

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
EL PASO DIVISION**

HONORABLE KATHLEEN CARDONE

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ALL CIVIL AND CRIMINAL CASES

STANDING ORDER GOVERNING PRACTICES IN CIVIL AND CRIMINAL CASES

1. This Order is intended to serve as a declaration of expectations for all attorneys appearing before this Court. It is intentionally general in nature defining a baseline standard of conduct. This Order is deemed necessary in light of observed practices and pleadings falling below a minimum standard.
2. This Court has admittedly been lenient toward those failing to comply with the requirements of scheduling orders and trial preparation orders. Such will not be the case in the future. If parties are directed to perform a certain action prior to a deadline and fail to do so, attorneys will be permitted to perform such action only upon a demonstration of good cause for non-compliance with the applicable deadline. Good cause equates to exceptional events justifying non-compliance, not individual scheduling or neglect.
3. Parties wanting to continue hearings, request special status conferences or make other procedural changes should do so either by signed stipulation and proposed order, or if stipulation is not possible, by a written motion and proposed order. Parties should not make oral requests to law clerks, courtroom deputy or other court staff about these matters. Parties are also reminded that requests for extension of time filed at or after an expiration or hearing date do not reflect good planning and will be denied absent showing of good cause.

4. Requests for extensions of deadlines shall clearly detail the basis for such request as is necessary to determine whether good cause exists for an extension. Simply filing an unarticulated request will not suffice, nor will a partial rendition of the facts prompting the request. Absent a stated justification and explanation, motions for extension of time will be denied as unfounded.
5. Attorneys are expected to file responses and, if necessary, replies to motions. The probable outcome to a failure to file a response to a motion is the granting of such motion absent opposition.
6. Attorneys are expected to file a substantive legal analysis in any motion or response and sufficient facts to justify the outcome under applicable law. Courts are not expected to research legal issues for attorneys, and motions lacking legal argument and citation to authority will not be well received.
7. This Court endeavors to provide written orders to all motions when a substantive analysis is required. Orders are not infallible, and the benefit of a written order is attorneys may use such orders as a basis for a motion for reconsideration. While this Court reviews all motions for reconsideration and encourages reconsideration as the correct ruling is the object of any order, motions for reconsideration should not be considered an opportunity to resubmit the precise argument prompting the order. All motions for reconsideration shall discuss the authority cited in the original order, including how such authority was either misinterpreted, misapplied or inapposite to the determination, or cite to facts overlooked that would require a different outcome. The likely outcome of a failure to perform this analysis is a denial of such motion.
8. Parties are not to discuss with this Court and/or its staff the specifics of any issue in a pending case unless the request pertains to an *ex parte* (“ex parte” means contact with the Court without

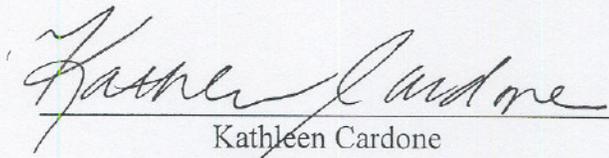
advance knowledge or contemporaneous participation of all other parties) communication deemed appropriate under statute, rule or governing case law. Additionally, as this Court's calendar is now available at the district court's website, parties are not to contact the Court or its staff regarding hearing dates and/or times unless and until such parties have first reviewed the calendar and cannot locate the subject hearing.

9. This Court has observed professional conduct over the past year but has also observed a variety of deficient conduct that necessitates this Order. It is this Court's hope that this statement of expectations will raise the level of performance of all appearing in this Court to the minimum level, and all appearing will benefit from compliance with these expectations.

10. The Clerk is directed to provide this Order to all plaintiffs filing civil complaints or all defendants removing petitions from state Court at the time of filing, with direction to serve the Order on all opposing parties. In criminal cases, the Clerk is directed to provide this Order to counsel for the Government initiating the action and counsel for the defendant or defendants once an appearance has been filed or counsel is appointed, whichever occurs sooner.

SO ORDERED.

Dated at El Paso, Texas, February 16, 2005.


Kathleen Cardone
United States District Judge