



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

Updated November 4, 2019

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, Mr. Kriston Hunt. Mr. Hunt can be reached by phone at (210) 472-6550, Ext. 5013, or by e-mail at kriston_hunt@txwd.uscourts.gov.

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

My Law Clerk, Mr. Richard Clifton, 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 and/or prior Orders. Mr. Clifton can be reached by phone at (210) 472-6363 or by e-mail at richard_clifton@txwd.uscourts.gov.

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

I may be contacted through Ms. Branham, preferably by e-mail versus fax. If necessary, the fax number to my chambers is (210) 472-6353.

4. 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, Mr. Hunt second, and if you are unable to contact either of them, then contact Mr. Clifton.

5. May parties contact the court during depositions?

The parties may contact me during depositions on matters requiring 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?

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

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 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.

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?

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

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?

If a contested motion in a civil case has been resolved, file the appropriate notice. If the resolution of the contested motion is time sensitive, contact Ms. Branham, Mr. Hunt, or Mr. Clifton to advise them 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 all parties and issue a scheduling order based on the dates submitted by the parties. If scheduling recommendations are not submitted, I will enter a scheduling order with dates I choose.

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

When it comes to the modification of scheduling orders in civil case, I prefer the parties to confer on any requests for new dates and then advise me in 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. Additionally, please include the extension period requested, or specific deadline(s) requested.

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

I regularly receive, among other things, Social Security appeals, and requests for leave to proceed *in forma pauperis*.

Procedures Specific to Civil Cases

13. 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.

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 me that they are willing to mediate the case, the mediator is normally chosen by agreement of the parties. There is a list of court approved mediators on the U.S. Clerk's website. It would be rare for me to order mediation and that order would depend on exceptional circumstances regarding that specific case.

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

I do not have any specific requirements for removed cases outside of the applicable statute and rules.

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

Typically, I would schedule pretrial or status conferences a week or two before a trial setting if I deem one necessary.

17. 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.

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?

I do not have requirements for pretrial submission in civil cases in lieu of or in addition to those in the local rules.

Facilities and Technology

19. Does the court reporter use Real Time? If so, 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, Mr. Hunt. Contact Mr. Hunt for instructions on obtaining transcripts of any type.

20. 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 Michael Oakes with the U.S. Clerk's office at (210) 472-6550 to obtain information on accessing the internet.

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 Mr. Hunt to make arrangements to use the 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 to my court. Contact Mr. Hunt at least 24 hours in advance of any hearing to make arrangements regarding the use of 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?

It is possible to familiarize yourself with my courtroom facilities depending upon my court schedule. Contact Mr. Hunt to schedule supervised access to the courtroom.

Motions Practice

26. When (if ever) does the court want a courtesy copy of a filing?

Due to electronic filing, courtesy copies are no longer 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.

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. I usually do not hold hearings on dispositive motions, such as motions to remand, to dismiss, or for summary judgment.

29. 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. Generally though, I hear criminal cases in the morning and civil cases in the afternoon.

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 would not be opposed to holding a telephone conference in an attempt to resolve a motion or other matter, only if special circumstances warrant that the conference be held by phone instead of a hearing. A hearing is always my preference. If a telephone conference is unavoidable, one of the parties should coordinate the date and time with Ms. Branham and arrange the conference.

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?

If counsel strongly 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.

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?

With leave of court, 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.

33. 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 accept supplemental letter briefs based on changed circumstances in a case.

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.

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

36. 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

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

38. 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.

39. 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.

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) the continuance is needed, 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 have not 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, 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 the jury to do so.

43. 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 jury questionnaires. Jury questionnaires should be provided at least seven business 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?

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 and I will advise counsel in court if time limitations are an issue.

45. 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, fifteen to twenty minutes is adequate.

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

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

47. 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 even if the witness is available, but only by agreement of all parties.

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 must 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, 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. We use both Word and WordPerfect.

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

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

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 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 give them to the appropriate party with that party signing a receipt prepared by Mr. Hunt.

Court Appointments

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

In civil cases, the indigent party would have to request court-appointed counsel and I would then follow the applicable rules.

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 for me to appoint a guardian ad litem, 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?

I am not inclined to sanction anyone in a civil case unless a serious abuse of the court system occurs, or if a party is harassing someone in my court.

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

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

58. Any pet peeves?

I don't have any pet peeves in regards to my civil cases. I would just ask counsel to be respectful of the court and to each other, and especially respectful of pro se litigants.

(Fact Sheet for Criminal Cases Begins on Next Page)



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

Updated June 22, 2016

CRIMINAL CASES

Contacting the Court

1. Who should be contacted regarding scheduling matters?

Contact my Courtroom Deputy, Mr. Kriston Hunt regarding scheduling matters in criminal cases. He can be reached by phone at (210) 472-6550, Ext. 5013, or by e-mail at kriston_hunt@txwd.uscourts.gov. If court is in session, Mr. Hunt 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 Mr. Hunt, 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. May the court be contacted by e-mail or fax? If so, what is the address or number?

The court may be contacted through Mr. Hunt, preferably by e-mail versus fax. If necessary, the fax number to my chambers is (210) 472-6353.

4. 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 Mr. Hunt at his extension or in the courtroom. If you are unable to reach Mr. Hunt, you should try calling chambers staff at (210) 472-6363.

5. 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 Mr. Hunt to make him aware of the filing.

6. 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 Mr. Hunt as soon as possible thereafter. He will confer with me on the request and my availability.

7. 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 Mr. Hunt, regarding the status of motions in a criminal case.

8. 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 Mr. Hunt to make him aware of the resolution and he will advise me accordingly. If the resolution is time sensitive and you are not able to reach Mr. Hunt, contact Ms. Branham in my chambers.

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

An evidentiary sentencing hearing would not normally take place in a magistrate court. The attorney should contact the appropriate district court if this type of hearing is required.

General Pretrial Matters

10. 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.

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

I prefer the parties to confer on any requests for new dates and then advise me in an agreed motion for continuance. If the continuance request is opposed, please indicate the opposition in your motion. Additionally, please include the extension period requested, or the specific date(s) requested.

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

Criminal case matters that the court routinely refers to me as a Magistrate Judge 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) detention hearings; (6) arraignments; (7) rearraignments and felony and misdemeanor guilty pleas; (8) trials in misdemeanor cases; and (9) sentencings in misdemeanor cases.

Procedures Specific to Criminal Cases

13. 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 these motions, counsel should reflect the result of their conference in the title and also within the body of the motion.

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

This is not necessary in criminal cases.

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

N/A.

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

N/A.

17. 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.

18. 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.

19. 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, instead of having a docket call, I would normally hold a pretrial conference instead. 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.

20. 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.

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

A Presentence Investigation Report (PSR) is not normally prepared in misdemeanor cases in my court. In cases with a report, defense counsel should communicate their objections directly to the Probation Officer, with a copy going to the Government's attorney.

Facilities and Technology

22. Does the court reporter use Real Time? If so, 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, Mr. Hunt. Contact Mr. Hunt for instructions on obtaining transcripts of any type.

23. 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 Michael Oakes with the U.S. Clerk's office at (210) 472-6550 to obtain information on accessing the internet.

24. 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.**

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

Additional technology may become available in the future.

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

Contact Mr. Hunt to make arrangements to use the available equipment.

27. 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 Mr. Hunt at least 24 hours in advance of any hearing to make arrangements regarding the use of your own audio/visual equipment.

28. 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 Mr. Hunt to schedule supervised access to the courtroom.

Motions Practice

29. When (if ever) does the court want a courtesy copy of a filing?

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

30. 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.

31. 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 in criminal cases.

32. 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.

33. 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 would not be opposed to holding a telephone conference in an attempt to resolve a motion or other matter if special circumstances warrant that the conference be held by phone instead of a hearing. A hearing is always my preference. If a phone

conference is unavoidable, one of the parties should coordinate the date and time with Mr. Hunt and arrange the conference.

34. 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 applicable in the local criminal rules.

35. 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?

With leave of court, 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.

36. 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 accept supplemental letter briefs based on changed circumstances in a case.

37. 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 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.

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

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

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

39. 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

40. 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.

41. 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.

42. 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.

Hearing and Trial Procedures

43. 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.

44. 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 have not ruled on a pending dispositive motion before the parties begin final trial preparation.

45. 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 the jury to do so.

46. 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 jury questionnaires. Jury questionnaires should be provided at least seven business days before the trial commences.

47. 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 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 court if time limitations are an issue.

48. 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, fifteen to twenty minutes is adequate.

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

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

50. 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.

51. 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.

52. 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 Mr. Hunt. We use both Word and WordPerfect.

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

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

54. 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 appropriate party with that party signing a receipt prepared by Mr. Hunt.

Court Appointments

55. 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 San Antonio Divisional CJA Plan.

56. 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 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

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

See 18 U.S.C. § 3161.

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

See Federal Rule of Criminal Procedure 48.

59. 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.

60. 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.

61. Any pet peeves?

I don't have any pet peeves in regards to my criminal cases. I would just ask all parties to be respectful of the court and to each other.