



United States District Court  
EASTERN DISTRICT of TENNESSEE  
Hon. Curtis L. Collier, Chief Judge ★ Debra C. Poplin, Clerk of Court

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# H. Bruce Guyton, United States Magistrate Judge

## Judicial Preferences

### Written correspondence from counsel to the court.

Will be accepted for procedural or settlement info, with copy to opposing counsel. Any request for an order must be by motion in writing.

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### Communication between counsel and the Judge's law clerks.

Acceptable.

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### Preference for the use of telephone conferences rather than in-person conferences for any category of conferences that you schedule in connection with a case.

Initial scheduling conference and pre-trial conference are in person. Case management conferences may be by conference call.

Conference Calls: Generally, the parties are to initiate the call into chambers. Where there are two phone calls, my Judicial Assistant will join the calls. When there are more than two calls, however, I prefer that the parties either join into a conference call amongst themselves and then call into chambers, or provide my Judicial Assistant or Law Clerk with a conference call-in number and code.

I prefer that attorneys participate in conference calls via land line, when possible. Attorneys should also participate via handset rather than speakerphone, when possible. Both of these preferences prevent counsel's voices from being lost in the connection of the various phone calls.

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**Preference regarding pro hac vice admissions.**

Generally, no hearing required.

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**Preference regarding oral arguments on motions.**

Oral argument preferred.

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**Preference for courtesy copies of motions, briefs, and other writings for chambers.**

Yes, if they are "last minute" filings.

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**Standard form for scheduling order(s).**

Yes. See attached.

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**Preferences regarding Federal Rule 26.**

Rule followed.

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**The extent to which counsel may influence the length of the discovery period, extensions, trial dates, etc.**

Counsel participates in preparing the schedule.

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**The average amount of time allowed for discovery in a standard case.**

Eight to ten (8-10) months.

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**Preferred approach and procedures for handling discovery conferences and disputes.**

Procedural issues may be handled by conference call; substance issues, (for example, privilege claims) are by written motion and hearing in court.

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**Preferences regarding the handling of confidentiality agreements.**

No fixed practice.

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**Preferences regarding requests for additional pages in excess of the page limitations set forth in Local Rule 7.1(b).**

May be by conference call or written motion.

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**Preferences and procedure regarding scheduling trials, including whether a date certain for trial is assigned; if so, the amount of time prior to trial that such a date certain is assigned; and the extent to which it may be moved during the month in which it has been scheduled.**

The date certain is set at the initial scheduling conference.

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**How needs of out-of-town parties, attorneys, or witnesses are accommodated.**

If made aware of specific problems, the Court will make all reasonable efforts to accommodate out-of-town attorneys, parties, etc.

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**Preferences regarding the delivery of written reports to the court by expert witnesses who are scheduled to testify.**

Not required to be delivered to Court.

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**Preferences regarding the submission of trial briefs by counsel.**

Proposed Findings of Fact and Conclusions of Law are required in non-jury trials. In jury trials, briefs are strongly encouraged, but I have no blanket requirement; I may request such on a case-by-case basis.

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**Counsel participation in voir dire.**

The Court will conduct a general voir dire, and then counsel may supplement.

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**Time limits for opening and closing statements at trial.**

Fixed by Court on a case-by-case basis.

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**Preference for counsel to examine witnesses from counsel table or elsewhere, including whether you prefer counsel to remain seated while examining witnesses.**

The preference is to address witnesses from the podium.

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**Whether more than one attorney may handle trial for a party.**

Yes; more than one attorney may handle the trial. Only one attorney may address a witness.

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**Preference for handling sidebar conferences.**

No set practice.

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**Preference or requirements for introducing videotaped testimony.**

Must be pre-marked and made available to the other side.

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**Pre-marking of documentary and photographic exhibits and other demonstrative evidence for trial and the date upon which exchange of exhibits is to take place, if any.**

Set by scheduling order

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**Preference for the moving of exhibits into evidence at trial.**

Exhibits should be moved into evidence individually and not in a collective or summary fashion.

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**Allowance of examination of witnesses beyond redirect and recross.**

No set practice, but discouraged.

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**Special requirements for reading of depositions or other material onto the record at trial.**

None.

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**Preference for written motion and/or brief for judgment as a matter of law or judgment on the pleadings when such motion is made during trial.**

Written motion not required.

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**Approach to in limine motions.**

Set by scheduling order.

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**Practice for the receipt of proposed jury instructions, including the form of jury instruction.**

Set by scheduling order.

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**Note-Taking by jurors.**

Allowed.

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**Whether the jury may take exhibits into the jury room for deliberation and, if so, any limits.**

Yes.

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**Preference regarding the submission of written verdict forms (in the form of interrogatory questions) to the jury.**

Special verdict forms are utilized when necessitated by the nature of the particular case.

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**Written jury instructions provided to the jury.**

Yes.

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**Requirements as to counsel's whereabouts during jury deliberations.**

They advise where they can be reached on short notice.

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**Whether counsel may speak with the jurors after a verdict has been rendered and recorded and, if a jury is polled, who conducts the polling.**

Local Rule prevents counsel from post-verdict communication with jurors without Court permission. Polling is usually conducted by the courtroom deputy or the Court.

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**Jury requests for review of testimony or recorded evidence.**

Decided on a case-by-case basis.

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**Handling requests for temporary restraining orders, preliminary injunctions, and other emergency relief.**

No special requirements.

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**As to injunctions, whether expedited discovery and briefing is allowed and, if so, whether briefing is allowed before or after any preliminary injunction hearing, and whether proposed findings of fact or conclusions of law in such cases are required.**

No special requirements.

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**Prefer to receive copies of appellate filings when an appeal has been taken from an order.**

No.

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**General approach to settlement in non-jury cases and use of magistrate judges.**

Mediation is allowed, and encouraged. Reasonable extensions of deadlines and trial dates to allow the pursuit of mediation are granted.

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**Extent to which practices and procedures in criminal cases are varied from those in civil cases.**

As required by the local rules.

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**Procedures as to magistrate's reports.**

Not available.

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**Media communications.**

Local Rule 83.2 controls.

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