

Wyoming Judges' Benchbook

Name: Hon. Steven Cranfill

Court: District

Judicial District: 5B

SCHEDULING CONFERENCES

- Q. How are scheduling conferences set and used in your court? Are they conducted by you? When done by telephone, are the attorneys responsible for setting up a conference call or does your office have enough lines to allow attorneys to call in? If yes, how many lines are available?
- A. Scheduling conferences are scheduled by and conducted by my Judicial Assistant. When conducted by telephone, usually Plaintiff's attorney usually arranges a conference call if both (or all) attorneys are appearing by phone. We only have two lines that we can conference together in this office; however, we do have a remote conference call account to enable us to do large telephone conferences when necessary.

- Q. What do you expect from the attorney(s) at the scheduling conference?
- A. We expect them to have their calendars available and to be flexible in their scheduling.

- Q. Do you use multiple scheduling conferences? Why?
- A. One per case -- unless, for some reason, the original deadlines cannot be met and everyone wants to just start from scratch.

Q. Do you use court-directed discovery conferences?

A. No.

Q. What are your preferences regarding scheduling/discovery conference orders? Do you require that specific things be included in such orders?

A. Scheduling Orders -- we expect the Plaintiff's attorney to prepare the Scheduling Order promptly, send it to Defendant's counsel immediately for approval and forward it to the judge for signature asap. Mediation is usually -- but not always -- addressed, depending upon the agreement of counsel. Deadlines to disclose and depose expert witnesses (if any), deadlines to exchange final fact witnesses and exhibits, discovery cut-off deadlines, dispositive motion deadlines and hearing dates, pretrial memo deadlines, the pretrial conference date and the trial date are all determined in the scheduling order.

PROTOCOL

Q. What are your thoughts on courtroom protocol?

A. The judge reviews the local rules and relates that he expects them to be followed. Civility between lawyers is always important.

Q. What things do lawyers do that are particularly helpful?

A. It's very helpful when the attorneys provide cites and spellings for the court reporter and wait for witnesses to complete answers before continuing.

Q. What things do lawyers do that are not helpful?

A. It is not helpful when lawyers interrupt one another or use personal attacks in a brief. It is also not helpful when attorneys wait until the actual hearing date to meet with their clients or opposing counsel or are consistently late for hearings.

MOTIONS PRACTICE

Q. Do you require that submitted motions include a proposed order?

A. Yes.

Q. Do you appreciate courtesy copies of briefs being delivered to your chambers prior to hearing on a motion? If so, how early would you like them?

A. Yes. One week prior to hearing.

Q. Do you schedule hearings on motions automatically upon receiving a request for setting, or do you prefer or require that counsel call to schedule hearings?

A. Upon written request, we proceed to set motions for hearing.

Q. Under what circumstances do you decline to grant a request for oral argument?

A. If, after review of the briefs, the judge believes further argument would be of little help, he declines oral argument.

Q. Do you prefer that counsel provide copies of the relevant cases prior to a hearing?

A. No.

Q. Is there anything about the way you handle requests for temporary restraining orders and preliminary injunctions that you think the bar should be aware of?

A. No.

FINAL PRETRIAL CONFERENCE

Q. In your view, what is the purpose of a final pretrial conference?

A. The purpose of a final pretrial conference is full disclosure of exhibits, witnesses, and to address jury instructions, if necessary, to the fullest extent possible.

Q. Do you have a specific format for pretrial statements? If so, please provide a copy.

A. No.

Q. What steps do you take, if any, before the final pretrial conference to encourage settlement of the case? Do you require mediation?

A. The judge asks the parties if he can be of help. Mediation is suggested, not required.

JURY TRIAL PRACTICE

Jury Selection:

Q. How is voir dire conducted in your courtroom?

A. By the attorneys, not en masse.

Q. Do you allow or encourage the use of jury questionnaires?

A. Yes.

- Q. What is your due date for proposed jury questionnaires?
A. Proposed jury questionnaires are due by the date of the pretrial conference.

- Q. What do you prefer in regard to the length of the jury questionnaire?
A. No preference.

Requested Jury Instructions:

- Q. When do you require requested jury instructions to be submitted?
A. Jury Instructions are exchanged at the pretrial conference.

- Q. What form do you prefer requested jury instructions to take (e.g. do you prefer jury instructions accompanied by supporting cases, etc.)?
A. The judge prefers that jury instructions be clean and ready for signature.

Q. What is your view of the Wyoming Pattern Jury Instructions?

A. Fine.

Q. Do you have a set of stock jury instructions that you use?

A. Yes.

Q. Do you prefer to receive an electronic copy of requested jury instructions?

A. Yes.

Trial Procedures:

Q. What is your preferred trial schedule (e.g. 9 to 5 with an hour for lunch, 8 to 2 with no lunch, etc.)?

A. 9:00 to 5:00 with a morning break, lunch usually 12:00 to 1:00, and an afternoon break.

Q. What are your preferences with respect to motions in limine and other trial related motions?

A. Motions in limine and other trial-related motions are usually argued at the pretrial conference.

Q. What are your preferences and/or procedures related to witness scheduling?

A. The judge leaves such decisions up to the attorneys.

Q. What are your preferences with respect to trial exhibits? Do you allow/require the use of exhibit notebooks for the court and jurors?

A. The judge allows exhibit notebooks and prefers that they be provided.

Q. Do you find the use of computer-assisted presentations (e.g. PowerPoint) effective and/or useful?

A. Yes.

Q. Do you permit "speaking objections" in jury trials?

A. Yes.

BENCH TRIAL PRACTICE

Q. What are the major differences in procedures in your courtroom between bench trials and jury trials?

A. None, other than the obvious – although the judge will vary the hours. With a bench trial, he may begin before 9:00 a.m. and go beyond 5:00 p.m., if necessary.

Q. Do you appreciate or require trial briefs or proposed findings of fact and conclusions of law from counsel? Do you prefer proposed findings of fact and conclusions of law be submitted before or after trial or both?

A. The judge appreciates both – trial brief before, findings of fact and conclusions of law after.

THOUGHTS ON EFFECTIVE ADVOCACY

Q. What makes an effective advocate in jury arguments?

A. Be succinct, no theatrics.

Q. What makes an effective advocate in bench arguments?

A. Same. Be succinct, no theatrics.

Q. What are the most common mistakes made in argument?

A. The most common mistakes made in argument would be talking down to the trier of fact, talking too fast, and thinking they won't catch subtle variations from the actual evidence presented.

Q. What are some techniques that do, or do not, work effectively in the examination of witnesses?

A. A technique that DOES NOT work effectively in the examination of witnesses is simply rewording the same question in hope of a different answer or arguing.

CRIMINAL MATTERS

Q. How do you handle requests for continuance on pretrials, arraignments and trials?

A. Requests for continuances are usually resolved by conference call with the attorneys.

Q. When may the issue of bail best be addressed in your courtroom?

A. The issue of bail is best addressed at arraignment, sometimes by separate motion.

Q. What information do you want from counsel at the time of sentencing?

A. At sentencing, the judge requires accurate review of the Presentence Investigation Report.

Q. Are private pre-sentence evaluations useful or encouraged?

No.

A.

Q. Do you have any standard sentences the bar should be advised about (i.e. DUI sentencings, acceptance of alcohol-related reckless)?

No.

A.

SPECIAL ISSUES FOR DOMESTIC CASES

Q. Are there any special issues that arise in your courtroom in domestic cases of which you would like the bar to be aware?

The judge would like prior notice if security is warranted.

A.

Q. What do you want to have on temporary order issues?

A review hearing in the near future -- within 10 days if possible.

A.

Q. Do you have a policy on child interviews with respect to custody?

A. The judge is willing to do them if the parties agree.

Q. When do you require guardians ad litem? What do you expect from a guardian ad litem?

A. The judge requires guardians ad litem only when the parties agree and can afford the services of a G.A.L. Because of that, we are exploring the restoration of a CASA program.

The judge expects clear recommendations from the guardian ad litem.

DISCOVERY PRACTICES

Q. What is your approach to resolving discovery disputes?

A. The judge schedules a hearing as soon as possible.

Q. What are your thoughts on imposing sanctions for discovery abuses?

A. The judge believes it is proper and has done so.

Q. Are you generally available to solve problems that arise during a deposition?

A. No.

THOUGHTS ON COURTROOM PROTOCOL

Q. Is lack of civility a recurring problem in your courtroom? What steps do you take to improve civility in your courtroom?

A. The judge frequently reminds lawyers of their conduct. Lack of civility serves no purpose at all.

Q. What do you expect of lawyers (and their staff) in your courtroom? Clients? Witnesses?

A. The judge expects respect for the court and for one another. Period.

Q. Do you impose any limitations on courtroom movement (approaching witness, podium, etc.)?

A. Yes.

Q. What kind of lawyer conduct is unacceptable to you in your courtroom?

A. Arguing with counsel, instead of to the court, is unacceptable, along with making noise at the counsel table during the opening or closing argument of opposing counsel.

OTHER MISCELLANEOUS ISSUES

Q. What are your opinions regarding courtroom dress?

A. The judge requires that attorneys be professional in their attire -- this is not a cocktail party.

Q. Do you allow children in your courtroom?

A. Yes.

Q. Do you allow cell phones in your courtroom?

A. The judge allows cell phones in his courtroom, only if they are turned off.

Q. What, if anything, do you do to enforce promptness in your courtroom?

A. The judge continually encourages promptness in his courtroom. He notes it on the record if it is a problem.

CLERK'S/ADMINISTRATIVE ASSISTANT'S COMMENTS

Q. What do you expect of attorneys in their dealings with you?

The judge expects that attorneys not be rude or demanding in their dealings with him or his staff.

A.

Q. What do you expect of attorneys in regarding to scheduling hearings?

The judge expects that attorneys be as flexible and as accommodating as possible regarding the scheduling of hearings -- we have all the attorneys' schedules to try to coordinate with. The judge also expects attorneys to return phone calls as soon as possible.

A.

Q. What is your protocol for scheduling hearings?

Usually, we offer attorneys several alternative dates and times for hearings. We find that it saves a lot of time (and trees and frustration) in the long run to coordinate hearing dates with attorneys and, thus, avoid as many motions for continuance as possible. That being said, if only one date is available on our calendar, that's the date we go with.

A.

Q. What can attorneys do to improve communications with you?

Most attorneys are available by email (which is GREAT); however, some attorneys are annoyingly and frustratingly hard to get in touch with.

A.

Q. What would you like attorneys to keep in mind?

We would like attorneys to keep in mind that we are trying to do the best we can at providing court time as close as possible to their requests. We have other counties that we need to schedule in -- not just our "home" county -- and we have many other attorneys' calendars to work with in scheduling.

A.

- Q. What size paper does your judge prefer or require for pleadings and briefs?
A. We prefer legal-size paper for most pleadings and letter-size paper for briefs.