

Ronnie L. White

Courtroom 10S

Address

111 S. 10th Street,
Suite 10.182 (10-South)
St. Louis, MO 63102

Phone

(314) 244-7580

Fax

(314) 244-7589

Case Management Team

Brittany Porter
(314) 244-7930
Kinica Battle
(314) 244-7924
Tiffani Tillman
(314) 244-7044

Law Clerks

Susan Heider
Lynn Reid
Sheila Brennan
Shepard Simpson

Court Reporter

Linda Nichols
(314) 244-7983

Requirements

1. Local and Federal Rules:

Many answers to frequently asked questions are contained in the [Local Rules of the Eastern District of Missouri](#), the [Federal Rules of Civil Procedure](#) and the [Federal Rules of Criminal Procedure](#), and [Federal Rules of Evidence](#). All counsel and pro se parties are expected to know these rules and follow them. Frequent review of the rules is recommended because they are often amended. For information concerning electronic filing and service of documents, see the CM/ECF Procedures Manual.

2. Informal Matters:

For informal matters, such as agreed deadline changes, file a motion that sets forth the change or relief requested and states that opposing counsel consents to or does not oppose the motion. The motion will be ruled on promptly.

3. Rule 16 Conferences and Case Management Orders:

Civil cases are usually set for Rule 16 Conferences after all defendants have answered. If a party believes a conference should be held sooner, that party should file a motion requesting an early conference. Rule 16 Conferences are conducted by telephone. In any case including a self-represented party, the Rule 16 Conference is held in the courtroom on the record. At the Rule 16 Conference, counsel and self-represented litigants should be prepared to discuss the facts of the case and all other matters set out in the Rule 16 Order, including settlement. Do not send an unprepared substitute attorney or an attorney who cannot make a commitment regarding the calendar of trial counsel.

4. Scheduling and Status Conferences:

Counsel may request a scheduling or status conference, if needed, by filing a motion.

5. Alternative Dispute Resolution (ADR):

Most civil cases are referred to mediation. Be prepared to discuss the appropriate timing for referral to mediation at the Rule 16 Conference. When setting a date for mediation in the proposed schedule, counsel and self-represented litigants should consider what discovery is needed before a meaningful mediation may occur. A list of the Court-approved neutrals and ADR materials can be found at <http://www.moed.uscourts.gov>. Once the case has been referred to ADR, the deadlines are binding and may be extended only by Court order.

6. Discovery Obligations:

The Court will not consider general discovery objections. All objections to written discovery must be stated with specificity, see Rules 33(b)(4), 34(b)(2)(B), Fed. R. Civ. P. For document production, an objection must state whether any responsive materials are being withheld on the basis of the objection. See Rule 34(b)(2)(C), Fed. R. Civ. P.

For assertions of privilege or work product, for each item of information or document withheld from production in response to a written discovery request, the withholding party must serve a privilege log on the opposing side. Rule 26(b)(5)(A), Fed. R. Civ. P. The privilege log must be served simultaneously with the response to the written discovery request in which the assertion of privilege or work product is made.

7. Discovery Disputes:

Before filing any discovery related motion, the moving party must confer with the other side and make a good faith attempt to resolve the dispute. The motion must include a certification of attempts to resolve. See E.D. Mo. Local Rule 3.04(A); Fed R. Civ. P. 37(a)(1). The requirement that the parties confer means that the moving party must speak to the other side *in person or by telephone*. Motions that do not contain the required certification will be summarily denied without prejudice. If opposing counsel or self-represented litigant will not respond to attempts to resolve the dispute, the moving party must detail their efforts in the certification. The Court will review motions concerning discovery disputes to determine if a conference with the parties is required for resolution.

8. Expert Witnesses:

a. The parties should be prepared at the Rule 16 Conference to discuss the types of expert witnesses who are likely to testify in the case and when the names and reports and/or depositions of the experts will be provided. Parties may stipulate to different ways of disclosing expert opinions, but the provisions of Rule 26 will be applied absent a stipulation.

b. Treating Health Care Provider Witnesses as Expert Witnesses: Treating health care providers who are not retained or specially employed to provide expert testimony are not required to prepare reports or provide other information required by Rule 26(a)(2)(B). However, where a treating health care provider will testify as a fact witness and also provide expert testimony, such as causation or prognosis, the offering party must identify the witness under Rule 26(a)(2)(A) and provide the disclosure required under Rule 26(a)(2)(C). The Rule 26(a)(2)(C) disclosure obligation does not include facts unrelated to the expert opinions the witness will present.

c. If notice is given regarding an objection as to opinions to be offered or the adequacy of disclosure, the burden rests on the party offering the treating witness to bring to the Court's attention, promptly, any dispute that cannot be resolved. Such disputes must be presented to the Court prior to the discovery deadline. Any offering party with notice of such a dispute who does not present it to the Court in a timely manner risks having some or all of the treating witness's opinions excluded.

9. Courtesy Copies: Dispositive Motions, Pretrial Compliance Materials; Proposed Orders:

Parties shall mail or hand-deliver to chambers at 111 S. Tenth St., Ste. 10.182, St. Louis, MO 63102, a paper courtesy copy of (1) any motion to dismiss, motion for summary judgment, or Daubert motion, together with the memorandum in support and any exhibits; (2) any opposition memorandum, including exhibits; (3) any reply memorandum, including exhibits; and (4) all pretrial compliance materials. Courtesy copies must be printed on one side only. In addition, all jury instructions must be emailed in a word processing format (not PDF) to MOEDml_Team_RLW-MTS-NCC@moed.uscourts.gov

A courtesy copy of all proposed orders must be sent in a word processing format to the Court's proposed orders e-mail inbox, MOED_Proposed_Orders@moed.uscourts.gov, in addition to being electronically filed as a PDF attachment to an appropriate notice or motion. See CM/ECF Procedures Manual, § II.J.

10. Trial Settings:

Most civil cases are set for trial on a two-week docket. This is a firm setting, meaning your case is almost always reached within that time. Juries are picked at 9:00 a.m. or 1:15 p.m., typically on Mondays and Wednesdays. If you have not heard otherwise, you should assume your case is number 1 on the trial docket.

11. Final Pretrial Conference and Motions in Limine:

If your case is still on the docket two weeks prior to the scheduled trial date, the Court will set a final pretrial conference. Final pretrial conferences are normally held two or three business days prior to the scheduled trial date. Counsel should be prepared to argue any motions in limine, so the Court can rule on the motions in advance of the trial date when possible. Any argument and all rulings will be put on the record at the pretrial conference.

Motions in limine must be filed at least twenty (20) days before trial. The Court will not consider any motion in limine unless it contains a statement that the moving party's counsel has conferred in person or by telephone with opposing counsel in a good-faith effort to resolve the dispute presented by the motion. Opposition to a motion in limine must be filed no later than five (5) days after the motion in limine is served.

12. Available Courtroom Technology:

The Court has evidence presentation equipment available including a document camera for displaying evidence (WolfVision VZ9Plus), VHS/DVD player, annotation monitors at the lectern and witness box, assisted listening devices, and connection interfaces for laptops for displaying computer-stored evidence or computer presentations. An explanation on the use of this equipment is available on the Court's website, www.moed.uscourts.gov. Under the "Court Business" heading, select [Courtroom Technology](#). Counsel are strongly encouraged to use the document camera for all trials. Please call my Case Management Team in the Clerk's Office to schedule training before trial. Training usually takes no more than 30 minutes, and gives you the opportunity to get comfortable with the equipment before trial. No training will be provided on the day of trial. If you intend to use your computer with the Court's evidence presentation system, you must confer with the Clerk's Office before trial to ensure your settings and connections are compatible with our system. The Court does not provide equipment to play audio tapes; counsel will need to bring their own tape player.

13. Jurors and Voir Dire:

- a. Agreed Statement of the Case: Before the case is called, counsel must supply the Court with a joint brief statement of the nature of the case to be read to panel members during voir dire. Counsel are expected to agree on this statement, which should be phrased in neutral terms. See Case Management Order, Section II. Order Relating to Trial.
- b. Number of Jurors and Seating: The number of jurors in a civil trial will depend on the length of the trial. For voir dire questioning, the venire panel is seated left to right in the jury box. Juror numbers 1 through 5 in the front row, 6 through 10 in the middle row, and 11 through 16 in the last row. The rest of the venire panel members are seated in the left and middle rows of the spectators' gallery, also seated numerically, left to right.
- c. Juror List: You will receive a list of the jury panel members as they enter the courtroom, and a seating chart with the jury panel members' names filled in. Each panel member will wear a tag with his or her number. The jury list is not available in advance. The list contains the name, municipality where the juror lives, current employer, former employer, occupation, and spouse's employer and occupation. Hobbies and children's ages and occupation are included if the juror provides that information. You may take notes on this list. After the jury is selected, all copies of jury lists must be returned to the clerk.
- d. Voir Dire Examination: In most cases attorneys are allowed to conduct voir dire. The Court will begin by asking counsel to introduce themselves and their clients. The Court will ask introductory questions covering such topics as the nature of the case, burden of proof, prior jury service, length of the trial, etc. If you want the Court to ask any specific questions that, for some reason, you prefer not to ask, please submit them in writing, with notice to opposing counsel. Otherwise, you may inquire about anything relevant to jury selection. Questions must first be posed to the panel as a whole. Counsel may then ask follow-up questions of any persons who raise their hands. You may also ask follow-up questions based

on my questioning. You may not ask unnecessary questions in order to establish rapport, ask the jurors to make promises to you, make speeches, argue your case, tell the jury about yourself or your family, or do anything else that is not directly designed to elicit relevant information about the potential jurors. In every case, the Court reserves the right to conduct the entire voir dire. In such cases, counsel will be advised to submit proposed voir dire question to the Court no later than two business days before trial.

e. Jury Selection: After all questioning has been completed, the panel will be removed from the courtroom and the Court will immediately ask for challenges for cause. No challenges for cause or statements that either the panel or any juror is acceptable may be made in front of the jury panel. After any panel members are stricken for cause, the parties will make their peremptory challenges from the number of jurors equal to the number to be seated plus the total number of peremptory strikes (i.e., for a seven-person jury, with three peremptory strikes per side, challenges will be exercised with regard to the first thirteen jurors remaining after strikes for cause). Plaintiff will make its peremptory challenges and then defense will make its challenges. In a civil case, an appropriate number of alternates will be seated.

14. Courtroom Logistics and Trial Rules:

a. Time of Trial: Trial typically begins at 9:00 a.m. and concludes at 5:00 p.m. Parties should be prepared to begin promptly so the jury is not kept waiting. Counsel will not be permitted to raise preliminary matters at the start of the trial day when the jury is ready to proceed. The Court will be available to resolve preliminary matters 30 minutes prior to the scheduled start time of the trial day, during the lunch break, or at the conclusion of the trial day.

b. Use of Lectern: Voir dire, opening statements, examination of witnesses, and closing arguments must be made from the lectern. You do not need to ask the Court's permission to approach a witness to hand the witness an exhibit. Counsel must then return to the lectern for questioning, unless counsel must direct the witness's attention to a part of the exhibit. Counsel may not hover over the witness during an examination and may never hover over the jury for any reason.

c. Objections: Counsel must stand and state the legal basis for any objection without argument or elaboration. The Court will either rule or ask you to approach for a sidebar conference.

d. Juror Note-Taking: Jurors are generally permitted to take notes during the trial.

e. Use of Exhibits and Opening Statements: Counsel may use exhibits in opening statement if you have both the consent of opposing counsel and advise the Court in advance.

f. Recross: Recross is not allowed as a matter of right; recross is allowed only if something new is brought out on redirect. If counsel wishes to recross a witness, counsel must approach the bench with the request and tell the Court the areas on which recross is sought. The Court will determine whether the questioning will be allowed.

g. Exhibits: Counsel must pre-mark all exhibits as set out in the Case Management Order. Do not ask the courtroom clerk to mark exhibits for you. The Case Management Order requires plaintiffs to use numbers for exhibits and defendants to use letters. Defendants with more than seventy-eight exhibits (ZZZ), should consider using a designation method that avoids excessive multiple use of a single letter (such as AAAA). There are several ways to do so and still comply with the pretrial order (for example, after Z, you might use, AA, AB, AC ... AZ, followed by BA, BB, etc.). The parties must attempt to stipulate to the admission of as many exhibits as possible prior to trial. Counsel should bring a list of all exhibits which may be received without objection at the beginning of trial. Unless otherwise stipulated, examining counsel must show each exhibit to opposing counsel before showing it to a witness. Demonstrative and summary exhibits must be shown to opposing counsel in advance of trial, even if not offered into evidence.

h. Depositions and Video Depositions: Counsel often "over designate" in pretrial compliance the deposition portions they intend to use at trial. Prior to the start of trial, you must notify opposing counsel of the portions you actually intend to offer, so opposing counsel can determine if they wish to object or counter-designate. Counsel must attempt to resolve any deposition objections—and bring to the Court's attention any that cannot be resolved well in advance of the proposed use—so the Court can rule on objections without wasting jury time. If you plan to play a video deposition, notify the Court in advance so it can rule on objections in time for counsel to make necessary edits or otherwise address the logistics.

i. Jury Instructions: The current version of the Eighth Circuit Model Jury Instructions is used for boilerplate and substantive matters covered by those instructions. Missouri Approved Instructions (or another state's approved instructions, when appropriate) are used for issues governed by state law. Final instructions are sent to the jury in writing, and are displayed to the jury on the visual presenter while they

are being read. The parties must submit a set of instructions that indicate the source of or authority for the instruction, indicate the offering party, and are numbered at the top. The parties must email the Court a copy of their instructions in word processing format (not PDF) to MOEDml_Team_RLW-MTS-NCC@moed.uscourts.gov, to assist the Court in making necessary changes. Counsel must meet and confer regarding jury instructions and, whenever possible, submit one package of jury instructions to the Court on behalf of the parties. Absent an agreement as to the instructions, counsel should expect to have the final jury instruction conference in the evening, at the conclusion of the trial day.

15. Courtroom Decorum for Hearings and Trial:

- a. Stand when the jury enters the courtroom and at all times when speaking, including objections.
- b. No cell phone or smart phone usage is allowed. All phones must be completely turned off (not airplane mode) in the courtroom. See E.D. Mo. Administrative Order (Electronic Device Policy, Mar. 1, 2023).
- c. The following are prohibited: eating, drinking other than water, gum chewing, audible watches, alarms, or notifications.
- d. All witnesses and opposing counsel must be addressed by their last names, with appropriate titles. Do not call any witnesses by their first names, even your clients, and advise witnesses not to address counsel by their first names. This rule concerns how we address one another in the courtroom. The rule does not govern how witnesses refer to any person during their testimony.
- e. Persons seated at counsel table shall not make any verbal comments, laugh, make facial expressions or other expressions, verbal or non-verbal, to the jury which could be interpreted as conveying a comment one way or the other with respect to any testimony, argument, or event that may occur during trial.
- f. Young children are not allowed as spectators unless they are accompanied by an adult seated with them in the spectator's area. An individual seated at counsel table or a witness, while testifying, cannot qualify as the attending adult.
- g. Counsel must instruct their clients and witnesses about the foregoing rules.
- h. All statements by counsel should be directed to the Court and not to each other. Counsel are expected to treat each other, all Court personnel, and all witnesses, including adverse witnesses, professionally and courteously.