MEMORANDUM

To: Practitioners in Birmingham Circuit Civil Division Courts

From: Presiding Judge J. Scott Vowell

March 19, 2009

Last fall, after a considerable amount of work, the Birmingham Differential Case Management Plan (DCMP) was revised and some of the revisions were substantial. Despite this, the courts are still having problems with motion filing. The DCMP says, in pertinent part:

> **"If a party desires a hearing on the motion, the attorney must call the chambers of the judge assigned to hear the case before filing the motion in order to obtain a hearing date and time.** All electronic filings, for which a hearing is needed or desired, are subject to this policy and should not be electronically filed without first obtaining a hearing date. Once the motion setting has been obtained, **the attorney must put a "Notice of Hearing" on the motion, on the first page thereof, in prominent typeface.** If no hearing is requested, the attorney should place the statement "No Oral Argument Requested" on the motion, on the first page thereof, in prominent typeface. By law, some motions must be accompanied by a filing fee. Any such motion requiring the payment of a fee will not be accepted unless this fee is paid."

Before filing a Motion for Summary Judgment, or other non-routine motions, call the judge's chambers to obtain a hearing date for the motion. Add the day and time of the hearing on the first page of the motion just beneath the case number prior to filing. By standardizing this practice, both the courts and counsel will save a considerable amount of time in determining whether the motion was set for hearing and, if so, when it is scheduled to be heard. The judge hearing the motion may decline to rule upon it if this procedure is not followed.

The DCMP is available on the 10th Judicial Circuit's website (http://10jc.alacourt.gov/) and the Birmingham Bar Association's website (http://www.birminghambar.org/).