QUESTIONNAIRE FOR JUDGE/COMMISSIONER BENCH BOOK

JUDGE/COMMISSIONER: E. Blaine Rawson – Second District Court

Date of Bench Book: August 25, 2025

1. Discovery

Q: What is your practice with respect to modifying an initial case schedule under Rule 26?

A: Parties should request a Rule 16 Pre-Trial Conference.

Q: Has your district adopted any local rules with respect to resolving discovery disputes?

A: No.

Q: What is your practice regarding statements of discovery issues ("SODI") disputes? Do you ordinarily set a telephonic or in-person hearing?

A: Unless a hearing is requested, I make every effort to address the SODI without a hearing. If a party requests a hearing, or I think it is needed, I will set a hearing. If a hearing is necessary, most of the time a WebEx hearing is sufficient.

Q: What is your approach to protective orders? Do you often use something similar to the federal court standard protective order?

A: I let the parties propose the discovery protective order and then review it to determine if it is appropriate for the circumstances.

Q: What is your approach to granting extraordinary discovery?

A: I follow Rule 26.

Q: What is your practice regarding sanctions for discovery abuses?

A: I follow Rules 26 and 37.

Q: Are you generally available to hear disputes that arise during depositions?

A: Unlikely. I am in court over 50% of the time.

Q: What insights do you have for litigants with respect to discovery matters in general?

A: Follow the rules.

2. Motions

Q: Do you prefer that counsel provide copies of the cited authorities prior to a hearing?

A: No.

Q: What about unpublished cases?

A: Yes.

Q: Do you appreciate courtesy copies of briefs being delivered to your chambers prior to a motion hearing? If so, how far in advance do you want them?

A: No.

Q: What is your policy on allowing overlength memoranda? Extensions of the briefing schedule?

A: Overlength memorandums are allowed on the rare occasions when they are necessary. I will deny a request if the request for overlength is unjustified. Counsel generally should be able to work out any needed extensions to briefing schedules and should file stipulated orders with the revised schedule. If court intervention is required for scheduling, the court will grant extensions when necessary.

Q: Do you schedule motion hearings automatically upon receipt of notices to submit, or do you prefer or require that counsel call to schedule hearings?

A: Generally, I allow a hearing when requested in the RTS or when I think one would be beneficial. Normally, the judicial assistant will call to schedule. If it is an expedited matter, counsel may want to contact the court.

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

A: I will deny a request for a hearing when I view it as unnecessary to determine the matter.

Q: Do you have any recommendations or preferences regarding written advocacy that you would like counsel to be aware of?

A: Avoid emotional arguments. Stick with the evidence and the law. Identify both the key facts and binding law in the argument.

Q: Do you have any particular guidelines or preferences that you expect counsel to follow at oral argument?

A: Ask the Court what issues need to be addressed. Avoid emotional arguments; stick to the facts and law.

Q: Do you have any guidelines or preferences that you expect counsel to follow regarding temporary restraining orders or preliminary injunctions? In particular, do you have any preferences regarding the presentation of evidence during these proceedings?

(For example, do you prefer exhibits to be marked in a certain manner, or for counsel to proffer affidavits with the witnesses present for potential cross examination rather than proceeding with direct examination by default?)

A: Make sure you have a copy of each exhibit for opposing counsel, the court, a witness, and the record. Have a list of exhibits to provide to the judicial assistant. If you are using a computerized presentation, arrive early or a day before to make sure it will work. Bate stamp documents in a legible manner. Be prepared to lay foundation for your exhibits. Do not group documents as one exhibit simply because they are the same type of documents (texts, photos, receipts, etc.); separate them so it is easier for the parties and the court to refer to them.

3. Final Pretrial Conference

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

A: To verify trial, determine if pre-trial motions need to be heard and to schedule the same, address any unusual exhibit or witness issues, and hear from counsel.

Q: What topics or issues should counsel come prepared to discuss at the final pretrial conference?

A: See above.

Q: What steps do you take, if any, at a final pretrial conference to encourage settlement of the case?

A: Ask about settlement efforts.

Q: Do you require clients to be present at final pretrial conferences?

A: Yes.

Q: Do you typically hear motions in limine and other trial-related motions at the final pretrial conference, or at another time?

A: Another time.

Q: Do you appreciate or require pre-trial briefs from counsel?

A: Yes.

4. Jury Trials

Jury Selection:

Q: How is voir dire conducted in your courtroom? Do you allow counsel to participate in voir dire? If so, to what extent?

A: Generally, I conduct most, if not all, the voir dire. I do allow counsel to participate if needed. I prefer counsel submit proposed voir dire at least two weeks in advance so I can ensure that it is not repetitive of what the court has planned and is appropriate.

Q: When do you require requested voir dire questions to be submitted?

A: See above.

Q: Do you allow or encourage the use of jury questionnaires? If so, by when must jury questionnaires be filed?

A: Yes. District jury coordinator uses a standardized form.

Jury Instructions:

Q: When do you require instructions to be submitted?

A: The staff attorney will send proposed draft instructions to the parties. The parties should respond timely and no later than two weeks before trial.

Q: Do you have a set of standard jury instructions that you use? If so, how can counsel obtain a copy?

A: Yes. See above.

Q: What form do you prefer requested instructions to take (e.g., do you prefer instructions accompanied by supporting cases, etc.)? Is a citation to MUJI 1st or 2nd sufficient legal authority?

A: Use MUJI, with specific cite to MUJI instruction. If a special non-MUJI instruction is needed, please inform the court at the final pre-trial conference.

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

A: Yes.

Q: When do you prefer to hear disputes over jury instructions:

A: As soon as we can.

Trial Procedure:

Q: What is your preferred trial schedule (e.g., 9 to 5 with an hour for lunch, 8 to 2 with no lunch, etc.)? Are there any set days/times when you schedule other matters and not trial?

A: 8:30 a.m. (8:00 a.m. on first day) to 5:00 p.m, break on Thursdays for my civil and criminal law and motion calendars.

Q: Do you prefer to hear disputes over trial exhibits before trial or during:

A: Before trial.

Q: What is your practice regarding the use of trial exhibits or demonstratives during opening statements?

A: Depends.

Q: What are your preferences with respect to trial exhibits? What are the preferences of your clerks with respect to trial exhibits?

A: Make sure you have a copy of each exhibit for opposing counsel, the court, a witness, and the record. Have a list of exhibits to provide to the judicial assistant. If you are using a computerized presentation, arrive early or a day before to make sure it will work. Bate stamp documents in a legible manner. Be prepared to lay foundation for your exhibits. Do not group documents as one exhibit simply because they are the same type of documents (texts, photos, receipts, etc.); separate them so it is easier for the parties and the court to refer to them.

Q: Do you have any guidelines or preferences regarding the use of technology at trial?

A: Yes. Test it before trial begins.

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

A: Depends.

Q: Do you allow counsel to move freely around the courtroom during trial?

A: Yes.

Q: What is your preference or practice regarding witnesses appearing remotely at trial?

A: Prefer witnesses in person to avoid delay due to technology, guarantee the best record, and avoid questions about coaching witnesses.

5. Bench Trials

Q: Do you have any particular guidelines or preferences that counsel should be aware of regarding bench trials as opposed to jury trials?

A: Stick to the facts and law; avoid emotional arguments.

6. Post-trial Issues

Q: Do you appreciate or require proposed findings of fact and conclusions of law from counsel?

A: Yes.

Q: Do you appreciate or require post-trial briefs from counsel?

A: Yes.

7. Technology in the Courtroom

Q: Do you have recommendations or requirements for counsel who will be participating in a remote hearing? (E.g., use of headphones, providing chambers with physical copies of all exhibits in advance, certain practices to avoid when appearing remotely, etc.)

A: Counsel is responsible for adequate video and audio connections; if counsel seeks to present a virtual witness or to argue a motion virtually, counsel runs the risk that technology will not work; exhibits must be available for the court to review and be made part of the record; those participating virtually must be in a quiet location where there is no background noise or visual disruptions.

Q: To what extent do you allow the use of technology in your courtroom?

A: Depends; ask the court about specific questions.

Q: Do you find the use of any particular type of computer-assisted presentations effective and/or useful?

A: Depends; ask the court about specific questions.

Q: Do you find the use of any particular type of computer-assisted presentations unhelpful?

A: Depends; ask the court about specific questions.

8. Criminal Matters

Q: How do you handle requests for continuance on pretrials, arraignments or roll calls?

A: Depends on the reason for the continuance, the amount of continuances previously granted, age of the case, proximity to trial, etc..

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

A: As allowed by law.

Q: What is your policy, if any, on pleas in abeyance?

A: As allowed by law and if it is an appropriate resolution of the case.

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

A: The parties' recommended sentence and the reasons for the same.

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

A: No.

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

A: No.

Q: How should counsel on busy law and motion calendar handle calling a case?

A: Be professional and courteous to others.

Q: What advice do you have for prosecutors to be most effective in your courtroom?

A: None.

Q: What advice do you have for defense counsel to be most effective in your courtroom?

A: None.

9. 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?

A: N/a

For Courts without Commissioners:

Q: What documents do you want filed before appearing on a motion for temporary orders?

A: N/a.

Q: What documents do you want filed before appearing on a motion for a custody evaluator?

A: N/a.

Q: What are the special procedures for filing a Motion for an Order to Show Cause?

A: N/a.

Q: Do you have any preferences for completing and filing financial declarations? Any practice pointers for counsel as to how you would like these completed or filed?

A: N/a.

For Courts with Commissioners:

Q: What is your practice with regard to setting hearings on Objections to Commissioners' recommendations?

A: See requests to submit discussion above.

For all Courts:

Q: Do you want any type of motion binder delivered? Is this helpful, or does e-filing render these obsolete?

A: No motion binders needed; be prepared to identify the motion documents by docket numbers.

Q: Do you appreciate courtesy copies of briefs being delivered to your chambers prior to a motion hearing? If so, how far in advance do you want them, and how do you want them assembled (folder, binders, with or without exhibit tabs, etc.)

A: No.

Q: Is there a special way that you would like proposed orders to be filed?

A: No, follow the rules.

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

A: Yes. Allowed when useful, appropriate, and requested by motion with adequate time for briefing

10. Courtroom Protocol

Q: Is lack of civility ever a problem in your courtroom? If so, what steps do you take to address it?

A: Yes. It is infrequent, but I will request individual be respectful and will take more stringent measures if necessary.

Q: What are your opinions regarding courtroom dress?

A: Be professional.

Q: Do you allow children in your courtroom?

A: No.

Q: What is your courtroom practice with respect to attorney cell phones? Clients? Those in the gallery?

A: Phones should be silent and put away unless used for a legitimate court-related purpose.

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

A: Everyone should be prompt. If it becomes a problem, I will take the necessary steps.

11. Comments from Case Managers and Judicial Assistants

Q: The name and phone number of my case manager(s) is:

A: Please see online resources. Information changes frequently.

Q: My case manager wants you to please do these things:

A: N/a at this time.

Q: The name and phone number of my judicial assistant(s) is:

A: Please see online resources. Information changes frequently.

Q: My judicial assistant wants you to please do these things:

A: N/ a at this time.

12. Other items

Q: Do you have a judicial biography that you would like hyperlinked to your bench book? If so, please advise us of the link to this information or provide us with a copy of the same so we may link it to your bench book.

A: Yes. https://www.utcourts.gov/en/about/courts/judges-bios/district-courts/second-district-court/e-blaine-rawson.html

Q: Do you have any stock jury instructions, verdict forms, articles, standing orders, checklists, remote hearing protocols, or other information you would like hyperlinked to your bench book? If so please advise us to the link to this information or provide us with copies of the same so we may link it to your bench book.

A: No.

Q: Is there anything else that you would like attorneys or parties to know about case management or proceedings in your courtroom?

A: No.