



*FACT SHEET FOR  
JUDGE PAMELA MATHY*

**CIVIL CASES**

**Contacting the Court**

1. Who should be contacted regarding scheduling matters?  
**Aurora Cisneros, Courtroom Deputy, (210) 472-6550, Ext. 232 or Aurora\_H\_Cisneros @txwd.uscourts.gov.**
2. May the court's law clerks be contacted directly? If so, under what circumstances?  
**Yes. Please contact Chambers, (210) 472-6350, and talk with a Law Clerk: (a) to schedule a civil matter on an exigent basis when Ms. Cisneros is not available; (b) on an emergency basis; (c) to raise a procedural (not substantive) issue not addressed by the rules and prior Orders.**
3. May the court be contacted by e-mail or fax? If so, what is the address or number?  
**Yes. The Chambers facsimile number is (210) 472-6354; e-mail is Pamela\_Mathy@txwd.uscourts.gov. Opposing counsel must be copied on all matters.**
4. How does the court prefer attorneys to contact the court in an emergency?  
**Please telephone either Courtroom Deputy Aurora Cisneros (472-6550 ext. 232) or Law Clerk in Chambers (472-6350).**
5. May parties contact the court during depositions?  
**Yes, on matters requiring immediate attention.**

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

**Please contact Law Clerk in Chambers at the time the request for expedited relief has been referred to Judge Mathy or has been filed, as appropriate.**

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

**File a motion requesting an expedited hearing and contact Courtroom Deputy Aurora Cisneros or Law Clerk in Chambers.**

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. Contact Law Clerk in Chambers.**

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. Contact Law Clerk in Chambers.**

#### **General Pretrial Procedures**

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

**Pursuant to Local Civil Rule 16, within 60 days of the first appearance of any defendant, the parties are to submit a proposed scheduling order. If no proposed order has been submitted, the court will issue a scheduling order. In a referred case, the order will follow the format and intervals typically ordered by the District Judge to whom the case is assigned.**

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

**Parties should confer and attempt to agree on a modification. A motion requesting modification and proposed order should be filed; if the motion is not agreed, the opposing party must file a response.**

12. Are there matters that are routinely referred to a magistrate judge?

**Pursuant to the standard practices of the San Antonio Division, upon intake, the Clerk's Office automatically assigns a civil case to a district judge and a magistrate judge and automatically refers to a magistrate judge: social security appeals, cases filed by incarcerated prisoners, and motions for leave to proceed in forma pauperis. Typically, motions for appointment of counsel are referred to magistrate judges. Otherwise, each of the district judges has his individual practices on matters referred to magistrate judges.**

### Pretrial 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?

**If the parties request it, the Court will automatically refer the case to mediation. The Court defers to the parties' agreed selection of a mediator. If the parties agree to mediate but are not able to agree on the mediator, the Court will select a mediator, preferably from a list of 3 - 4 names submitted by the parties. Other cases are considered for suitability for mediation on a case-by-case basis, but the Court would refer a case to mediation without the agreement of all parties only in exceptional circumstances. The parties at any time may conclude it may be beneficial to participate in non-binding mediation.**

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

**No. Pursuant to the applicable statute, rules and accepted practice, the party removing the action from state court should ensure that all documents previously filed in state court are attached to the removal documents. A copy of the state court docket sheet should be included. The parties must re-urge any motion filed in state court; additional briefing is not necessarily required.**

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

**Typically, the Court does not hold initial or interim pretrial conferences or status hearings, unless requested by a party. A final pretrial conference is typically held in a jury trial case on a day prior to the commencement of jury selection. The parties may wish to suggest the most appropriate time to hold a final pretrial conference.**

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

**Unless a party requests a final pretrial conference, the Court may conduct a docket call immediately in advance of and in connection with jury selection or the commencement of the bench trial.**

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.**

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

**Yes. Demonstrative exhibits should be exchanged prior to the final pretrial conference so that the court is able to address any objections at that time. Otherwise, the parties immediately must notify opposing parties of newly created/identified demonstrative exhibits prior to an attempted use at trial so that any objections can be addressed at a time that does not delay trial proceedings.**

### Facilities and Technology

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

**The method of recording court proceedings is recording audio to a computer hard drive and CDs. The parties may make arrangements to receive daily CDs of court proceedings. The parties also are welcome to make their own arrangements for Real Time court reporting, coordinating any such request with Courtroom Deputy Aurora Cisneros.**

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

**No. At present, the courtroom does not have Internet access.**

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

**Blackboard: Yes**

**Chart stand: Yes**

**Document presenter: No**

**Video equipment: Upon request.**

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

The parties may request a VCR/television, which is shared among courtrooms.

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

**Please contact Courtroom Deputy Aurora Cisneros before the equipment is needed.**

25. 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. Please contact Courtroom Deputy Aurora Cisneros prior to the date the equipment is needed.**

26. 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. Please contact Courtroom Deputy Aurora Cisneros or a Law Clerk in Chambers to arrange access to the court room.**

### **Motions Practice**

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

**Only for emergency motions.**

28. 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?

**The parties may tender copies of the most salient cases, with or without highlighting. Copies from electronic databases are acceptable.**

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

**The parties may request a hearing on any matter, by filing a separate motion, including a request for a hearing in the caption of the motion, and stating the reason why a hearing would be helpful.**

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

**The morning, if possible.**

31. 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. Please contact Courtroom Deputy Aurora Cisneros to coordinate their scheduling at a mutually convenient time.**

32. 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?

**In referred civil cases, Judge Mathy refers to the procedural practices of the District Judge to whom the case is assigned. In other words, if the District Judge has a standing order or policy addressing page limitations differing from the Local Rules, Judge Mathy typically will follow that standing order or policy in a case referred from that judge. In consent cases, the Local Rules apply, subject to the parties' ability to request variations, such as leave to file an over-size document.**

33. 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, but consistent with the Local Rules, the court may rule any time after the response is filed.**

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

**Letter briefs are generally discouraged.**

35. 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.

**Extensions to answer a complaint will require an agreed motion and proposed order. Otherwise, discovery extensions that do not affect a court-ordered deadline may be agreed by among the parties without the need for court approval.**

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

**As early as possible.**

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

**No.**

### **Courtroom Decorum**

38. 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)?

**No beverages other than water in bottles or styrofoam cups, unless approved by the court. Standard business attire, including pants suits for women.**

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

**As counsel elects.**

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

**The lectern.**

## Hearing and Trial Procedures

41. 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 parties should file a motion for continuance as soon as it becomes apparent a continuance is required, stating the reasons for the continuance, whether it is opposed, and the length of time required.**

42. 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?

**Typically, yes.**

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

**Approximately 9:00 a.m. to 5:00 p.m.**

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

**With permission. The general courthouse practice is to approve questionnaires only in complicated or exceptional situations. Any proposed questionnaire must be submitted to the court as soon as possible, but not less than 60 days before jury selection.**

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

**The court will allow attorney voir dire for approximately 10 minutes, in addition to the general voir dire conducted by the Court, following the parties' submission of written proposed questions.**

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

**The parties will be asked to make recommendations at to the proper time allocations for opening statements. 15-20 minutes appears to be standard in the courthouse, subject to and depending on the complexity of the case.**

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, for the record.**

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. WordPerfect™.**

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?

**At the conclusion of trial, exhibits are returned to the appropriate party, who signs a receipt prepared by the Courtroom Deputy.**

### **Court Appointments**

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

**In civil cases, the Court considers appointing counsel when requested by a district judge and/or when appropriate given the factual or legal issues presented or the procedural posture of the case.**

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

**The Court will appoint a guardian ad litem when appropriate, as suggested by the parties or from a list of proposed guardians submitted by the parties.**

### **Miscellaneous**

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

**A show cause order or other notice is provided before the case is dismissed.**

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

**Submit motion or stipulation of dismissal pursuant to Fed.R.Civ.P. 41(a)(1).**

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

**Sanctions are determined on a case-by-case basis.**

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

**No.**

58. Any pet peeves?

**Failure to confer, when possible and practicable.**

## CRIMINAL CASES

### Contacting the Court

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**Yes. The Chambers facsimile number is (210) 472-6354; e-mail is Pamela\_Mathy@txwd.uscourts.gov. Opposing counsel must be copied on all matters.**

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

**Please telephone either Courtroom Deputy Aurora Cisneros (472-6550 Ext. 232) or Law Clerk in Chambers (472-6350).**

5. What procedures should be followed if a party expects to be filing a motion for expedited relief?

**Please contact Law Clerk in Chambers at the time the request for expedited relief has been referred to Judge Mathy or has been filed, as appropriate.**

6. What procedures should be followed to request an expedited hearing in a criminal case?

**Contact Courtroom Deputy Aurora Cisneros.**

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. Contact Courtroom Deputy Aurora Cisneros.**

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. Contact Courtroom Deputy Aurora Cisneros.**

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

**Contact Courtroom Deputy Aurora Cisneros.**

### **General Pretrial Matters**

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

**Court enters scheduling order upon arraignment or waiver of arraignment.**

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

**Parties should confer and attempt to agree on a modification. A motion requesting modification and proposed order should be filed; if the motion is agreed, the opposing party must file a response.**

12. What matters are routinely referred to a magistrate judge in criminal cases?

**When serving as "duty judge," the magistrate judge handles routinely preliminary hearings in criminal cases such as: initial appearances, bond/detention hearings, bail review hearings, preliminary examinations, district court arraignments, hearings related to the appointment or removal of counsel, and rearraignment (guilty plea) hearings.**

### **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?

**Not necessarily, but it usually assists the court. Counsel must confer with opposing counsel on motions for continuance or to expedite hearings, motions to modify bond conditions, and motions to travel.**

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

**If agreeable to the parties, use the checklist to memorialize agreed upon matters requested or provided in discovery; motions to address in greater detail the matters requiring the court's resolution.**

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

**If filing the signed checklist is not sufficient to memorialize areas of agreement, the parties may file an attachment to the checklist or approach the court.**

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

**File a motion setting forth the nature of the dispute, attach the checklist, and request a hearing.**

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

**No.**

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

**No.**

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

**Address any last minute procedural matters or accept a change in plea.**

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

**In most criminal cases, the documents are exchanged through the discovery process. Trial exhibits should be exchanged prior to the commencement of jury selection or the bench trial.**

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

**Written objections should be sent to the Probation Officer, with copy to opposing counsel.**

### **Facilities and Technology**

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**The parties may tender copies of the most salient cases, with or without highlighting. Copies from electronic databases are acceptable.**

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

**The parties may request a hearing on any matter, by filing a separate motion, including a request for a hearing in the caption of the motion, and stating the reason why a hearing would be helpful.**

32. What time of day are hearings in criminal cases generally held?

**The morning, if possible.**

33. 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. Please contact Courtroom Deputy Aurora Cisneros to coordinate their scheduling at a mutually convenient time.**

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**Yes, but, consistent with the Local Rules, the court may rule any time after the response is filed.**

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

**No.**

37. Does the court permit the parties in criminal 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.

**No.**

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

**As soon as possible.**

39. Does the court have any particular rules regarding filing, hearing, or granting motions

that have not been addressed above?

**No.**

### **Courtroom Decorum**

40. 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)?

**No beverages other than water in bottles or Styrofoam cups, unless approved by the court. Standard business attire, including pant suits for women.**

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

**As counsel elects.**

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

**The lectern.**

### **Hearing and Trial Procedures**

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

**The parties should file a motion for continuance as soon as it becomes apparent a continuance is required, stating the reasons for the continuance, whether it is opposed, and the length of time required.**

44. 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?

**Typically, yes.**

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

**Approximately 9:00 a.m. to 5:00 p.m.**

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

**With permission. The general courthouse practice is to approve questionnaires only in complicated or exception situations. Any proposed questionnaire must be submitted to the court as soon as possible, but not less than 60 days before jury selection.**

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

**The court will consider allowing attorney voir dire for approximately 10 minutes, in addition to the general voir dire conducted by the court.**

48. How much time are parties typically given for opening statements in criminal cases?

**The parties will be asked to make recommendations as to the proper time allocations for opening statements. 10 minutes appears to be standard in the courthouse, subject to and depending on the complexity of the case.**

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

**Yes.**

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

**Yes, for the record.**

51. 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. WordPerfect™.**

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

**Yes.**

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

**At the conclusion of trial, exhibits are returned to the appropriate party, who signs a receipt prepared by the Courtroom Deputy.**

### **Court Appointments**

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

**In criminal case, assuming the defendant is eligible for court-appointed counsel, the court appoints either the Office of the Federal Public Defender or attorneys on a Criminal Justice Act panel, typically the A-Plus Panel.**

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

**The court will appoint a guardian ad litem when appropriate, as suggested by the parties or from a list of proposed guardians submitted by the parties.**

**Miscellaneous**

56. What are the court's procedure for dismissal of cases for want of prosecution?

**A show cause order or other notice is provided before the case is dismissed.**

57. What are the court's requirements and procedures for voluntary dismissal of case?

**Submit motion or stipulation of dismissal pursuant to Fed.R.Civ.P. 41(a)(1).**

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

**Sanctions are determined on a case-by-case basis.**

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

**No.**

60. Any pet peeves?

**Failure to confer, when possible and practicable.**

61. Do you allow/prefer proffers or testimony at bond hearings?

61. Do you allow/prefer proffers or testimony at bond hearings?

**Generally, both a defendant and the Government must agree to accept proffered direct testimony before the Court will accept the proffered testimony.**

**At times, a party will accept the opposing party's proffer, but subject to the right to call the witness(es) whose testimony was the subject of the proffer and ability to examine the witness(es) on cross-examination, a procedure also regularly followed in my Court. Following the completion of cross-examination, the proponent of the proffer may examine the witness on re-direct.**

62. Are electronically filed waivers and/or plea agreements accepted or should they still be filed in paper form with the original signatures?

**Electronically filed waivers and plea agreements are accepted in cases assigned to my docket. In cases referred to my docket from a District Judge, I defer to the practices of the District Judge to whom the criminal case is assigned in determining whether an electronically filed waiver and plea agreement may be accepted or whether a paper document bearing original signatures must (also) be filed.**