



## FACT SHEET FOR JUDGE ROYAL FURGESON

### CIVIL CASES

#### Contacting the Court

1. Who should be contacted regarding scheduling matters?

**Kevin Frye, Courtroom Deputy and Becky Greenup, Secretary.**

2. May the court's law clerks be contacted directly? If so, under what circumstances?

**Yes, except to discuss the merits of any pending matter.**

3. May the court be contacted by e-mail or fax? If so, what is the address or number?

**Yes. Royal\_Furgeson@txwd.uscourts.gov or (210) 472-6572. Opposing counsel must be copied on all matters.**

4. How does the court prefer attorneys to contact the court in an emergency?

**By phone at (210) 472-6570.**

5. May parties contact the court during depositions?

**Yes.**

6. What procedures should be followed if a party expects to be filing a motion for a temporary restraining order or other expedited relief?

**If at all possible, give the other side notice and ask that they accompany movant to presentation.**

7. What procedures should be followed to request an expedited hearing in a civil case?

**Contact law clerk.**

8. Is it permissible to contact the court regarding the status of motions in a civil case? If so, should the law clerk or the courtroom deputy be contacted?

**Yes. Either.**

9. Should the parties notify the courtroom deputy, the law clerk, or another person if a contested motion in a civil case has been resolved?

**Yes. Immediately.**

### **General Pretrial Procedures**

10. What is the court's procedure for issuance of scheduling orders in civil cases?

**The parties are to confer and attempt to agree. If they cannot agree, they should ask for hearing. If there is agreement, the parties should file with the Court an Agreed Scheduling Order, leaving the date for trial blank. Do not call it "Proposed" Agreed Scheduling Order.**

11. What is the court's procedure for requests for modification of scheduling orders?

**The Court will approve in most instances an agreed modification. If it is not agreed to, the party should file a motion.**

12. Are there matters that the court routinely refers to a magistrate judge in civil cases?

**Social Security cases.**

### **Procedures Specific to Civil Cases**

13. Does the court require that the parties in civil cases file their initial disclosures?

**No.**

14. What are the court's procedures for referring civil cases to alternative dispute resolution? Under what circumstances does the court order mediation, when during the case is it ordered, and how is the mediator chosen?

**The Court does not require mediation, except in unusual circumstances. The Court prefers the parties to pick a mediator, if possible.**

15. Does the court have any specific requirements for removed cases?

**No.**

16. Does the court typically have pretrial conferences in civil cases? If so, when during the case?

**No, unless asked for. If a pretrial conference is needed, it should be scheduled between 10-20 days before trial.**

17. Does the court typically have docket calls in civil cases? If so, when during the case?

**No. The date for trial set in the Scheduling Order is adhered to, unless a criminal matter goes first.**

18. Does the court have any requirements for pretrial submissions in civil cases in lieu of or in addition to those in the local rules?

**No.**

### **Facilities and Technology**

19. Does the court reporter use Real Time? If so, who should be contacted to obtain rough transcripts?

**Yes. Denver Roden.**

20. Does the courtroom have Internet access? If so, must arrangements to use the Internet access be made ahead of time?

**Yes. Yes.**

21. Please indicate which of the following are available in the courtroom:

Blackboard: **Yes.**

Chart stand: **Yes.**

Document presenter: **Yes.**

Video equipment: **Yes.**

22. Is any additional technology available? If so, please describe.

**The parties can link to their computers.**

23. What arrangements must be made to use the available equipment?

**Talk to Courtroom Deputy.**

24. May parties bring their own equipment? If so, are there any restrictions on what equipment may be brought and who should be contacted to arrange for the delivery of such equipment?

**Yes. No. Coordinate with Courtroom Deputy.**

25. Is it possible to have time in the courtroom to familiarize oneself with the layout and available technology? If so, who should be contacted to schedule the time?

**Yes. Contact Courtroom Deputy.**

### **Motions Practice**

26. When (if ever) does the court want a courtesy copy of a filing?

**Only emergency motions.**

27. Does the court prefer copies of cases attached to briefs or motions? If so, are copies from electronic databases acceptable? Does the court prefer pertinent provisions of the cases to be highlighted?

**Only the most salient cases. Yes. Yes.**

28. Does the court typically have hearings on contested motions in civil cases? If not, what circumstances would warrant a hearing?

**Yes.**

29. What time of day are hearings in civil cases generally held?

**Wednesday or Thursday afternoons.**

30. Does the court allow telephone conferences for the resolution of motions or other matters? If so, who arranges them and when are they typically scheduled?

**Yes. Telephone conferences are to be arranged by the parties in coordination with Courtroom Deputy.**

31. Does the court depart from the page limits contained in the local rules? If so, by standing order or is a motion for leave of court and order required?

**The parties can change the page limits on dispositive motions in the Scheduling Order. Otherwise, Motion to increase page limits above the requirements of the Local Rules must be filed, even if agreed to. Conference with opposing counsel is required on all such motions.**

32. Does the court accept briefing on motions beyond the motion, response, and reply? If so, is a motion for leave of court and order required?

**Yes. Call law clerks who will confer with Judge.**

33. Does the court accept letter briefs in civil cases? If so, are there circumstances in which the court prefers letter briefs?

**Yes. No.**

34. Does the court permit the parties in civil cases to agree to extensions of time by stipulation filed with the court, rather than by motion and order, where the extension will not affect other pretrial dates? E.g., an extension to answer the complaint or to respond to written discovery.

**Yes.**

35. How far before trial does the court rule on dispositive motions?

**As far in advance as possible, but if the Court cannot get to the motion it will not usually delay the trial. In other words, the motion may be carried with the trial.**

36. Does the court have any particular rules regarding filing, hearing, or granting motions that have not been addressed above?

**No.**

### **Courtroom Decorum**

37. Does the court have special rules governing courtroom decorum (e.g., addressing opposing counsel; approaching the witness; talking or passing notes at the counsel table; beverages allowed at the counsel table; attire)?

**Opposing counsel cannot be addressed without permission. Witnesses cannot be approached without permission. Talking or note taking which is not disruptive is fine. Only water at counsel tables, but counsel may bring water bottles. Business attire is required. Women may wear pantsuits.**

38. Does the court prefer that counsel address the court from counsel table or from the lectern?

**From the lectern.**

39. Does the court prefer that counsel address witnesses from counsel table or from the lectern?

**From the lectern.**

### **Hearing and Trial Procedures**

40. What is the court's general procedure for continuing civil trials? How early does the court want the request made and how early will the court rule on such a request?

**The opposing side must be conferred with. If there is agreement, the Court normally approves a continuance. If no agreement, a hearing is normally held.**

41. Will the court grant a motion to continue the trial date if it is unable to rule on a pending dispositive motion before the parties must begin final trial preparation?

**No, not usually. There are exceptions, depending on the Court's general view of the case.**

42. When does the court typically begin and end trial days?

**Between 8:45 a.m. and 9:00 a.m. Between 5:15 p.m. and 5:45 p.m.**

43. Does the court permit the use of jury questionnaires? If so, when should the proposed questionnaire be provided to the court?

**Only with permission. As early as possible, by at least 75 days in advance of trial.**

44. Does the court allow attorneys to conduct their own voir dire in civil cases? If so, typically for how long?

**Yes. Between 10-20 minutes per side.**

45. How much time are parties typically given for opening statements in civil cases?

**Normally as long as they want, but good cause must be shown to go over one hour.**

46. Does the court require the parties to exchange demonstratives prior to using them in trial? If so, when should they be exchanged?

**Yes. Within five days of trial.**

47. Does the court permit the parties to use deposition testimony by agreement even if the witness is not unavailable?

**Yes.**

48. Must a party intending to present testimony by deposition provide excerpts to the court? If so, when?

**Yes. At time deposition is presented.**

49. May the parties provide the court with electronic versions of proposed jury instructions, verdict forms, or proposed findings of fact and conclusions of law? If so, what format should be used?

**Yes. Check with Law Clerks.**

50. May the parties leave exhibits and equipment in the courtroom overnight?

**Yes.**

51. What is the court's practice on returning exhibits to the parties and requiring the parties to preserve them for appeal?

**Check with Courtroom Deputy. If parties are in agreement, every attempt will be made to be accommodating.**

### **Court Appointments**

52. What are the court's procedures and requirements for court appointments for indigents?

**Lawyers are asked to volunteer.**

53. What are the court's procedures and requirements for appointment of guardians ad litem?

**The parties are asked to make recommendations. Agreements are almost always followed.**

### **Miscellaneous**

54. What are the court's procedures for dismissal of cases for want of prosecution?

**The opposing side must make good faith efforts to move the case. Motions should be made only after sufficient time has elapsed (normally six months) to show case will not be prosecuted.**

55. What are the court's requirements and procedures for voluntary dismissal of cases?

**The court will sign voluntary dismissals so long as such dismissals resolve all issues.**

56. When does the court find that sanctions are appropriate?

**When a party shows clearly that they intend to “gum up” the works. Mean lawyers get sanctioned.**

57. Are there any other special practices or procedures for lawyers and parties appearing before the court in civil cases?

**Everything a testifying expert does is open to discovery. Non-party witnesses are off limits once their depositions and testimony begins.**

58. Any pet peeves?

**Failure to confer on non-dispositive motions. Conducting oppressive discovery or objecting to legitimate discovery requests. The motto in discovery is to be reasonable and to be responsive.**

## CRIMINAL CASES

### Contacting the Court

1. Who should be contacted regarding scheduling matters?  
**Kevin Frye, Courtroom Deputy and Becky Greenup, Secretary.**
  
2. May the court's law clerks be contacted directly? If so, under what circumstances?  
**Yes, except to discuss the merits of any pending matter.**
  
3. May the court be contacted by e-mail or fax? If so, what is the address or number?  
**Yes. Royal Furgeson at [txwd.uscourts.gov](mailto:txwd.uscourts.gov) or (210) 472-6572. Opposing counsel must be copied on all matters.**
  
4. How does the court prefer attorneys to contact the court in an emergency?  
**By phone at (210) 472-6570.**
  
5. What procedures should be followed if a party expects to be filing a motion for expedited relief?  
**If at all possible, give the other side notice and ask that they accompany movant to presentation.**
  
6. What procedures should be followed to request an expedited hearing in a criminal case?  
**Contact law clerk.**
  
7. Is it permissible to contact the court regarding the status of motions in a criminal case? If so, should the law clerk or the courtroom deputy be contacted?  
**Yes. Either.**
  
8. Should the parties notify the courtroom deputy, the law clerk, or another person if a contested motion in a criminal case has been resolved?  
**Yes. Immediately.**

9. How should attorneys advise the court when a criminal case requires an evidentiary sentencing hearing?

**Contact the Courtroom Deputy.**

### **General Pretrial Matters**

10. What is the court's procedure for issuance of scheduling orders in criminal cases?

**The Court enters a General Order. Discovery is done according to the Discovery Checklist, which is found in the Local Rules. Before discovery motions are filed, the parties must use the checklist.**

11. What is the court's procedure for requests for modification of scheduling orders?

**The Court will approve in most instances an agreed modification. If it is not agreed to, the party should file a motion.**

12. Are there matters that the court routinely refers to a magistrate judge in criminal cases?

**Sometimes pleas of guilty.**

### **Procedures Specific to Criminal Cases**

13. Must counsel in criminal cases confer on all motions before filing them? If so, must counsel reflect the result of their conference in the body or title of the motion?

**No, except on discovery matters.**

14. Does the court prefer use of the pretrial checklist or pretrial motion practice?

**The Court insists that the parties use the discovery checklist in the local rules. Motions that are covered by the checklist are denied, unless the checklist has been utilized first.**

15. If the parties use the pretrial checklist, how should they make a record of what was agreed to?

**The checklist is self-explanatory and should be signed by both counsel and filed. If there are questions, the parties can approach the Court.**

16. If the parties use the pretrial checklist, how should they get a hearing on contested matters?

**File a motion, attach the checklist and ask for a hearing.**

17. Does the court have any specific requirements for motions to suppress? If so, please describe them.

**No, except factual detail and case citations are helpful.**

18. Does the court have any specific requirements for discovery motions? If so, please describe them.

**Just follow the checklist first.**

19. What does the court hope to accomplish at docket call settings in criminal cases?

**The Court sets cases without docket call. The lawyers are to coordinate with the Courtroom Deputy on settings, continuances, etc.**

20. When should exhibits and objections to them be exchanged and filed?

**As early as possible, preferably a week before a hearing.**

21. Does the court prefer that objections to the Presentence Investigation Report be filed or merely communicated to the Probation Officer?

**Filed in writing.**

### **Facilities and Technology**

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**When a party shows clearly that they intend to "gum up" the works. Mean lawyers get sanctioned.**

55. Are there any other special practices or procedures for lawyers and parties appearing before the court in criminal cases?

**No.**

56. Any pet peeves?

**Failure to use the discovery checklist in the local rules.**