

HONORABLE ROBERT B. KUGLER

Senior United States District Judge

JUDGE ASSIGNMENT:

See L.Civ.R. 40.1, Comment 3 for an explanation of assignments to District Judges and L.Civ.R. 72.1, Comment 3 for an explanation of assignments to Magistrate Judges.

STANDING ORDERS:

None.

PROCEDURE TO ADMIT COUNSEL PRO HAC VICE:

Judge Kugler requires an affidavit by local counsel stating the qualifications of the counsel to be admitted and an affidavit of out-of-state counsel that he or she is a member in good standing of the bar in the foreign jurisdiction. Counsel should follow Local Civil Rule 101.1(c) and the comment thereto. Seldom is a formal motion necessary.

MOTION PRACTICES:

Dispositive Motions: Judge Kugler requires that the procedures of L.Civ.R. 7.1 be followed with respect to all motions and does not utilize special procedures for dispositive motions.

Motions to Seal: In addition to filing materials subject to a motion to seal with the Clerk pursuant to L.Civ.R. 5.3, Judge Kugler prefers that a copy of such materials be submitted to chambers in a sealed envelope marked "Confidential Materials subject to Motion to Seal."

Schedule: Judge Kugler convenes his ordinary motion calendar at 9:30 a.m. but will attempt to accommodate requests from counsel to be heard at other times or on other than regular motion days and will conduct oral argument by telephone on relatively simple motions.

Telephone Conferences: Judge Kugler will hold telephone conferences to resolve scheduling and other procedural matters.

COMMUNICATIONS WITH THE COURT:

Judge Kugler does not permit submission of papers via email, except by pre-arranged agreement with him. The Chambers does not use fax. Communications with the Judge's law clerks are permitted as to scheduling and procedure only.

COPIES OF PAPERS:

Judge Kugler prefers that one paper copy of all filed papers and briefs be submitted directly to chambers for the Court's convenience.

TRIAL PRACTICES:

Jury Selection: Judge Kugler does not use the state court procedure, but uses a modified "struck jury" system.

Method for Peremptory Challenges: Judge Kugler prefers that counsel concurrently exercise all peremptory challenges using a written strike method (counsel mark challenges on a sheet presented to them by the Courtroom Deputy Clerk and either the Clerk or the Judge announces which jurors are excused).

Juror Note Taking: Judge Kugler permits jurors to take notes in both civil and criminal cases.

Juror Questioning: Judge Kugler permits jurors to submit questions to the Court to be posed to witnesses in civil cases only.

Jury Charges: Judge Kugler provides jurors with a written copy of the jury charge. He occasionally charges the jury on substantive matters at the beginning of a trial or mid-trial if counsel request. He will charge the jury on the substantive law before closing arguments.

Exhibits: All parties are required in advance of trial to digitize all evidence expected to be used at trial. When introduced into evidence, the exhibit is downloaded onto a dedicated server. During deliberations each juror will review the admitted evidence with an iPad which can access only the dedicated server. Counsel are encouraged in advance of trial to become familiar with the electronic equipment available from the Court.

Conference with Jurors: Judge Kugler does not permit post-verdict conferences with jurors.

PROBATION REPORT:

Judge Kugler does not permit the defendant or counsel to review the Probation Department's recommendations as to sentence.