



*FACT SHEET FOR
JUDGE NANCY STEIN NOWAK*

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CIVIL CASES

Contacting the Court

1. Who should be contacted regarding scheduling matters?
Mary Beth Byrd, Judicial Assistant, at 210-472-6363.
2. May the court's law clerks be contacted directly? If so, under what circumstances?
Yes, but only with respect to procedural questions not otherwise answered by the Local Rules or Federal rules of Civil Procedure.
3. May the court be contacted by e-mail or fax? If so, what is the address or number?
Yes, emergency matters may be faxed to 210-472-6353.
4. How does the court prefer attorneys to contact the court in an emergency?
Call Mary Beth Byrd at 210-472-6363.
5. May parties contact the court during depositions?
Parties are encouraged to work out deposition disputes without court intervention.
6. What procedures should be followed if a party expects to be filing a motion for a temporary restraining order or other expedited relief?
Call chambers at 210-472-6363 and fax courtesy copies to 210-472-6353.
7. What procedures should be followed to request an expedited hearing in a civil case?
File a motion for expedited hearing and alert chambers of same by calling Mary Beth Byrd at 210-472-6363.
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?
No. Attorneys and parties are encouraged to check the current status of a case using PACER (<https://ecf.txwd.uscourts.gov/>).
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?
Contact Mary Beth Byrd at 210-472-6363.

General Pretrial Procedures

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

Local Rule CV16(c) is followed, allowing parties 60 days after first defendant's joinder to submit agreed scheduling recommendations. If no recommendations are received, the Court will, sua sponte, enter a scheduling order using standard deadlines.

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

A motion for modification must be filed prior to expiration of the deadlines at issue and provide good cause for the requested extension. Unopposed requests for modification are generally granted.

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

Appointment of Counsel requests; in forma pauperis applications; social security and prisoner cases.

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 ADR reports reflect that the parties are amenable to mediation, the case will be referred to mediation by Order, with the parties allowed two weeks to select a mediator by agreement. If no selection/notification made, the Court will appoint a mediator from the list of qualified neutrals (see <http://www.txwd.uscourts.gov/forms/mediator.asp>). Mediation is occasionally ordered very early in pro se employment cases, and a pro bono mediator and counsel for plaintiff are appointed for mediation only.

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

(1) The removing party is required to submit copies of all records and proceedings before the state court, in chronological and numerical sequence, with a Bates-type numbering designation in the bottom margin of each page.

- (2) **The removing party is also required to submit a chronological, item by item listing of all records and proceedings before the state court, which identifies the record or proceeding by caption, date filed and Bates-type number.**
- (3) **The proponent of any motion is required to file an advisory stating whether there are any pending motions originally presented to the state court which require a ruling by this Court, and to identify same by date of filing and caption of the pending motion. If no advisory is filed, the Court will presume that all motions originally presented to the state court have been resolved or the relief requested abandoned in light of the case being removed to federal court.**

16. Does the court typically have pretrial conferences in civil cases? If so, when during the case?
Final pretrial conferences are generally scheduled within two weeks prior to trial.

17. Does the court typically have docket calls in civil cases? If so, when during the case?
No.

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?

As with other pretrial submissions to be filed at least ten calendar days prior to trial, the parties are required to:

- (1) **Exchange copies of any PowerPoint type presentation/exhibits, whether intended to be offered into evidence or not.**
- (2) **Provide an outline of the intended PowerPoint type presentation/exhibit if it will not be finalized until after the pretrial submissions are due, or**
- (3) **Give notice of the intention to utilize a PowerPoint type presentation/exhibit during any phase of trial.**

Objections to the use of such presentation or exhibit shall be made prior to trial.

Facilities and Technology

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

Routine civil proceedings are digitally recorded. The parties are encouraged to advise the court if a live court reporter is desired and often special arrangements can be made for the assistance of a Real Time reporter upon request. Contact Beverly Nolden in the Clerk's Office at 210-472-6440, ext. 250, for information regarding transcripts.

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

No.

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

Blackboard: No

Chart stand: Yes, upon request.

Document presenter: No

Video equipment: No

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

Small projection screen (5'x5').

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

Verbal request to courtroom deputy or judicial assistant, preferably 2-3 days prior to trial.

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?

It is advisable for parties to bring their own equipment. Contact judicial assistant or courtroom deputy clerk to arrange delivery and testing of equipment at least 48 hours before trial or hearing date.

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. Contact judicial assistant or courtroom deputy clerk to schedule at least 48 hours before trial or hearing date.

Motions Practice

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

When directed or when expedited relief is requested. A courtesy copy of any filing which includes numerous exhibits will be accepted in chambers, and is particularly helpful if presented in a three-ring notebook with dividers.

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?

Copies need not be attached to the motion/response unless it is filed the day of the hearing/trial. Highlighting is acceptable, but not required. Parties are encouraged to hyperlink citations in electronically-filed documents.

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

No. Hearings are not generally scheduled unless the parties advise that an evidentiary hearing is necessary.

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

Varies.

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?

Telephonic hearings are not generally scheduled.

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?

No. A motion and proposed order required for consideration.

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, upon motion requesting leave.

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

No.

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.

Yes, parties may agree to an extension of deadlines and provide notice of same to the Court. However, unless the discovery deadline is extended by motion and order, the Court will decline to consider late filed discovery related motions, consistent with Local Rule CV-16(d).

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

At least one week prior to jury trial.

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)?

None other than those found in the Local Rules.

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

The lectern should be used during trials. Counsel table may be used for other hearings unless directed otherwise by the Court.

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

The lectern should be used unless otherwise directed by the Court.

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 are encouraged to file motions requesting a continuance. Motions will be ruled on promptly.

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?

Yes. Parties are encouraged to advise the Court of their time requirements for trial preparation when presenting their motion for a continuance.

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

9:00/9:30 - 5:00/5:30

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

Yes, upon motion and order approving proposed questions. Motions for use of jury questionnaire should be filed 4-5 weeks prior to date of jury trial.

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

No.

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

Varies.

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?

It is not necessary to present excerpts to the Court unless there is objection thereto.

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, if not included within an electronic filing, parties are requested to provide to chambers electronic copies of proposed jury instructions, verdict forms, or proposed findings of fact and conclusions of law. WordPerfect format is preferable; however, Word is acceptable. Copies may be submitted on CD or as email attachments. Email to marybeth_byrd@txwd.uscourts.gov.

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?

The Court retains exhibits. If no appeal is filed, parties may withdraw exhibits from the Clerk's Office.

Court Appointments

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

Counsel will be appointed if special circumstances are present, consistent with existing statutory and case authorities.

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

No established procedures.

Miscellaneous

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

No established procedures.

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

Those consistent with the applicable Federal Rules of Civil Procedure.

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

When consistent with the Federal Rules of Civil Procedure.

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?

Contacting chambers by mail or telephone concerning the status of motions rather than consulting online resources.

Proposed orders that fail to include specific language implementing the relief requested in the motion.

CRIMINAL CASES

Contacting the Court

1. Who should be contacted regarding scheduling matters?
Beverly Galarza, Courtroom Deputy, at 210-472-6550, ext. 252, or pager 1-888-982-5394.
2. May the court's law clerks be contacted directly? If so, under what circumstances?
Yes, but only with respect to procedural questions not otherwise answered by the Local Rules or Federal rules of Criminal Procedure.
3. May the court be contacted by e-mail or fax? If so, what is the address or number?
Yes, emergency matters may be faxed to 210-472-6353.
4. How does the court prefer attorneys to contact the court in an emergency?
Call Beverly Galarza at 1-888-982-5394 (pager) or 210-472-6550, ext. 252.
5. What procedures should be followed if a party expects to be filing a motion for a temporary restraining order or other expedited relief?
Call chambers at 210-472-6363 and fax courtesy copies to 210-472-6353.
6. What procedures should be followed to request an expedited hearing in a criminal case?
File a motion for expedited hearing and alert court of same by calling Beverly Galarza at 210-472-6550, ext. 252 or 1-888-982-5394 (pager).
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?
No. Attorneys and parties are encouraged to check the current status of a case using PACER (<https://ecf.txwd.uscourts.gov/>).
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 Beverly Galarza at 210-472-6550, ext. 252 or 1-888-982-5394 (pager).

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

Contact Beverly Galarza at 210-472-6550, ext. 252 or 1-888-982-5394 (pager).

General Pretrial Matters

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

The Court will issue a scheduling order sua sponte some time after defendant's initial arraignment or consent to proceed before the Magistrate Judge.

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

A motion for modification must be filed prior to expiration of the deadlines at issue and provide good cause for the requested extension. Unopposed requests for modification are generally granted.

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

Routine motions regarding bond matters are automatically referred to the Magistrate Judge (without entry of an order of referral).

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. However, unopposed motions are usually promptly considered and acted upon.

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

Parties should comply with the checklist found in Local Rule CR-16.

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

Sign and file a copy of same.

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

File a motion and identify the matters which require ruling.

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

Motions should be as specific and detailed as possible to enable the court to determine whether an evidentiary hearing is necessary.

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?

N/A

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

Parties are encouraged to exchange any item to be used during trial at least 3 days before the date of the trial setting, and advise the court of objections through motion prior to trial.

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

Objections to Pre-Sentence Investigation Reports should be submitted to the Probation Officer consistent with Local Rule CR-32(b)(3).

Facilities and Technology

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

Routine criminal proceedings are digitally recorded. The parties are encouraged to advise the court if a live court reporter is desired and often special arrangements can be made for the assistance of a Real Time reporter upon request. Contact Beverly Nolden in the Clerk's Office at 210-472-6440, ext. 250, for information regarding transcripts.

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

No.

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

Small projection screen (5' x 5').

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Verbal request to courtroom deputy or judicial assistant, preferably 2-3 days prior to trial.

27. 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?

It is advisable for parties to bring their own equipment. Contact judicial assistant or courtroom deputy to arrange delivery and testing of equipment at least 48 hours before trial or hearing date.

28. 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 judicial assistant or courtroom deputy clerk to schedule at least 48 hours before trial or hearing date.

Motions Practice

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

When directed or when expedited relief is requested. A courtesy copy of any filing which includes numerous exhibits will be accepted in chambers, and is particularly helpful if presented in a three-ring notebook with dividers.

30. 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?

Copies need not be attached to the motion/response unless it is filed the day of the hearing/trial. Highlighting is acceptable, but not required. Parties are encouraged to hyperlink citations in electronically-filed documents.

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

No. Hearings are not generally scheduled unless the parties advise that an evidentiary hearing is necessary.

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

Initial Appearances: 11:00 a.m. and 3:00 p.m. Cases scheduled for District Court Arraignment only are generally scheduled for 3:00 p.m.

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?

Telephonic hearings are not generally scheduled.

34. 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?

No. A motion and proposed order required for consideration.

35. 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, upon motion requesting leave.

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?

In those criminal cases tried without a jury, the Court often carries the motion to trial for determination at the conclusion of the evidence.

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)?

None other than those found in the Local Rules.

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

The lectern should be used during trials. Counsel table may be used for other hearings unless directed otherwise by the Court.

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

The lectern should be used unless otherwise directed by the Court.

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 are encouraged to file motions requesting a continuance. Motions should be filed as soon as the need for the extension is apparent. Motions will be ruled on promptly.

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?

Yes. Parties are encouraged to advise the Court of their time requirements for trial preparation when presenting their motion for a continuance.

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

9:00/9:30 – 5:00/5:30.

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

Yes, upon motion and order approving proposed questions. Motions for use of jury questionnaire should be filed 4-5 weeks prior to date of jury trial.

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

No.

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

Varies.

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?

It is not necessary to present excerpts to the Court unless there is objection thereto.

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. No later than the Wednesday before trial, the parties should submit their proposed jury instructions and verdict forms. If not included within an electronic filing, parties are requested to provide to chambers electronic copies of proposed jury instructions, verdict forms, or proposed findings of fact and conclusions of law. WordPerfect format is preferable; however, Word is acceptable. Copies may be submitted on CD or as email attachments. Email to marybeth_byrd@txwd.uscourts.gov.

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?

The Court retains exhibits. If no appeal is filed, parties may withdraw exhibits from the Clerk's Office.

Court Appointments

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

The CJA dictates the procedures.

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

No established procedures.

Questions Specific to Magistrate Judges

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

Proffers of testimony are allowed.

57. Once electronic filing is in place, will electronically filed waivers and/or plea agreements be accepted or should they still be filed in paper form with the original signatures?

No change in the current practice is anticipated.

Miscellaneous

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

No established procedures.

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

Those consistent with the applicable Federal Rules of Criminal Procedure.

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

When consistent with the Federal Rules of Criminal Procedure.

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

No.

62. Any pet peeves?

Contacting chambers by mail or telephone concerning the status of motions rather than consulting online resources.

Proposed orders which fail to include specific language implementing the relief requested in the motion.

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

Proffers of testimony are allowed.

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

No change in current practice is anticipated.