



**FACT SHEET FOR
JUDGE HENRY J. BEMPORAD**

Updated March 6, 2024

CIVIL CASES

Contacting the Court

1. Who should be contacted regarding scheduling matters?

Contact my Judicial Assistant, Ms. Wendy Branham regarding scheduling matters in civil cases. She can be reached by phone at (210) 472-6363 or by e-mail at wendy_branham@txwd.uscourts.gov. Ms. Branham's backup on matters concerning scheduling in civil cases is my Courtroom Deputy, Ms. Cindy Miranda. Ms. Miranda can be reached by phone at (210) 472-6550, Ext. 5013, or by e-mail at cindy_miranda@txwd.uscourts.gov.

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

My Law Clerk, Daniel Moss, may be contacted directly to raise a procedural (not substantive) issue in a civil case if the issue has not been addressed by the rules or prior Orders. Mr. Moss can be reached by phone at (210) 472-6363 or by e-mail at daniel_moss@txwd.uscourts.gov.

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

If there is an emergency concerning civil court appearances, I prefer attorneys to call Ms. Branham first, Ms. Miranda second, and if you are unable to contact either of them, then contact Mr. Moss.

4. May parties contact the court during depositions?

In most cases, contact during deposition is unnecessary. However, the parties may contact me during depositions on matters requiring immediate attention.

5. What procedures should be followed if a party expects to be filing a motion for a temporary restraining order or other expedited relief?

If necessary, contact Ms. Branham at the time the motion is filed or referred to me for relief.

6. 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 the appropriate motion and contact Ms. Branham to make her aware of the situation (preferably by e-mail with a follow-up phone call). She will confer with me on the request and my availability. Counsel should indicate in the motion if the request for expedited hearing is opposed.

7. 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?

It is permissible to contact the court regarding the status of motions in a civil case. Please contact Ms. Branham for status inquiries.

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

If a contested motion in a civil case has been resolved, the parties should promptly file an Advisory notifying the Court. If the resolution of the contested motion is time sensitive, contact Ms. Branham, Ms. Miranda, or Mr. Moss to advise them of the situation.

General Pretrial Procedures

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

In cases referred or assigned to me for consideration before a scheduling order has been issued, I normally require scheduling recommendations from all parties and hold a telephonic Initial Pretrial Conference, after which I will issue a scheduling order based on the dates submitted by the parties.

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

I prefer the parties to confer on any requests and then file an Agreed Motion for Modification of Scheduling Order. If the modification is not agreed upon, the moving party should note that the motion is opposed. Any motion should specify the extension period or new deadline(s) that are being requested.

11. Are there matters that the court routinely refers to magistrate judges in civil cases?

The magistrate judges regularly receive, among other things, Social Security appeals, cases filed by non-incarcerated *pro se* individuals, and requests for leave to proceed *in forma pauperis*. Depending on the needs of an individual case and the preferences of the referring judge, magistrate judges also regularly receive case referrals for consideration all pretrial matters; referrals for consideration of all non-dispositive pretrial matters; and referrals of specific motions.

Procedures Specific to Civil Cases

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

I do not require that the parties in civil cases file their initial disclosures; however, I typically inquire as to the status of initial disclosures at the Initial Pretrial Conference.

13. 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?

The Scheduling Order typically sets a deadline for the parties to file a report as to their preferred method of ADR. If the parties advise me that they are willing to mediate the case, the mediator is normally chosen by agreement of the parties. In some cases, a Magistrate Judge may serve as a mediator.

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

I ask the parties to comply with Judge Rodriguez's Standing Order concerning removed cases, which is available on the U.S. District Court's website.

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

Typically, I schedule an Initial Pretrial Conference in all cases that are referred to me. I will hold additional pretrial conferences as needed. In assigned cases, I schedule a final Pretrial Conference a week or two before the trial setting.

16. Does the court typically have docket calls in civil cases? If so, when during the case?

I do not typically hold docket calls in civil cases. Before returning a referred case to the District Court, I will sometimes hold a Status Conference in the case.

17. Does the court have any requirements for pretrial submissions in civil cases in lieu of or in addition to those in the local rules?

I do not have any set requirements for pretrial submission in civil cases in lieu of or in addition to those in the local rules. However, I will regularly ask the parties to confer in advance of a hearing on a disputed discovery issue, and file a joint advisory indicating whether any disputed issue has been resolved.

Facilities and Technology

18. Does the Judge have a Court Reporter, and if not, who should be contacted to obtain transcripts?

I do not have an official court reporter. In my court, proceedings are recorded (audio only) by my Courtroom Deputy, Ms. Miranda. Contact Diana Garcia in the U.S. Clerk's Office for instructions on obtaining transcripts of any type. Ms. Garcia's email address is diana_garcia@txwd.uscourts.gov, and her phone number is 210-472-5007. If you are unable to reach Ms. Garcia, please contact Ms. Branham or Ms. Miranda.

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

My courtroom does have internet access. You may contact Ms. Miranda to obtain information on accessing the internet.

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

Blackboard: **Upon request.**

Chart stand: **Yes.**

Document presenter: **Yes.**

Video equipment: **Yes.**

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

Our court uses Zoom for video conferencing. Parties are responsible for ensuring they can access Zoom in advance of any video hearing. The Court will conduct hybrid hearings with some parties attending by video, but only in extraordinary circumstances with advanced notice and approval.

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

Contact Ms. Miranda to make arrangements to use the available equipment.

23. 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?

Though it is usually unnecessary, parties may bring their own equipment to my court. Contact Ms. Miranda at least 24 hours in advance of any hearing to make arrangements regarding the use of your own audio/visual equipment.

24. 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?

Counsel and parties are welcome to familiarize yourself with my courtroom facilities depending upon my court schedule. Contact Ms. Miranda to schedule supervised access to the courtroom.

Motions Practice

25. When (if ever) does the court want a courtesy copy of a document filed?

Due to electronic filing, courtesy copies are no longer necessary. If a specific filed exhibit is important to a hearing, a party may provide a copy at the hearing.

26. 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 unreported or important cases may be brought to court for hearings, with extra copies for opposing counsel.

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

I typically hold hearings on contested discovery, scheduling, and other non-dispositive motions in civil cases, including motions for arbitration and for issuance of notice in collective-action cases brought under the Fair Labor Standards Act. I typically also hold hearings on motions for default judgment, and for class certification under Federal Rule of Civil Procedure 23. I usually do not hold hearings on other dispositive motions, such as motions to remand, to dismiss, or for summary judgment. I will consider holding a hearing on such motions at the request of either party.

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

There is not a standard time of day in my court as to when hearings in civil cases are held. However, I generally hear civil matters only when I am not on criminal duty.

29. 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?

Although I prefer in-person hearings, I regularly hold video conferences and hearings upon request. I will also hold telephonic hearings, but they are disfavored. Such conferences and hearings are set by written order or text order.

30. 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?

If counsel believes that there is a need to exceed the page limits dictated by the local rules, counsel should file a motion for leave of court, explaining the circumstances.

31. Does the court accept briefing on motions beyond the motion, response, and reply? If so, is a motion for leave of court required?

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

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

I usually do not accept letter briefs in civil cases. I will sometimes accept supplemental letter briefs based on changed circumstances in a case, or new case law.

33. 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 where the extension will not affect other pretrial dates? e.g., an extension to answer the complaint or to respond to written discovery.

I prefer the parties in civil cases to agree to extensions of time by filing a proposed agreed motion with the court, even if the extension does not affect other pretrial dates.

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

I try to rule on all dispositive motions as early as possible.

35. Does the court have any particular rules regarding filing, hearing, or granting motions that have not been addressed above?

On motions to compel documentary discovery, the movant should attach a copy of the opposing party's responses and objections to the discovery request. The motion should identify the disputed matter by request number.

Courtroom Decorum

36. 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 am not opposed to passing notes at the counsel table, and having bottled water in the courtroom is fine as well.

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

The parties should address the court from the lectern because the lectern houses a microphone that allows a better recording of the proceeding.

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

For purposes of creating a clear recording, I prefer that counsel address witnesses only from the lectern.

Hearings and Trial Procedures

39. 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) the continuance is needed, and the length of additional time requested.

40. 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 begin final trial preparation?

I will consider granting a motion to continue the trial date if I have not ruled on a pending dispositive motion before the parties begin final trial preparation.

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

Typically, the earliest I begin court proceedings is 9:00 or 9:30 in the morning and I will normally conclude court proceedings by 5:00 p.m. I am willing to work late, but I would rather not require a jury to do so.

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

I do permit the limited use of brief jury questionnaires. Jury questionnaires should be provided at least seven business days before the trial commences.

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

I allow the attorneys to conduct limited voir dire in civil cases, in addition to the general voir dire I conduct. The time allowed for voir dire depends on the case. I will advise counsel of the time allowed in advance.

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

The amount of time allowed for opening statements in a civil trial depends on the complexity of the case. Commonly, 10-15 minutes is adequate.

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

I strongly prefer the parties to exchange demonstratives prior to using them in trial. It is best to exchange them before *voir dire*, so that any disputes can be resolved as early as possible.

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

I permit the parties to use deposition testimony by agreement, even if the witness is available.

47. 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 must provide deposition excerpts to the court during the trial for the record.

48. 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?

The parties may provide me with electronic versions of proposed jury instructions, verdict forms, or proposed findings of facts and conclusion of law. These documents should be filed by electronic court filing (ECF) if applicable, or e-mailed to Ms. Branham. Documents should be in "PDF" or "Word" format.

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

The parties may typically leave exhibits and equipment in the courtroom overnight.

50. 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 on how to deal with the exhibits in each case. I may require some exhibits to stay with the court as needed; otherwise, I will return them to the offering party with that party signing a receipt prepared by Ms. Miranda.

Court Appointments

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

See the procedure for appointment of counsel in civil cases located on the U.S. Clerk's website.

52. What are the court's procedures and requirements for an appointment of a guardian ad litem?

If it is necessary for me to appoint a guardian ad litem, I would prefer to appoint one from a list of proposed guardians ad litem provided by the parties.

Miscellaneous

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

See Federal Rule of Civil Procedure 41.

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

See Federal Rule of Civil Procedure 41.

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

I am not inclined to sanction anyone in a civil case under Federal Rule of Civil Procedure 11 unless a serious abuse of the court system occurs, or if a party engages in bad faith or harassing litigation. However, I will impose sanctions on discovery matters when appropriate under Federal Rule of Civil Procedure 37. I also will impose sanctions on parties or attorneys who fail to appear in court without notice or good cause.

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

No.

57. Any pet peeves?

On discovery matters, specifically consult with opposing counsel as to each disputed request in advance of filing the motion and indicate in the motion or response whether any documents have been withheld based on discovery objections.

I also ask counsel to be respectful and professional when dealing with court staff and one another, and to be especially respectful when dealing with *pro se* litigants. During argument, please allow opposing counsel to finish speaking without interruption. I prefer that attorneys speak from the lectern, as it makes for a better recording.

(Fact Sheet for Criminal Cases Begins on Next Page)



**FACT SHEET FOR
JUDGE HENRY J. BEMPORAD**

Updated March 6, 2024

CRIMINAL CASES

Contacting the Court

1. Who should be contacted regarding scheduling matters?

Contact my Courtroom Deputy, Ms. Cindy Miranda regarding scheduling matters in criminal cases. She can be reached by phone at (210) 472-6550, Ext. 5013, or by email at cindy_miranda@txwd.uscourts.gov. If the court is in session, Ms. Miranda can be reached in my courtroom at (210) 472-6369. I ask that you keep phone calls to my courtroom limited to matters needing immediate attention only.

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

Instead of my Law Clerk, contact Ms. Miranda, or my Judicial Assistant, Wendy Branham. Ms. Branham can be reached by calling my chambers at (210) 472-6363 or by email at wendy_branham@txwd.uscourts.gov.

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

If there is an emergency concerning criminal court appearances, counsel should call Ms. Miranda on her extension or in the courtroom. If you are unable to reach Ms. Miranda, you should try calling the chamber's staff at (210) 472-6363.

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

If a party requires expedited relief, please file the motion and contact Ms. Miranda to make her aware of the filing.

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

If counsel requires an expedited hearing in a criminal case, file the appropriate motion and contact Ms. Miranda as soon as possible thereafter. She will confer with me on the request and my availability.

6. 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?

You are welcome to contact the court through Ms. Miranda, regarding the status of motions in a criminal case.

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

If a contested motion in a criminal case has been resolved, please contact Ms. Miranda promptly to make her aware of the resolution and she will advise me accordingly. If the resolution is time sensitive and you are not able to reach Ms. Miranda, contact Ms. Branham in my chambers.

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

An evidentiary sentencing hearing does not often take place in a magistrate court. The attorney should contact the appropriate district court if this type of hearing is required. If an evidentiary hearing is needed in a sentencing before me, please contact Ms. Miranda in advance.

General Pretrial Matters

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

In misdemeanor criminal cases assigned to my court, I will enter a standard scheduling order after the arraignment is held or a waiver of arraignment is filed.

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

I prefer the parties to confer on any requests and then file an unopposed motion for continuance. If the continuance request is opposed, please indicate the opposition in your motion. Additionally, please include the requested extension period.

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

Criminal case matters that the court routinely refers the Magistrate Judges include: (1) the issuance of search and arrest warrants; (2) grand jury returns; (3) initial appearances; (4) hearings related to the appointment or removal of counsel; (5) preliminary and detention hearings; (6) arraignments; (7) rearraignments and felony and misdemeanor guilty pleas; (8) trials in misdemeanor cases; (9) sentencings in misdemeanor cases; (10) bond revocation matters; (11) *pro se* motions to withdraw counsel; and (12) discovery matters.

Procedures Specific to Criminal Cases

12. 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?

It is not necessary for counsel in criminal cases to confer on dispositive motions before filing them. It is the better practice in my court to confer on motions such as motions for bond hearings, for continuance, for an expedited hearing, to modify bond conditions, and for permission to travel. On motions related to bond conditions, counsel should confer with both opposing counsel and the Pretrial Services Officer. Counsel should indicate the result of these conferences in the title and also the body of the motion.

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

This is not necessary in criminal cases.

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

N/A.

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

N/A.

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

I do not have any specific requirements for motions to suppress.

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

I do not have any specific requirement for discovery motions in criminal cases, although such motions are usually unnecessary except in unusual circumstances.

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

If I have a criminal case before me that has a trial setting, I will normally hold a pretrial conference instead of a docket call. During pretrial conferences, my general goals are to determine the status of trial preparations, to address any last minute procedural matters, and to discuss if there is any possibility of a change of plea from the defendant before trial.

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

Trial exhibits in criminal case should be exchanged reasonably in advance of trial in an effort to avoid the delay of court proceedings. Objections to trial exhibits should be made by pretrial motion in limine when possible.

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

In misdemeanor cases with a Presentence Investigation Report, counsel should communicate their objections directly to the Probation Officer, with a copy going to opposing counsel.

Facilities and Technology

21. Does the Court have a Court Reporter, and if not, who should be contacted to obtain rough transcripts?

I do not have an official court reporter. In my court, proceedings are recorded (audio only) by my Courtroom Deputy, Ms. Miranda. Contact Diana Garcia in the U.S. Clerk's Office for instructions on obtaining transcripts of any type. Ms. Garcia's email address is diana_garcia@txwd.uscourts.gov, and her phone number is 210-472-5007. If you are unable to reach Ms. Garcia, please contact Ms. Branham or Ms. Miranda.

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

My courtroom does have internet access. You may contact Ms. Miranda to obtain information on accessing the internet.

23. 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.**

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

The Court uses Zoom for video conferencing.

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

Contact Ms. Miranda to make arrangements to use the available equipment.

26. 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 to my court. Contact Ms. Miranda at least 24 hours in advance of any hearing to make arrangements regarding the use of your own audio/visual equipment.

27. 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?

It is possible to familiarize yourself with my courtroom depending upon my court schedule. Contact Ms. Miranda to schedule supervised access to the courtroom.

Motions Practice

28. When (if ever) does the court want a courtesy copy of a document filed?

Due to electronic filing, courtesy copies are no longer necessary.

29. 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 unreported or important cases may be brought to court for hearings, with extra copies for opposing counsel.

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

I typically hold hearings on contested motions and pro se motions to withdraw in criminal cases.

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

There is not a standard time of day in my court as to when hearings in criminal cases are held. Generally though, I will start morning settings at 9:00 or 9:30.

32. 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?

Upon request, and when permitted by the Federal Rules of Criminal Procedure, I will hold video conferences and hearings in criminal cases. Such conferences and hearings are set by written order or text order.

33. 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?

Page limits are not set by the local criminal rules; however, I prefer parties to comply with the limits set out in Local Rule CV-7.

34. Does the court accept briefing on motions beyond the motion, response, and reply? If so, is a motion for leave of court required?

With leave of court and a clear showing of good cause, I will accept limited briefing on motions beyond the motion, response, and reply. Keep in mind though, that consistent with the WDTX Local Rules, I may rule any time after a response is filed.

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

I usually do not accept letter briefs in criminal cases. I will sometimes accept supplemental letter briefs based on changed circumstances in a case, or new case law.

36. 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 where the extension will not affect other pretrial dates? e.g., an extension to answer the complaint or to respond to written discovery.

I prefer the parties in criminal cases to agree to extensions of time by filing a proposed agreed motion with the court, even if the extension does not affect other pretrial dates.

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

I try to rule on all dispositive motions as early as possible.

38. Does the court have any particular rules regarding filing, hearing, or granting motions that have not been addressed above?

I do not have any particular rules regarding filing, hearing, or granting motions that have not been addressed above.

Courtroom Decorum

39. 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 am not opposed to passing notes at the counsel table, and having bottled water in the courtroom is fine as well.

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

The parties should address the court from the lectern because the lectern houses the microphone allowing a better recording of the proceeding.

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

For purposes of creating a clear recording, I prefer that counsel address witnesses only from the lectern.

Hearings and Trial Procedures

42. 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?

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

43. 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 begin final trial preparation?

I will often grant a motion to continue the trial date if I have not ruled on a pending dispositive motion before the parties begin final trial preparation.

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

Typically, the earliest I begin court proceedings is 9:00 or 9:30 in the morning and I will normally conclude court proceedings by 5:00 p.m. I am willing to work late, but I would rather not require a jury to do so.

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

I do permit the use of brief jury questionnaires. Jury questionnaires should be provided at least seven business days before the trial commences.

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

I allow the attorneys to conduct their own voir dire in criminal cases, in addition to the general voir dire I conduct. The time allowed for voir dire depends on the case, and I will advise counsel in advance of the time allowed.

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

The amount of time allowed for opening statements in a criminal trial depends on the complexity of the case. Commonly, 10-15 minutes is adequate.

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

I strongly prefer, but do not require, the parties to exchange demonstratives prior to using them in a trial.

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

Yes, I permit the parties to use deposition testimony even if the witness is available only by agreement of all parties.

50. 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 must provide deposition excerpts to the court during the trial for the record.

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?

The parties may provide me with electronic versions of proposed jury instructions, verdict forms, or proposed findings of facts and conclusion of law. These documents should be filed by electronic court filing (ECF) if applicable or e-mailed to Ms. Miranda. Documents should be “PDF” or “Word” format.

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

The parties may leave exhibits and equipment in the courtroom overnight.

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

My practice on returning exhibits to the parties is that I will determine at the conclusion of a trial how to deal with each exhibit individually. I may require some exhibits to stay with the court as needed or return them to the offering party with that party signing a receipt prepared by Ms. Miranda.

Court Appointments

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

Appointment of counsel is usually made at the initial appearance, pursuant to the Criminal Justice Act, 18 U.S.C. § 3006A, and the District CJA Plan.

55. What are the court’s procedures and requirements for an appointment of a guardian ad litem?

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

Miscellaneous

56. What are the court’s procedures for dismissal of cases for want of prosecution?

See 18 U.S.C. § 3161.

57. What are the court’s requirements and procedures for voluntary dismissal of cases?

See Federal Rule of Criminal Procedure 48.

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

I would not be inclined to sanction anyone in a criminal case unless a serious abuse of the court system occurs, or if a party is being verbally abusive to anyone in my court. However, I will impose sanctions on attorneys who fail to appear in court without notice or good cause.

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

There are not any other special practices or procedures for lawyers and parties appearing before me in criminal cases.

60. Any pet peeves?

I ask counsel to be respectful and professional when dealing with court staff and one another. During argument, please allow opposing counsel to finish speaking without interruption. I prefer that attorneys speak from the lectern, as it makes for a better recording.