



## FACT SHEET FOR JUDGE ORLANDO GARCIA

### CIVIL CASES

#### Contacting the Court

1. Who should be contacted regarding scheduling matters?

**Jessica Urrutia, Courtroom Deputy, (210) 472-6550 Ext. 5020 or Jessica\_Urrutia@txwd.uscourts.gov.**

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

**No. Exception: Only in an emergency when Courtroom Deputy, Jessica Urrutia, cannot be reached.**

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

**You may contact Jessica Urrutia, Courtroom Deputy, by e-mail Jessica\_Urrutia@txwd.uscourts.gov.**

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

**Call Jessica Urrutia, Courtroom Deputy, (210) 472-6550 Ext. 5020 or Jessica\_Urrutia@txwd.uscourts.gov.**

5. May parties contact the court during depositions?

**No.**

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

**File it, then contact Jessica Urrutia, Courtroom Deputy.**

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

**File a motion requesting an expedited hearing, then contact Jessica Urrutia, Courtroom Deputy.**

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?

**Yes. Call Jessica Urrutia, Courtroom Deputy.**

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. Call Jessica Urrutia, Courtroom Deputy.**

### **General Pretrial Procedures**

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

**Parties are to file a "Joint Proposed" Scheduling Order. If a "Joint Proposed" Scheduling Order is not submitted, the Court will issue a scheduling order.**

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

**Parties shall file a motion with a proposed order.**

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

**Standing order applies.**

### **Pretrial Procedures Specific to Civil Cases**

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

**No, pursuant to the rules the parties are to exchange them.**

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?

**Mediation is ordered in almost every case. The Court will usually not order mediation until after discovery, unless circumstances dictate otherwise. The Court will select a mediator if the parties cannot agree upon one.**

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?

**Yes, two or three weeks prior to 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?

**No.**

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

**No.**

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

Blackboard: **Yes**

Chart stand: **Yes**

Document presenter: **Yes**

Video equipment: **Yes**

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

- **80x80 Projection Screen & Stand**
- **3500 Lumens projector, with VGA (computer input) and RCA input connections**
- **DVD/VCR Player, connected to Projector**
- **Speakers for DVD/VCR & 1/4" cable for a laptop (24" long), connected to the Projector**
- **ELMO Overhead/Document Camera (for documents and small exhibits), connected to Projector**
- **Speakers, with switch box, for 1/4" (computer type) and RCA connections (DVD/VCR)**
- **Mobile cart for above equipment, with space for a laptop or documents**

**Any extension cables to run presentation from a remote location (i.e. counsel tables or other locations in the courtroom) are the responsibility of the parties. Based on the mobile cart location, computer/VGA cables or RCA to 1/4" jack/sound cables should be at least 50' long.**

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

**Call Jessica Urrutia, Courtroom Deputy, prior to date needed.**

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. Call Jessica Urrutia, Courtroom Deputy, prior to date needed.**

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. Call Jessica Urrutia, Courtroom Deputy, prior to date of hearing/trial.**

## **Motions Practice**

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

**NEVER.**

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?

**Only if the case is from a different jurisdiction and the case would not be easily retrievable by the court, such as cases from other states. Yes. No.**

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

**No. The Court will set a hearing if it deems one is appropriate.**

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

**9:30 a.m.**

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?

**No.**

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?

**Court allows 20 pages for motions, briefs and responses without leave of court, and 10 pages for replies without leave of court.**

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?

**Yes, motion and order for leave of court is required.**

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

**No.**

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.

**No.**

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

**As soon as possible.**

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)?

**Questions from the lectern. Request permission to approach a witness. No beverages allowed at counsel tables unless approved by court. Dress consistently with court decorum rules. Anyone addressing the court must stand.**

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

**The lectern.**

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

**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?

**Motion and order required. File motion as soon as possible. If motion is unopposed, the court will rule immediately otherwise the court may wait for other side to respond.**

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?

**Depends on circumstances, call Jessica Urrutia, Courtroom Deputy, if this occurs. Our goal is to get the dispositive motions ruled on prior to trial.**

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

**8:30 a.m. - 5:30 p.m. Two 15 min. break during the day. 1 hour for lunch. If the case runs behind schedule, the lunch break may be cut short and we may work past 5:30 p.m.**

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

**Only in very complicated cases. The proposed questionnaire should be submitted to the court as soon as possible.**

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

**No.**

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

**15-20 minutes. Depends 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. Within 24 hours of being presented at trial.**

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

**The parties should notify the court ahead of time of a circumstance such as this. Call Jessica Urrutia, Courtroom Deputy.**

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

**Yes.**

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?

**Only if the court specifically requests. If such a request is made the court at that time will advise regarding the format to be used.**

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?

**All exhibits are returned to the parties once the trial has ended. An exhibits receipt is signed by the appropriate party.**

### **Court Appointments**

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

**These matters are typically referred to a United States Magistrate Judge.**

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

**Parties should contact Jessica Urrutia, Courtroom Deputy, to advise there is a need for a guardian ad litem. The court will appoint the guardian ad litem.**

## **Miscellaneous**

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

**Show cause order is issued.**

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

**Motion and Order or Stipulation of Dismissal, pursuant to Fed. R. Civ. P. 41(a)(1).**

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

**Depends on the circumstances.**

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

**Law enforcement may not attend court in their uniform.**

58. Any pet peeves?

**Lawyers should not call chambers to request status of motion. Motions without a certificate of conference. Excessive discovery disputes. Courtesy copies. Trials/hearings unnecessarily delayed because of the parties' failure to confer with each other or the court.**

## CRIMINAL CASES

### Contacting the Court

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

**File it, then contact Jessica Urrutia, Courtroom Deputy.**

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

**File a motion requesting an expedited hearing, then contact Jessica Urrutia, Courtroom Deputy.**

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?

**Yes. Call Jessica Urrutia, Courtroom Deputy.**

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?

**Yes. Call Jessica Urrutia, Courtroom Deputy.**

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

**Call Jessica Urrutia, Courtroom Deputy. Be prepared to give an estimated time for the hearing.**

### **General Pretrial Matters**

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

**Once all parties are represented by counsel, a scheduling order is issued by the Court.**

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

**Parties shall file a motion with a proposed order.**

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

**Rearraignment and plea.**

### **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?

**All discovery and dispositive motions. Preferably in the title of the motion, as well as a certificate of a conference held statement at the end of the motion.**

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

**Pretrial motions practice. See the Court's general discovery order entered in your criminal case regarding motions.**

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.

**Yes. Motions should contain specific and detailed factual allegations, and not general assertions. Refer to the applicable law.**

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

**Yes. Please be specific as to the material you are seeking. Include a certificate of conference.**

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

**We don't set docket calls.**

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

**In most criminal cases the documents are exchanged through the discovery process. Our court doesn't have a formal requirement for the exchange of exhibits in a criminal case. In the event there is an issue the parties should bring it to the Court's attention immediately**

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

**Communicated in writing to the Probation Officer only.**

## **Facilities and Technology**

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

**No.**

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**No.**

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

**Only motions to suppress.**

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

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### **Hearing and Trial Procedures**

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**All exhibits are returned to the parties once the trial has ended. An exhibits receipt is signed by the appropriate party.**

## **Miscellaneous**

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

**Depends on the circumstances.**

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

**It is defense counsel's responsibility to coordinate, prior to jury selection and/or trial, with the U.S. Marshal's office or the Marshal's designee regarding the appropriate attire for a defendant to wear to court. It is unacceptable to this court for a defendant to appear in their jail clothing for jury selection and/or trial. Defense counsel is responsible for contacting family members or whomever they need to contact to assure this requirement is met.**

56. Any pet peeves?

**Lawyers should not call chambers to request status of motion. Motions without a certificate of conference. Excessive discovery disputes. Courtesy copies. Trials/hearings unnecessarily delayed because of the parties' failure to confer with each other or the court.**