

SUPPLEMENT TO THE GENERAL ORDER

Judge Alfred S. Irving, Jr.

Civil I, Calendar 3 | Civil II, Calendar 16

February 2024

I. CHAMBERS, STAFF, AND SCHEDULE FOR CALENDARS 3 AND 16

Judge: Alfred S. Irving, Jr.

Chambers: 5600, Moultrie Building
500 Indiana Avenue, NW
Washington, DC 20001

Chambers' Telephone: (202) 879-4815

Chambers' Email: JudgeIrvingChambers@dcsc.gov

Law Clerks: Yun-Da Tsai
Samantha Sloane
Jonathan De Jong

Courtroom: Courtroom 132

Courtroom Telephone: (202) 879-8306

[THE FOLLOWING SECTIONS SUPPLEMENT THE CORRESPONDING SECTIONS OF THE CIVIL DIVISION'S GENERAL ORDER.¹]

II. IN-PERSON AND REMOTE PARTICIPATION

In-Person Hearings: The following proceedings will be held in-person in Courtroom 132: Motions hearings, *ex parte* proof hearings, jury trials, bench trials, contested evidentiary hearings with live testimony, and pretrial conferences.

A lawyer or self-represented party must make a written or oral motion seeking permission for a party, lawyer, or witness to participate remotely in an in-person trial or hearing. Any such motion must be made reasonably in advance of the trial or hearing.

Virtual Hearings: The following proceedings will be held virtually in Courtroom 132: Initial scheduling conferences, further initial hearings, status hearings, motion hearings, *ex parte* proof hearings, oral motions, and any uncontested evidentiary hearings.

Any party or lawyer who wishes to attend a remote hearing in-person must file and serve a notice at least seven days before the hearing.

¹ <https://www.dccourts.gov/services/civil-matters/general-orders-civil-cases>

Parties and counsel may access Virtual Courtroom 132 in the following ways:

- (1) Going to the WebEx website at <https://dccourts.webex.com/meet/ctb132> or going to <https://dccourts.webex.com> and entering meeting ID number 2343 119 3793; or
- (2) Downloading the WebEx Meetings app, opening the app, selecting Join Meeting, and entering <https://dccourts.webex.com/meet/ctb132>.
- (3) Calling (844) 992-4726 or (202) 860-2110 and entering meeting ID number 2343 119 3793#.

Lawyers participating remotely must have a video connection, except in extraordinary circumstances that make it necessary for them to participate by telephone. All other parties are encouraged, but not required, to have a video connection.

Parties having trouble connecting to their remote hearing may email Chambers at JudgeIrvingChambers@dcsc.gov for assistance. Failure to participate in a remote hearing may result in the same consequences that would result from a failure to appear at an in-person hearing, including dismissal of a case or entry of default.

Guidelines: When entering the virtual courtroom (by telephone, or signing in through the website or app), the party should place the microphone on mute. If you are using the WebEx website or the app, you may check-in with the courtroom clerk using the “chat” function. If you are on a telephone, you should wait for your case to be called. Individuals should remain muted at all times, similar to remaining silent at in-person proceedings.

Exhibits: If a party or counsel intends to use exhibits or other documents during the virtual hearing, the party or counsel will email the exhibits to JudgeIrvingChambers@dcsc.gov, copying all sides, no later than 5:00 p.m. the day before the hearing. The party or counsel must file the exhibits and provide copies of the exhibits to any witness before the hearing. The exhibits must be separately labeled so that they can be easily identified by all parties and the Court, during the remote hearing. In addition, the Court may send a link to the parties requiring that exhibits be uploaded to the Box cloud.

III. WEEKLY SCHEDULE

Motion Hearings: Parties must request Motion Hearings through a motion or an oral request during a hearing. If the Parties request a hearing through a motion, the Parties should list multiple dates they are available in case the Court cannot accommodate the Parties’ request.

Trials: Mondays through Thursdays from 9:30 a.m. to 4:45 p.m., in Courtroom 132, unless otherwise noted.

All Other Hearings: The Court generally conducts Pretrial Conferences and Ex Parte Proof Hearings on Tuesdays through Thursdays and Scheduling Conferences on Friday. All other hearings will be scheduled as appropriate. As with requesting Motion Hearings, Parties

requesting a hearing for any other purpose should list multiple dates that they are available in case the Court cannot accommodate the Parties' request.

IV. MOTIONS, OTHER FILINGS, AND COURT RECORDS

Formatting: Typewritten motions and other filings will be double-spaced and in at least 12-point font; footnotes will be in 12-point font. Parties should use a serif typeface, such as Times New Roman, Garamond, or Century Schoolbook and should not use mono-spaced fonts.

Page Limits: Memoranda of law that exceed ten (10) pages in length are discouraged and filings exceeding twenty (20) pages (exclusive of exhibits and certifications) are prohibited without prior leave of Court.

Exhibits: Filings containing multiple exhibits must be accompanied by an index of exhibits setting forth each exhibit's title or brief description.

Courtesy Copies: When **any filing** includes over twenty-five (25) total pages, a paper copy must be mailed to Chambers at the above address either through the postal service or by delivering a copy to the mailroom on the C level of the Moultrie Building, *and* a copy must be emailed to the Chambers' inbox at JudgeIrvingChambers@dcsc.gov. Filings exceeding 200 pages must be provided in three-ring binders. All courtesy copies must include tabs for the exhibits and use highlighting or other techniques to draw the Court's attention to specific content (*e.g.*, relevant sections of text) in the exhibits.

Incorporation by Reference: Notwithstanding Super. Ct. Civ. R. 10(c), incorporation by reference of previously—or contemporaneously—filed documents is prohibited to the extent that the combined length of the filing and the information incorporated-by-reference exceeds the Court's page limit. Each filing must stand or fall on its own merits.

Adoption: Parties may only adopt pleadings as defined in Super Ct. Civ. R. 7(a). A party may not adopt the motion of another party-litigant without first obtaining leave of Court.

Rule 12-I(a): The Court strictly enforces the advance consultation requirement of Rule 12-I(a). Any motion that does not include a separate certification that states whether consent was obtained from all interested parties and the efforts taken to secure such consent, if consent is not procured, may be summarily denied, without prejudice.

Proposed Orders to Chambers: Pursuant to Administrative Order 06-17,² whenever parties file a motion or opposition, they will provide the Court with a Proposed Order granting the relief sought in their filing. The Proposed Order must be sent to the Court's electronic mail address, at JudgeIrvingChambers@dcsc.gov. If no Proposed Order is received by the Court, the document is not considered properly filed and may be summarily denied without prejudice.

² <https://www.dccourts.gov/sites/default/files/2017-03/06-17.pdf>.

Extensions of Time: Stipulations between parties or counsel are not effective to change deadlines set by the Court. To extend a deadline, a party *must* file a motion requesting the extension.

Motions for Leave to File: Whenever possible, motions for leave to file a document should be accompanied by a copy of the proposed filing.

Ripe Motions: Irrespective of the nature of the matter scheduled for hearing before the Court, any Motion that is ripe, ready for disposition, may be heard by the Court at any hearing scheduled on the Court's calendar. Consent motions are considered ripe upon filing.

Motion Hearings: A complete copy of motions or oppositions filed within five days of a hearing should be emailed to JudgeIrvingChambers@dcsc.gov. Motions will be decided on the paper filings alone unless the Court determines that a hearing would aid its consideration or the law otherwise requires.

Emergency Motions: Any represented party who files an emergency motion will contact all opposing parties and chambers to provide notice of the emergency motion within 24 hours of its filing.

E-Filed Motions: Please note that e-filed motions and other filings do not reach chambers instantaneously; rather, it generally takes 1-2 business days for the Civil Clerk's office to receive and process filings. Parties should contact the Civil Clerk's office at (202) 879-1133 to inquire about the status of pending motions.

V. DISCOVERY

Discovery Disputes: Judge Irving strictly enforces the provisions of Rules 26(h)(1) and 37(a) of the Superior Court Rules of Civil Procedure, requiring that the parties meet, face-to-face, for a reasonable period of time in an effort to resolve or narrow any discovery-related dispute. All discovery-related motions must include a certification setting forth the details of the parties' meeting, including the date, time, and place of the meeting.

VI. PRETRIAL/SETTLEMENT CONFERENCE

Settlement Authority: A representative of each party with *full* settlement authority must be present at the pretrial/settlement conference.

Joint Pretrial Statement: The Joint Pretrial Statement must be filed seven (7) days prior to the scheduled Pretrial Conference. If a Joint Pretrial Statement is not received on or before that date, the Pretrial Conference may be rescheduled *sua sponte*.

Special Jury Instructions and Judicial Notice of Regulations or Statutes: Where the parties request that special jury instructions be given or that municipal regulations or statutes receive judicial notice and admission into evidence, each proposed special instruction, regulation, or statute will be typed on a separate sheet of paper, **accompanied by a copy of the pertinent**

authority for the request, and submitted with the Joint Pretrial Statement. A copy of the proposed instruction, regulation, or statute should be emailed to Judge Irving's Chambers Inbox, JudgeIrvingChambers@dcsc.gov in non-write-protected form.

Motions in Limine: Judge Irving strictly enforces the deadline by which to file pretrial motions as set forth in Rule 16(d) of the Superior Court Rules of Civil Procedure. Motions *in Limine* should be filed at least four weeks before the pretrial conference, unless leave of Court is given to file later. Oppositions to motions *in limine* should be filed no later than two weeks prior to the pretrial conference. Judge Irving typically rules on motions *in limine* on the papers prior to the pretrial conference.

Trial Readiness Hearing: At the pretrial conference, Judge Irving ordinarily schedules a trial readiness hearing as well as a trial date. At any pretrial conference and trial readiness hearing, counsel and unrepresented parties should be prepared to discuss any scheduling concerns, any remaining evidentiary issues, and other matters that Judge Irving can usefully address before trial. Trial readiness hearings are presumptively remote, although any party or lawyer may attend in person.

VII. TRIALS

Trial Status Update: On the Wednesday preceding a Monday trial date (or three business days prior to the beginning of a trial set for any other day of the week), the parties jointly or, if mutually agreed upon, through one party making a joint representation, will email chambers and inform the Court of the status of the trial. This update should include the status of any settlement discussions, the estimated length of the trial (not to exceed the time set at the pretrial conference), any issues that need to be brought to the Court's attention, and any changes to the posture of the case that may have occurred since the pretrial conference.

Exhibit Index: On the first day of trial, each party must submit an exhibit summary form by emailing the form to JudgeIrvingChambers@dcsc.gov. Parties may obtain this form from the Clerk's Office or on the Court's website.

Custody of Exhibits: After trial and until any appeal has ended or the time to appeal has run with no notice of appeal filed, each party is responsible for maintaining exhibits and other materials that may be part of the record on appeal.

Mid-trial Issues: If an issue arises during trial, the parties should raise it by sending an email by 8:00 a.m. of the next trial date to Judge Irving's chambers staff and to all other parties.

Rule on Witnesses: Judge Irving enforces the rule on witnesses for all trials. Accordingly, each party is responsible for ensuring that their non-party witnesses are not logged into the trial proceeding at any point other than when they are testifying.

VIII. OTHER MATTERS

Contact with Chambers: Counsel or parties shall contact the Clerk of the Civil Division's office at the following telephone number, (202) 879-1133, to ascertain the status of motions, except as may be required by extraordinary or emergency circumstances. The only matters that the Court will address over the telephone through its staff are scheduling matters, but only if all parties are present by teleconference. Chambers staff will not provide legal advice, and parties and counsel shall not attempt to engage in *ex parte* communications with the Court.

Language Access: The Court provides professional interpreters in all matters for anyone who needs an interpreter. The party who needs an interpreter must notify the Court before any hearing at which an interpreter will be needed. Family members, friends, lawyers, or lawyers' staff are not permitted to interpret for parties or witnesses during a hearing.

Recording: Video and audio recording of any court proceeding, in-person or virtual, is prohibited under the Rule 201(g) of the Superior Court Rules of Civil Procedure and Administrative Order 20-08.³ If the Court finds that a person has recorded court proceedings, the violator may be subject to removal from all future proceedings and subject to a finding of contempt of court and all other penalties as are provided by law.

³ <https://www.dccourts.gov/sites/default/files/2020-05/20-08%20Prohibiting%20Recording%20or%20Videoing%20of%20Remote%20Proceedings.pdf>.