



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

Updated July 2022

CIVIL CASES

Contacting the Court

1. Who should be contacted regarding scheduling matters?

If you need a continuance, please file a motion.

When relief is required from the Court, including regarding scheduling, a motion should be filed with the Court.

Please note that court staff should *not* be contacted regarding substantive matters. Court staff have been instructed *not* to discuss substantive matters with counsel or parties.

The chambers phone number is [\(210\) 472-6357](tel:2104726357).

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

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

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, the Court may be contacted via the following email address:
TXWDml_Chambers_SA_JudgeFarrer@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?

The Court typically will request scheduling recommendations from the parties and issue an order based on those recommendations. If scheduling recommendations aren't submitted, the Court will enter a scheduling order with dates deemed appropriate by the Court.

Scheduling orders typically will follow the guidelines of the District Judge to whom the case is assigned. An Initial Pretrial Conference will typically be held in all consent cases as well as all newly referred cases. Depending on the scheduling recommendations and timing of the Initial Pretrial Conference, a Scheduling Order may be entered ahead of the Initial Pretrial Conference or after scheduling is discussed with the parties during it.

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 requested 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 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 via 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 questions or concerns about federal jurisdiction can be raised at an Initial Pretrial Conference. Please be prepared to discuss this topic. A recurring issue involves how the citizenship of various entities (*e.g.*, Corporations, LLCs, Partnerships, etc.) is determined for jurisdictional purposes. Another issue involves 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. These conferences 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 or referred, the Court will expect them to be thinking about any potential issues that might cause the case to stall or move to an early resolution.

Parties should be prepared to discuss the substance of the case at the Initial Pretrial Conference. The Court may inquire into the merits of claims or defenses to identify issues for early resolution or streamlined discovery.

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 the Initial Pretrial Conference, the Court expects the parties to confer and identify any potential issues. An order is typically issued to explain in detail what is expected in this regard.

Facilities and Technology

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

Proceedings are recorded (audio only). There is no court reporter in Magistrate Court.

Contact the Clerk's Office at 210-472-6550 for instructions and fees for obtaining transcripts.

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

Yes. Contact the Clerk's Office.

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?

Yes, 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?**

Hearings are often held on contested discovery motions in civil cases. Hearings on dispositive motions—such as motions to dismiss or for summary judgment—may be scheduled on a case-by-case basis.

- 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 or video conferences for the resolution of motions or other matters? If so, who arranges them and when are they typically scheduled?**

Telephonic or video appearances for Initial Pretrial Conferences and some hearings are permitted but parties will be instructed by the Court whether a hearing will be conducted in person, by telephone, or by videoconference.

- 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?**

To get this relief, file a motion requesting leave to exceed page limits. That said, 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?**

Briefing beyond the motion, response, and reply is heavily disfavored. Parties should seek leave before filing such briefing, and such briefing may be struck if filed without prior leave.

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

Not typically. If this type of briefing is appropriate, the Court will so direct the parties.

- 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?**

These types of rulings are provided as early as possible. The timing is purely a result of the Court's 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)?**

Standard courtroom practices for addressing opposing counsel and asking leave of Court to approach the bench and the witnesses are followed. Counsel should stand when addressing the Court.

The Court expects, and will demand, civility, professionalism, and candor. Counsel should be prepared for hearings 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. Interrupting the Court or opposing counsel is rude and 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.

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?**

A motion for continuance in a civil trial should be filed 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?**

This will depend on the case.

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 the Court 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, parties should 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?

Yes, 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 to

TXWDml_Chambers_SA_JudgeFarrer@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?**

The Court will determine at the conclusion of a trial how to deal with the exhibits in each case. Some exhibits may need to stay with the Court as needed; otherwise, they'll be given 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 is rare for the Court to appoint a guardian ad litem in a civil case. If necessary, one would be appointed as suggested by the parties or in the Court's discretion.

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. Failure to appear for a set hearing may result in the imposition of sanctions. Motions for sanctions should be briefed with care, candor, and precision. The same is true for 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 nondispositive 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. Many contested motions haven't been properly discussed before the motion gets 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.