

Grand Junction Practice Standards Regarding Personal Appearances & Travel

THIS ONLY APPLIES TO APPEARANCES BEFORE THE GRAND JUNCTION MAGISTRATE JUDGE

With the recent implementation of the Western Slope Protocol for criminal cases and the increased involvement by this Magistrate Judge in civil cases, the purpose of this memorandum is to clarify my practices and proceedings regarding VTC/telephone appearances. This is in keeping with the directive of Federal Rule of Civil Procedure 1 to determine all actions in a "[j]ust, speedy, and inexpensive [manner]" and applies that same aspiration to criminal cases.

This directive only applies to appearances before this MAGISTRATE JUDGE and not to those before an ARTICLE III JUDGE.

Parties with appearances before this judicial officer who would otherwise have to travel to Grand Junction for their Court appearance, may, by way of a motion, request leave to appear by either VTC or telephone. The Court is particularly inclined to grant such motions when the nature of the appearance is essentially ministerial rather than substantive in nature.

Examples of what the Court considers ministerial are:

Civil cases: Scheduling conference, status conference, notices to set future dates.

Criminal cases: Entry of not guilty plea and setting of a trial, and requests for continuance.

Examples of what the Court does NOT consider ministerial are:

Civil cases: ENE/settlement conference, contested hearings (particularly those involving the presentation of evidence).

Criminal cases: change of plea (defense attorney and their client both need to be there in felony matters), contested motions hearing, and contested detention hearings or preliminary hearing.

Basic rule of thumb: if the hearing involves the presentation of evidence, substantive argument or the like you probably need to be here. Please ask by filing a motion.

If more than one party is going to be on a conference call, I will generally assign responsibility for setting up the call to the first party who asks.

My intent with this directive is to let the parties know that there may be options that can save you time and money while still insuring the level of representation necessary, creating an adequate record and keeping the justice system functioning in a fair and efficient manner.

1/18/2016

A handwritten signature in black ink, consisting of a stylized 'G' followed by a horizontal line and a small flourish.

Gordon P. Gallagher
United States Magistrate Judge