

# Judge David Nuffer

## Chambers Staff

David Nuffer

Anndrea Sullivan-Bowers, Case Manager

## Case Assignments

Law Clerk	Cases ending with:	Law Clerk Flag:
Jace Willard (St. George)	Civil 7, 8 and 9 All Criminal Cases having St. George designation	LC2
Alex Jacobson	Civil Cases 0, 1, 2, 6 Criminal Cases 0, 1, 2, 6, 8 having SLC designation	LC3
Andrew Munson	Civil Cases 3, 4, 5 Criminal Cases 3, 4, 5, 7, 9 having SLC designation	LC4

**Notice:** Judge Nuffer now resides in Washington County and is currently assigned all civil and criminal cases in the Southern Region of the Central Division of the District of Utah. See information on the St George Courthouse.



Please e-mail inquiries to [dj.nuffer@utd.uscourts.gov](mailto:dj.nuffer@utd.uscourts.gov)

If your question is on a specific case, please put the case name and number in the Subject line. Your e-mail should show a copy sent to all counsel.

Find lawyers' e-mail addresses at the [Utah Bar](#), [Lawyers.com](#) or by using the 'Mailing Info For a Case Utility' in CM/ECF (under Utilities).

Our goal is 1 working day response to all e-mail.

Journalists who desire to use electronic devices in the courtroom should use [this](#) form.

## Contact Information, Practices & Procedures and Resources

<a href="#">Contact Information</a>	<a href="#">Motions Ready for Decision</a>	<a href="#">Trial Information a</a>
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Suggestions for Writing	Hearings On Motions	Professionalism &
Civil Motions <i>Expedited Treatment</i>	Changing Hearing Dates	Employment and E
Motions to Continue in Criminal Cases (Template Order) Day calculator	Proposed Orders <i>Signature Line</i>	<b>Resources</b> - FAQ, C
Sentencing Hearings		
 <p><b>Utah Alternatives to Conviction Track</b></p>		

#### Contact Information:

**E-mail:** [dj.nuffer@utd.uscourts.gov](mailto:dj.nuffer@utd.uscourts.gov). Our goal is same-day response. Please **include case name and number in the email subject line**, and show a copy sent simultaneously to all counsel. Find lawyers' e-mail addresses at the [Utah Bar](#) or [Lawyers.com](#) or using the Mailing Info For a Case Utility in [CM/ECF](#).

**Telephone:**(801) 524-6150.

We do our best to cover the phone from 8:30 a.m. to 4:30 p.m. but may be in court. All counsel should conference together before calling the court. Please help us avoid [ex parte contact](#).

#### Mailing Address:

206 West Tabernacle Street, St. George UT 84770 for most matters.

351 South West Temple, Room 10.220, Salt Lake City, UT 84101

Copies of correspondence between counsel should not be sent to the court.

#### Courtroom

Our regular courtroom in Salt Lake City is 7.300 on the northwest corner of the seventh floor. Our regular courtroom in St. George is 2B on the west end of the second floor. Be sure to check the daily court calendar because we sometimes trade courtrooms.

### Courtesy Copies:

We generally do not need courtesy copies. Electronic filers under CM/ECF can be assured that chambers receives the Notice of Electronic Filing for all unsealed documents and retrieves documents filed and served in that manner within 24-48 hours of filing. If you feel a courtesy copy would help chambers, such as large exhibits or binders with tabs please deliver one. While the [local court rule](#) suggests that all courtesy copies should be delivered through the clerk's office, there are frequently delays in delivery of such courtesy copies. E-mail any document filed in paper (including all conventionally filed sealed documents) to [dj.nuffer@utd.uscourts.gov](mailto:dj.nuffer@utd.uscourts.gov).

### Faxes:

We do not accept material via fax. Please scan, OCR and email to [dj.nuffer@utd.uscourts.gov](mailto:dj.nuffer@utd.uscourts.gov).

### Suggestions for Writing

Judge Nuffer's chambers staff all read materials in electronic format, so his [Suggestions for Accessible Documents](#) (and the related PowerPoint [Creating Accessible Documents](#)) are very important. He also follows the recommendations of [Bryan Garner](#) for [improved legal writing style](#) (pdf document) by putting citations in footnotes and eliminating substantive footnotes. Also, please see Judge Nuffer's materials on [Effective Legal Writing](#).

### Civil Motions:

Judge Nuffer adopts the [Short Form Discovery Motion procedure](#) in all his cases. If such a motion is filed in a case not yet referred to a magistrate judge, the case will be referred immediately.

Some civil motions will be decided without hearing, unless they are clearly case-dispositive or there is some extraordinary deficiency in the papers submitted. At times, a request for further information will issue, with or without a notice of hearing, to ensure the record is complete. Emailed [courtesy copies](#) of sealed motion papers are greatly appreciated.

If expedited treatment of a motion is desired, counsel should secure consent of counsel to an expedited schedule or move for an expedited schedule, submitting a proposed order for expedited treatment. Orders for Expedited Treatment of Motion [Sample 1](#) [Sample 2](#)

In CM/ECF, be sure to specify that the motion seeks to *Expedite*, as well as seeks the relief sought. (*Control-click* to select all applicable types of relief.)



**Motions**

- Disqualify Judge
- Disqualify Juror
- Enforce
- Enforce Judgment
- Entry of Default
- Exclude
- Expedite
- Extension of Time

Next Clear

Please contact the Case Manager at (801) 524-6150 regarding emergency motions. The Case Manager will often direct that all counsel join in a telephone conference at a specified time, and may direct that an e-mail summary be provided.

#### Motions Ready for Decision:

We make every effort to track motions and attend to them when the prescribed periods of briefing have elapsed. We may, however, err in tracking time periods, so please e-mail us if you are concerned about a possible oversight. If parties agree to extend time for briefing, please notify the court. And if no response or reply memorandum will be filed, a notice to that effect is appreciated.

#### Sentencing Hearings:

Criminal defendants must be present in court for their sentencing hearings. See [Fed. R. Crim. P. 43\(a\)\(3\)](#); [United States v. Zander, 705 Fed. App'x 707 \(10th Cir. 2017\)](#); [United States v. Torres-Palma, 290 F.3d 1244 \(10th Cir. 2002\)](#)). A defendant's presence by via video conference will not be permitted. Counsel may, well in advance of a hearing, request that travel expenses for an indigent defendant be paid under [18 U.S.C. § 4285](#). Click [here](#) for a form order.

#### Hearings on Motions:

Judge Nuffer is usually prepared to pose specific questions to counsel at motion hearings, so counsel should not prepare for conventional argument or repeat contents of memoranda.

PowerPoint presentations are usually disfavored because they are pre-determined and linear. If a PowerPoint presentation is proposed, please bring two paper printouts of the slides for the Judge and law clerk to review and evaluate before the hearing and an electronic copy. Please email pdf copies of exhibits which will be used at the hearing at least one full business day before the hearing, or bring bring two courtesy copies, one for the Judge and one for the law clerk.

Please review the suggestions in the [PowerPoint document](#) and [PDF document](#) entitled "Using Technology to Convince -- and Not Distract -- a Judge and Jury" and the PDF document "[Creating the Best Transcript Possible](#)" found on [Judge Nuffer's Resources Page](#).

Judge Nuffer's courtroom has a full featured evidence presentation system with audio and video conferencing. The Salt Lake City courtroom has wireless internet access.

The court has a [Sharp Acquos PN-L702B-PKG2A \(link is external\)](#) portable smartboard and PC that can be scheduled for the courtroom by calling the Case Manager at (801) 524-6150.

Telephone and video hearings are available to avoid expense. Requests to appear by telephone must be made by motion filed at least two business days before the scheduled hearing. Arrangements for video hearings must be made well in advance by calling the Case Manager at (801) 524-6150. Please consult the suggestions for "[Creating the Best Transcript Possible](#)"; found on [Judge Nuffer's Resources Page](#).

It is possible to join a video hearing from a PC running free software. For PC video conferences, please consider using a headset. If you are using a conference system or PC with webcam, use PDF copies of exhibits on a computer to avoid rustling paper. Exhibits in PDF format must be provided in advance to remote witnesses and to the court.

Everyone that attends hearings, including counsel, parties and general public, are welcome to bring bottled water into the courtroom. Counsel may bring coffee as well, and water is provided at counsel tables. Soda or food are not permitted in the courtroom without permission of the judge. Soda, coffee and food are permitted in the attorney meeting rooms near the courtroom.

Junior members of legal teams representing clients are invited to argue motions they have helped prepare. Opportunities to train young attorneys in oral advocacy are rare because of the decline of trials. Where junior lawyers are familiar with the matter under consideration, but have little experience arguing before a court, they should be encouraged to argue by senior counsel. The ultimate decision of who speaks on behalf of the client is for the lawyer in charge of the case. If a junior lawyer is prepared to argue a motion, a Notice to that effect should be filed to ensure that argument is set.

#### Changing Hearing Dates:

Modifications to any hearing date which are stipulated, may be requested by joint filing or e mail to [dj.nuffer@utd.uscourts.gov](mailto:dj.nuffer@utd.uscourts.gov) or by phone call with all counsel on the phone, calling the Case Manager at (801) 524-6150. Other modifications to hearing dates should be requested by motion.

#### Proposed Orders:

Proposed orders should be submitted in a word processing format to [dj.nuffer@utd.uscourts.gov](mailto:dj.nuffer@utd.uscourts.gov). The proposed order will be submitted at the time a motion is filed (when a .pdf copy of the order is attached to the motion -- see [Administrative Procedures II. G.](#)), or after a hearing on a motion after complying with [DUCivR-54-1](#) or [DUCrimR 12\(f\)](#). If the order is being submitted after a hearing use these [instructions to e-file a .pdf copy for the record in CM/ECF](#).

We prefer Microsoft Word format. Proposed orders should not be submitted to this email box in .pdf format.

If objections to the proposed order are still unresolved, the party objecting should file the objections with a copy of that party's proposed revision of the order in .pdf format, and email that party's proposed revision of the order in word processing format. All e-mails to the court must be copied to all counsel.

[This Word template](#) will result in an order in the form preferred by our chambers. The proposed order must refer to the docket entry number(s) for the motion(s) resolved, and should be in a form similar to these sample orders:

[Motion to Dismiss Order](#)

[Remand Order](#)

[Summary Judgment Order](#)

[Orders for Expedited Treatment of Motion](#) [Sample 1](#) [Sample 2](#)

[Order Granting Motion to Amend](#)

[Order Caption Document](#)

[E-filing Proposed Orders without Motions](#)

If you have any problem downloading these documents, try right clicking on the link and then "Save Target as."

## Signature Line

BY THE COURT:

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David Nuffer

United States District Judge

## Trial Information and Forms

Junior members of legal teams representing clients are invited to question witnesses they have helped prepare. Opportunities to train young attorneys in oral advocacy are rare because of the decline of trials. Where junior lawyers are familiar with the matter under consideration, but have little experience questioning a witness, they should be encouraged by senior counsel. The junior lawyer will also be responsible for objections and follow up examination for that witness. The ultimate decision of who questions a witness is for the

lawyer in charge of the case.

[Criminal Trial Order](#) [Criminal Juror Questionnaire](#) [Optional Supplemental Criminal Juror Questionnaire](#) [Standard Criminal Jury Instructions](#)  
[Civil Jury Trial Order](#) [Civil Bench Trial Order](#) [Civil Advance Juror Questionnaire](#) [Civil Juror Questionnaire](#) [Sample Optional Juror Questionnaire](#) [Standard Civil Jury Instructions](#)  
[Final Instruction to Jurors at Discharge - Civil and Criminal Cases](#)

[Jury Selection Procedures](#) [Jury Courtroom Seating Chart](#) [Juror Contact Order](#) [Stipulation to Selection of Jury From Southern Region Jury Pool](#)

[Deposition Designation Form](#)

[Closing Argument Pointers](#)

## Professionalism and Civility

Attorneys are encouraged to subscribe to and observe the [Utah Standards of Professionalism and Civility](#).

## Employment

Judge Nuffer's staff includes one career and three term law clerks. Please check with the Case Manager about position openings.

**We welcome intern assistance at all times of the year.** We have enjoyed full time or part time intern assistance. We limit intern positions to students who have completed their second year of law school. Please submit a letter, resume and writing sample to [dj.nuffer@utd.uscourts.gov](mailto:dj.nuffer@utd.uscourts.gov).

*Updated 06/07/2019*