



**FACT SHEET FOR
JUDGE RICHARD B. FARRER**

Updated November 2019

CIVIL CASES

Contacting the Court

1. Who should be contacted regarding scheduling matters?

Contact chambers regarding scheduling matters in civil cases. The phone number is (210) 472-6357.

If you need a continuance, please file a motion.

Please note that court staff should not be contacted regarding substantive matters, including questions about the timing of rulings from the Court. If relief is requested from the Court, including regarding scheduling, a motion should be filed with the Court.

Please be advised that I have instructed Court staff not to discuss substantive matters with counsel or parties.

2. May the Court's Law Clerk be contacted directly? If so, under what circumstances?

It's rare that direct contact with Court staff, including my Law Clerk, will be appropriate. When such contact is warranted, it will be initiated by Court staff.

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

Please don't email to inquire about anticipated rulings or their timing.

When necessary I may be contacted through my Judicial Assistant, Ms. Lizza Ramirez, preferably by e-mail at: lizza_ramirez@txwd.uscourts.gov

Other than when submitting *ex parte* mediation statements, opposing counsel should generally be copied on all correspondence with the Court.

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

In a true emergency concerning a civil matter, call chambers at: (210) 472-6357.

5. May parties contact the Court during depositions?

Yes, in emergencies parties can call chambers at: (210) 472-6357.

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 chambers as early in the process as possible.

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

If counsel requires an expedited hearing in a civil case, file an appropriate motion and contact chambers to alert the Court of the situation. Any motion should explain the need for expedited relief and the deadline(s) by which it is requested.

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?

Not typically. Court staff cannot advise parties when a ruling will issue in a case.

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, please. File an Advisory notifying the Court. If the resolution of the contested motion is time sensitive, please also call chambers to advise of the situation.

General Pretrial Procedures

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

I normally request scheduling recommendations from the parties and issue an order based on those recommendations. If scheduling recommendations aren't submitted, I'll enter an order with dates I choose. I also typically follow the guidelines of the District Judge to whom the case is assigned, and those preferences will take precedence over the preferences of the parties, except when good cause is shown. I generally always hold Initial Pretrial Conferences in all consent cases as well as all newly referred cases. Depending on the scheduling recommendations and the timing of the Initial Pretrial Conference, sometimes I'll enter a Scheduling Order ahead of the conference. Other times, however, I may choose to discuss scheduling at the hearing before entering a Scheduling Order.

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

Parties should confer and then file an Agreed Motion for Modification of Scheduling Order. If the modification is not agreed, the moving party should note that in the required Certificate of Conference. Please include a proposed order that includes the extension period and specific deadline(s) requested.

Even agreed motions can be denied. Extension motions filed at the last minute or after deadlines have expired are disfavored.

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

Some District Judges refer some civil cases to a magistrate judge for disposition of all pretrial matters, or for disposition of all non-dispositive pretrial matters. Other District Judges refer discrete motions, often those involving discovery issues.

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, and if so, when during the case is it ordered, and how is the mediator chosen?

If the parties advise that they're willing to mediate, a mediator is typically chosen by agreement of the parties. There's a list of court-approved mediators on the U.S. Clerk's website behind the "Forms" tab. Mediation can, in an appropriate case, be conducted by another magistrate judge. Parties amenable to such mediation can request it by motion.

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

The parties should expect that all removed cases will be evaluated *sua sponte* for federal jurisdiction, and I may raise questions or concerns about federal jurisdiction at an initial pretrial conference. Please be prepared to discuss this topic. A recurring issue involves failing to understand how the citizenship of various entities (*e.g.*, LLCs) is determined for jurisdictional purposes. Another is conflating a party's "residence" with its "citizenship."

16. Does the Court typically have pretrial conferences in civil cases? If so, when would the pretrial conference take place?

Yes. I often do this for cases that are referred to me or come to me via consent of the parties. These conferences, I find, are useful for streamlining discovery, setting deadlines, identifying potentially dispositive issues for early resolution, and generally

ensuring that the case is handled as efficiently as possible. Parties should expect that as soon as a case is filed, I will expect them to begin thinking about potential discovery and other issues that might cause the case to stall or move to an early resolution.

Parties should be prepared to discuss the substance of their case at these conferences. I may inquire into the merits of claims or defenses to identify issues for early resolution or streamlined discovery. It is also common for me to require counsel to appear in person for these conferences.

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?

Ahead of a pretrial conference I typically order the parties to confer and identify any potential issues. The order issued explains in detail what I expect the parties to consider and communicate.

Facilities and Technology

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

I don't have an official court reporter. Proceedings are recorded (audio only) by my Courtroom Deputy, Amy Jackson.

Contact Ms. Jackson at 210-244-5012 or Amy.Jackson@txwd.uscourts.gov for instructions on obtaining transcripts of any type. *There are several people named Amy Jackson with uscourts email addresses, so please pay close attention to the email address you enter to ensure your email reaches the correct recipient.*

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

Yes. Contact the Courtroom Deputy to obtain information on accessing the internet.

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21. Please indicate which of the following are available in the courtroom:
- Blackboard: **Upon request.**
- Chart stand: **Yes.**
- Document presenter: **Upon request.**
- Video equipment: **Upon request.**
22. Is any additional technology available? If so, please describe.
- Additional technology may become available in the future.**
23. What arrangements must be made to use the available equipment?
- Contact the Courtroom Deputy two or three days ahead of time to arrange to use available equipment.**
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?
- Parties may bring their own equipment. Please contact the Courtroom Deputy two or three days in advance of any hearing to arrange to use your own audio/visual equipment.**
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 the Courtroom Deputy to schedule supervised access to the courtroom.**

Motions Practice

26. When (if ever) does the Court want a courtesy copy of a filing?
- Not necessary.**
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?
- Copies of cases need not be attached to briefs or motions. Copies of especially important cases may be brought to Court for hearings, with extra copies for opposing counsel and the Law Clerk.**

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

I often hold hearings on contested discovery motions in civil cases. Hearings on dispositive motions—such as motions to remand, dismiss, or for summary judgment—may be scheduled on a case-by-case basis. All parties, however, will be expected to argue any referred motions pending at the time of the Initial Pretrial Conference.

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

There is not a generally set time of day for hearings in civil cases. They are set as the schedule permits.

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?

I typically do not permit telephonic appearances for Initial Pretrial Conferences. But my Law Clerk and I will evaluate this issue on a case-by-case basis when we set the Pretrial Conference on the calendar. I will almost always require counsel to appear in person for any hearing on dispositive motions or contested discovery issues. When a telephonic appearance is permitted, the order setting the hearing will say so.

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?

A motion requesting leave to exceed page limits is how to get this relief. Counsel, however, should be advised that the Court values brevity and clarity.

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?

Only with leave of court, will I typically accept briefing on motions beyond the motion, response, and reply. Keep in mind that, consistent with the WDTX Local Rules, I may rule any time after a response is filed.

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

Not typically. To the extent relief is requested, a motion is required.

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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.

It's best for the parties in civil cases to agree to extensions of time by filing an agreed motion, even if the extension doesn't affect other pretrial dates.

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

I try to rule on all dispositive motions as early as possible. The timing is purely a result of my workload.

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)?

I follow the standard courtroom practices of addressing opposing counsel and asking leave of Court to approach the bench and the witnesses. I'm not opposed to passing notes at the counsel table, and having bottled water in the courtroom is fine as well. Counsel are expected to stand when addressing the Court.

I expect civility, professionalism, and candor. I also expect counsel to be prepared and informed about the case and the governing law. Rudeness to opposing counsel, or an officer of the Court (including Court staff), will not be tolerated.

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

Please use the lectern. It houses a microphone and using it will provide a better recording of the proceeding.

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

Please use the lectern.

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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?

I ask that counsel file a motion for continuance in a civil trial as soon as possible. In the motion, please include whether the continuance is unopposed or opposed, the reason(s) for the requested continuance, and the length of additional time requested.

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?

I would most likely grant a motion to continue the trial date if I haven't ruled on a pending dispositive motion before the parties begin final trial preparation.

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

Typically, Court proceedings begin at 9:30 in the morning and normally conclude by 5:00 p.m.

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

Sometimes but not typically. Jury questionnaires should be provided by a motion for leave filed at least seven days before the trial commences.

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

Not typically. Parties can submit questions they'd like me to ask the panel.

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

This will depend on the complexity of the case.

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

Yes. Parties should exchange demonstratives prior to using them in trial. Typically, I require parties to do so at least 3 days prior to the Final Pretrial Conference, so that if any objections or issues are raised about the demonstrative exhibit, they can be timely addressed.

47. Does the Court permit the parties to use deposition testimony by agreement even if the witness is available?

I permit the parties to use deposition testimony even if the witness is available, but only by agreement of all parties. This should be addressed well before trial.

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

A party intending to present testimony by deposition should provide deposition excerpts to the Court during the trial 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, in what format?

Yes, as to electronic versions of proposed jury instructions, verdict forms, or proposed findings of fact and conclusions of law. These documents should be filed electronically if applicable or e-mailed (Lizza_ramirez@txwd.uscourts.gov and Rebecca_Magee@txwd.uscourts.gov). We use Word format.

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?

I usually determine at the conclusion of a trial how to deal with the exhibits in each case. I may require some exhibits to stay with the court as needed; otherwise, I'll give them to the appropriate party with that party signing a receipt.

Court Appointments

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

In civil cases, an indigent party typically must request court-appointed counsel.

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

It would be rare for me to ever appoint a guardian ad litem in a civil case. If it would ever be necessary, I would appoint one as suggested by the parties or from a list of proposed guardians ad litem provided by the parties.

Miscellaneous

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

See Federal Rule of Civil Procedure 41.

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

See Federal Rule of Civil Procedure 41.

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

When appropriate under the rules. Motions for sanctions should be briefed with care, candor, and precision, as should any response.

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?

Please include a certificate of conference in motions that require one.

Please make a good faith effort to confer on contested motions. This means trying to speak in person or telephonically about the matters in question, and it often requires more than one or even two attempts. A large number of contested motions haven't been properly discussed before the motion is filed.

I prefer when citations and other matters are included in the body of a document's text, as opposed to a footnote. That said, a string citation is fine in a footnote.

Please don't ascribe motives to the opposing party or counsel if there's no legitimate need or basis to do so.