

Motions, Notices of Hearings and Proposed Orders
Judge Olin Shinholser

Courtesy copies of all motions set for hearing must be provided to the court's judicial assistant (fax acceptable) on the day the attorney or his/her secretary calls the judicial assistant to schedule the hearing. All attachments supporting the motion (for example, attachments to a motion for summary judgment) must be provided. If this packet is bulky or too lengthy to fax, delivery of the supporting attachments may be sent under separate cover as long as all attachments are in the judge's office no later than 5 days before the hearing. Failure to furnish the motion and attachments will result in the scheduled hearing being removed from the docket.

Motions and proposed orders should be specifically labeled. Generic titles such as motion for contempt, motion to compel, etc. are inadequate. For example, a motion to compel should address in the title the specific request, demand, or order it is addressing, such as: Motion to Compel Response to Plaintiff's Interrogatories dated January 30, 2007; Motion to Hold Plaintiff in Contempt for Failure to Respond to Court's Order to Produce dated March 15, 2030; Order Holding Defendant in Contempt for Failing to Respond to the Court's Order to Produce dated October 15, 2037; etc.

When the court has orally ruled on a matter, copies of all proposed orders should be furnished to all counsel of record and non-represented parties. The court will hold the proposed order in most cases for five (5) days after receipt to allow any attorney/party to object to the form of the order.

When a proposed order is based upon a stipulation of the parties and submitted to the court for approval, a copy of the stipulation should be furnished with the proposed order.

Parties cannot submit proposed orders to the court for 'ex parte' ruling by simply giving the opposing parties a certain number of days to object, except as otherwise provided by the court rules or statutes.

When submitting orders to the court, you must submit an original along with sufficient copies for all attorneys or pro se parties of record with preaddressed, stamped envelopes. Faxed orders are not acceptable.

The preface and signatory line of orders should read in effect:

Ordered this _____ day of [month], [year].

Olin W. Shinholser, Circuit Judge

Do not use the words "honorable," "done and ordered," "in chambers or open court."