



FACT SHEET FOR JUDGE DAVID BRIONES

CIVIL CASES

Contacting the Court

1. Who should be contacted regarding scheduling matters?

The law clerk handling the case.

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

Yes. The law clerks may be contacted for the purposes of preparing for trial and/or coordinating urgent matters that require the Court's *immediate* attention.

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

Fax: (915) 534-6881.

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

Telephone: (915) 534-6744.

5. May parties contact the court during depositions?

Only if circumstances arise that necessitate the Court's *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?

**Adhere to the Federal Rules of Civil Procedure, as well as the local rules ("Rules").
Notify the law clerk handling the case.**

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

As a general practice, the Court does not grant requests for hearings. However, if Counsel believes that a hearing is necessary, it may move the Court through a formal Motion.

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?

Contacting the Court for the mere purpose of attaining the status of a Motion is discouraged. However, if Counsel needs to relay important information regarding a case, they should contact the respective law clerk.

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 the respective law clerk.

General Pretrial Procedures

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

Once the Court has received an acceptable Proposed Scheduling Order from the Parties, the Court will enter a Scheduling Order that sets the trial date.

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

File a Motion requesting a modification to the previously entered Scheduling Order.

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

Appeals from the Social Security Administration.

Procedures Specific to Civil Cases

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

Refer to the Rules.

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 Parties are amenable to ADR, they should notify the Court accordingly. The Court will then Order them to ADR. As a general practice, the Court appoints the mediator. The Court will entertain recommendations for a appointing a specific mediator, but Parties are encouraged to provide an explanation that supports their recommendation.

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?

The Court typically holds a Status Conference before Voir Dire in jury trials, and before opening arguments in bench trials. A Jury Charge Conference will be held at the end of the first day of 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.

Facilities and Technology

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

Yes. Maria Del Socorro Briggs at (915) 577-9901, but only for trials.

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: **Easel and paper are available**

Document presenter: **No**

Video equipment: **Yes, but it should be requested well in advance.**

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

No.

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

Contact the law clerk responsible for the case.

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. Contact the law clerk responsible for the case.

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 law clerk responsible for the case.

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?

No.

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

As a general practice, the Court rarely grants hearings on contested Motions. The Court will determine what circumstances warrant a hearing on a case-by-case basis.

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

In the morning or when the Court's 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?

It depends. Contact the law clerk responsible for the case when the issue arises.

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 Court discourages parties from exceeding the page limit established in the Rules. However, Parties should file a Motion for leave to exceed the page limit if justified.

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?

Leave of Court is required for a Sur-Reply.

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

Yes, but discretion is the key.

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?

Refer to the Rules.

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)?

Refer to law's clerk letter sent to Parties after Court enters the Scheduling Order.

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

Lectern.

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

Refer to law clerk's letter.

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?

No set procedure. Parties should notify the Court as soon as they are aware of a need to continue the trial date.

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.

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

Refer to law clerk's letter.

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

Refer to law clerk's letter.

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

Judge Briones will conduct the majority of voir dire. Counsel will be allowed five minutes each to question the panel, unless the Court provides otherwise. Counsel should not attempt to turn voir dire into an opening statement.

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

See law clerk's letter.

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

Refer to the Rules.

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

Refer to law clerk's letter.

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

Refer to law clerk's letter.

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 9.0.

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

Coordinate with the law clerk responsible for the case.

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

The Parties will collect their respective exhibits at the conclusion of jury trials.

Court Appointments

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

Cases are referred to U.S. Magistrates to determine eligibility and assignment of Court appointed Counsel.

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

If warranted, the Court assigns GALs.

Miscellaneous

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

Refer to the Rules.

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

Refer to the Rules.

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

Abusing the discovery process and Attorneys not appearing for scheduled hearings are the most common reasons, but the Court may deem other infractions to warrant sanctions.

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

Refer to law clerk letter.

58. Any pet peeves?

The Court will not tolerate tardiness and unpreparedness.

CRIMINAL CASES

Contacting the Court

1. Who should be contacted regarding scheduling matters?

The law clerk handling the case.

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

Yes. The law clerks may be contacted for the purposes of preparing for trial and/or coordinating urgent matters that require the Court's *immediate* attention.

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

Fax: (915) 534-6881.

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

Telephone: (915) 534-6744.

5. May parties contact the court during depositions?

Only if circumstances arise that necessitate the Court's *immediate* attention.

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

Adhere to the Federal Rules of Criminal Procedure, as well as the local rules ("Rules"). Notify the law clerk handling the case.

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

Coordinate your formal Motion with the Courtroom Deputy, Virginia Cabrera at (915) 534-6895.

8. 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?

Contacting the Court for the mere purpose of attaining the status of a Motion is discouraged. However, if Counsel needs to relay important information regarding a case, they should contact the Courtroom Deputy.

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

Contact the Courtroom Deputy.

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

Contact the Courtroom Deputy.

General Pretrial Matters

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

Refer to the Court's Standing Discovery Order.

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

File a Motion requesting a modification to the previously entered Standing Discovery Order.

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

Pleas only.

Procedures Specific to Criminal Cases

14. 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?

Yes, unless Ex Parte communication with the Court is justified. Yes.

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

Pretrial Motion Practice.

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

N/A

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

N/A

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

Coordinate the Motion with the Courtroom Deputy.

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

The Court requires the Parties to make a good faith attempt to resolve all discovery disputes before petitioning the Court to intervene.

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

Facilitate efficient resolution to the cases on the criminal docket.

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

Refer to the Rules.

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

Communicate objections to the respective PO.

Facilities and Technology

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

Yes. Maria Del Socorro Briggs at (915) 577-9901, but only for trials.

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

Yes. Yes.

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

Blackboard: **Yes.**

Chart stand: **Easel and paper are available**

Document presenter: **No.**

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No.

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Not necessary.

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No.

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As a general practice, the Court rarely grants hearings on contested Motions. The Court will determine what circumstances warrant a hearing on a case-by-case basis.

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In the morning or when the Court's schedule permits.

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Lectern.

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Refer to law clerk's letter.

Hearing and Trial Procedures

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No set procedure. Parties should notify the Court as soon as they are aware of a need to continue the trial date.

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Refer to the Rules.

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

Refer to Standing Discovery Order

61. Any pet peeves?

The Court will not tolerate tardiness and unpreparedness. Additionally, the Court frowns upon one Attorney representing multiple defendants in one criminal case.