please contact the Judge's Courtroom Deputy.

Please contact the law clerk assigned to the case if you are concerned that a dispositive motion has been at issue for longer than 60 days, or an order on an uncontested matter or stipulation has not been issued within 7 days.

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Applicable Rules - Motions

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