



## FACT SHEET FOR JUDGE JASON K. PULLIAM

### CIVIL CASES

#### Contacting the Court

1. Who should be contacted regarding scheduling matters?

**For civil cases or any other scheduling matter, please contact Missy Kauffman at (210) 244-5183 or [missy\\_kauffman@txwd.uscourts.gov](mailto:missy_kauffman@txwd.uscourts.gov).**

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

**Please do not contact the Judge's law clerks directly. For procedural matters that cannot be answered by the Federal Rules of Procedure, Local Rules, or the Judge's Scheduling Order, please contact Missy Kauffman.**

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

**Please see answer to Question 1.**

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

**Please first call Magda Muzza, Courtroom Deputy, at (210) 244-5021. If unable to reach Courtroom Deputy and immediate assistance is required, you may contact Missy Kauffman at (210) 244-5183.**

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?

**A courtesy call should be made to Magda Muzza, Courtroom Deputy, at (210) 244-5021. Notice should be given to the opposing party of the timing of the expected filing. Parties should comply with Federal Rule of Civil Procedure 65 and the Local Rules.**

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

**Any such request should be made by motion. A courtesy call should be made to Magda Muzza, Courtroom Deputy, at (210) 244-5021.**

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?

**Generally, no. The Court will address all pending motions in a timely manner appropriate to management of the Court's docket. If otherwise necessary for case management, after four months, you may contact Missy Kauffman at (210) 244-5183.**

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?

**Please contact Missy Kauffman at (210) 244-5183 or [missy\\_kauffman@txwd.uscourts.gov](mailto:missy_kauffman@txwd.uscourts.gov) in a timely manner after the contested motion is resolved. The parties should also file a timely joint advisory informing the Court the matter is resolved and withdrawing the applicable motion.**

### **General Pretrial Procedures**

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

**In cases not referred to a Magistrate Judge, the Court will send the parties an order requiring them to confer and submit a Joint Proposed Scheduling Order. Failure to submit a proposed scheduling order within the Court's thirty (30) day deadline will result in the Court issuing its own order. The Court's Scheduling Order may be found on the Western District of Texas website under Judge Pulliam's tab.**

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

**In cases not referred to a Magistrate Judge, any such request should be made by motion. In most instances, the Court will approve an agreed modification. If the modification is not agreed, the opposing party should file a response to any motion to**

modify.

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

**The Court generally refers all non-dispositive pretrial matters to the magistrate judges. The Court may refer various civil matters to a Magistrate Judge on a case by case basis. Pursuant to Local Rule, Appendix C, various pretrial matters regarding civil cases filed by prisoners and reviews of administrative agency proceedings (social security appeals) are automatically assigned to a Magistrate Judge.**

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

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

**Pursuant to the Rules, the parties are to exchange them, but NOT file them with the Court.**

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?

**All of Local Rule CV-88 applies.**

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

**The party removing the action from state court should ensure all documents previously filed in state court are attached to the removal documents. A copy of the state court docket sheet should be included. Parties must re-urge any motion that was filed in state court.**

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

**In cases not referred to a Magistrate Judge, prior to issuance of a Scheduling Order Judge Pulliam will conduct a preliminary pretrial conference. In addition, intermediate status conferences may be held if necessary. A final pretrial conference will usually be conducted approximately ten days prior to the date the trial is expected to begin. Motions in limine and objections to exhibits will heard and ruled upon at that time.**

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?

Pursuant to Local Rule 16(e), two weeks prior to the scheduled final pretrial conference or trial if a pretrial conference is not set, the Court expects the parties to submit the following:

- (1) A list of questions the party desires the court to ask prospective jurors.
- (2) A statement of the party's claims or defenses to be used by the court in conducting voir dire. The statement shall be no longer than one-half page with type double-spaced.
- (3) A list of stipulated facts.
- (4) An appropriate identification of each exhibit as specified in this rule (except those to be used for impeachment only), separately identifying those the party expects to offer and those the party may offer if the need arises.
- (5) The name and, if not previously provided, the address and telephone number of each witness (except those to be used for impeachment only), separately identifying those whom the party expects to present and those whom the party may call if the need arises.
- (6) The name of those witnesses whose testimony is expected to be presented by means of a deposition and designation by reference to page and line of the testimony to be offered (except those to be used for impeachment only) and, if not taken stenographically, a transcript of the pertinent portions of the deposition testimony.
- (7) In non-jury trials, Proposed Findings of Fact and Conclusions of Law.
- (8) Any motions in limine.
- (9) An estimate of the probable length of trial.

Additionally, the parties should meet, confer, and submit a joint proposed set of jury instructions and verdict forms two weeks before the scheduled pretrial conference or trial if a pretrial conference is not set. Any instruction that counsel cannot agree upon should be submitted separately with appropriate citations to controlling authority supporting those instructions. All submissions should be submitted simultaneously.

One week before the scheduled pretrial conference or trial if a pretrial conference is not set, the parties must submit their objections to any witness, deposition testimony, exhibit, or motion in limine. Objections not so disclosed, other than objections under Federal Rules of Evidence 402 and 403 shall be deemed waived unless excused by the court for good cause shown.

Counsel are also required to confer regarding any charts or demonstrative exhibits to be presented at trial.

## **Facilities and Technology**

19. Does the court reporter use Real Time?

**Yes. Any requests or questions regarding transcripts should be made with court reporter Tish Moncivais at (210) 244-5038 or [tish\\_moncivais@txwd.uscourts.gov](mailto:tish_moncivais@txwd.uscourts.gov).**

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

**Yes. Authorization to use the wireless internet must be completed in the U.S. Clerk's Office located on the ground floor.**

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

**Projector with HDMI and VGA cable hookup; Document projector (ELMO); DVD player; screen; computer speakers.**

**Please contact Magda Muzza, Courtroom Deputy, at (210) 244-5021, or [magda\\_muzza@txwd.uscourts.gov](mailto:magda_muzza@txwd.uscourts.gov) to arrange equipment testing and setup.**

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

**Contact Magda Muzza, Courtroom Deputy, at (210) 244-5021, or [magda\\_muzza@txwd.uscourts.gov](mailto:magda_muzza@txwd.uscourts.gov).**

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?

**Yes. Arrangements must be made with Magda Muzza at least a day prior to a hearing or trial.**

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?

**Yes. Please contact Magda Muzza to make arrangements.**

## **Motions Practice**

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

**Only for emergency motions.**

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?

**No. Parties are encouraged to hyperlink all citations to Westlaw.**

27. Does the court typically have hearings on contested motions in civil cases?

**Should you desire oral argument on a motion, such request should be set out in the opening paragraph of the motion. The Court will notify the parties if it deems a hearing is necessary.**

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

**Times vary for civil matters.**

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?

**Yes. If a telephone conference is requested, it should be arranged in coordination with Magda Muzza and will be held only if approved by the Judge.**

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?

**A motion to exceed the page limit is required, and the proposed pleading must be attached.**

31. 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?

**No.**

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

**Letter briefs are not permitted. A party who seeks *any* form of relief shall file the request in the form of a motion. Any letter brief or advisory seeking relief shall be dismissed or stricken.**

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 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.

**In cases not referred to a magistrate judge, any extension to answer a complaint requires an agreed motion and proposed order. Discovery extensions may be stipulated to between the parties without any need for court approval. No trial setting will be vacated due to information obtained in post-deadline discovery. Any other agreed extension may be permitted by stipulation of all parties filed with the Court.**

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

**Trial dates will be set after dispositive motions have been heard and ruled upon.**

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

**Please see Judge Pulliam's Standing Order regarding the format of all motions for summary judgment.**

**Do not combine a motion to dismiss and an answer in one filing. Similarly, do not combine a response and a motion in one filing.**

**In general, do not combine motions in one filing unless the motions are of the same type but seek alternative relief, such as a motion to dismiss for lack of jurisdiction under Rule 12(b)(1) or alternatively for failure to state a claim under Rule 12(b)(6). Dispositive and non-dispositive motions should not be combined.**

**Only one motion for summary judgment is allowed. A motion to dismiss should not be characterized as a motion for summary judgment in the alternative.**

**A request for any form of relief must be filed in the form of a motion. Any letter brief or advisory requesting relief shall be dismissed or stricken.**

**A motion in limine must be confined to matters actually in dispute.**

**If a motion or response contains numerous exhibits, a hard copy may be delivered to Chambers. Briefs or motions on CD with hyperlinks to cases or exhibits are also accepted.**

### **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)?

**Attorneys are required to wear standard business attire.**

**Counsel should stand when addressing the Court.**

**Water bottles are allowed at the counsel table, no other beverages are allowed in the courtroom.**

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

**All presentations in the courtroom are from the lectern.**

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

**All presentations in the courtroom are from the lectern.**

### **Hearing 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?

**Any request that a trial date be continued must be made by motion filed with the Court following a good faith conference with opposing counsel. If there is agreement, the Court will usually approve a continuance. If there is no agreement, a response indicating the grounds for opposition must be filed.**

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 must begin final trial preparation?

**Trial date will be provided after dispositive motions are ruled on.**

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

**Trial will normally convene at 9:00 a.m. and adjourn around 5:00 p.m., taking breaks when appropriate and necessary. Recess for lunch will generally be between 12:00 p.m. to 1:30 p.m.**

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

**Yes. The proposed questionnaire must be provided no later than 60 days prior to trial. Questionnaires are limited to twenty questions.**

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

**The Judge will conduct voir dire. Attorneys may submit proposed written questions at the final pretrial conference. On completion of the general voir dire, the Judge typically allows attorneys 20 minutes per side to ask follow-up questions.**

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

**Counsel are normally allotted 20 minutes per side.**



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

**Yes. To avoid bench conferences in a jury trial, no later than 24 hours prior to its use, the parties should exchange any item it intends to use in the presence of the jury as a demonstrative aid, regardless whether the party intends to move for its admission.**

**Exhibits are to be placed in three-ring binders. The binders should be labeled with the style of the case, case number, and should distinguish whether it is “Plaintiff’s Exhibit Notebook” or “Defendant’s Exhibit Notebook.” The binder must contain an index and tabs to locate the exhibits. Provide one set of exhibits for the Judge and one for use by witnesses on the stand.**

**Exhibits must be exchanged with opposing parties at least two weeks prior to the final pretrial conference. Objections to the admissibility of any exhibits must be exchanged and submitted 7 days before the final pretrial conference. Objections not so disclosed, other than objections under Federal Rules of Evidence 402 and 403 shall be deemed waived unless excused by the court for good cause shown.**

46. Does the court permit the parties to use deposition testimony by agreement even if the witness is available?

**Yes. Prior to the final pretrial conference, counsel must exchange and provide Magda Muzza, the Courtroom Deputy, the name(s) of any witness(es) whose testimony is expected to be presented by deposition.**

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

**At least fourteen days prior to the final pretrial conference, counsel must provide Magda Muzza, the Courtroom Deputy, with a copy of all depositions to be used as exhibits. Counsel must submit to the Court designation by reference to page and line of the testimony to be offered (except those to be used for impeachment only). Objections to those portions (citing pages and lines) with supporting authority must be filed at least 7 days prior to the final pretrial conference. Use of videotape depositions is permitted to the extent the parties agree on admissibility or edit to resolve objections.**

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?

**Yes. Proposed jury instructions, verdict forms and/or proposed finds of fact and conclusions of law should be provided in Microsoft Word and emailed to magda\_muzza@txwd.uscourts.gov.**

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

**Generally, the parties may leave exhibits and equipment overnight in the courtroom; however, please check with the Courtroom Deputy on the particular day because other proceedings may be scheduled.**

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

**The Courtroom Deputy will return exhibits following trial. Counsel will be required to sign an Inventory of Exhibits. Counsel are responsible for maintaining exhibits in an unaltered and safe manner for appeal.**

### **Court Appointments**

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

**The Court will follow 28 U.S.C. § 1915(e)(1). Cases are referred to the Magistrate Judge to determine the eligibility and assignment of court appointed counsel.**

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

**If an ad litem is required, the Court will appoint or refer the matter to a Magistrate Judge, but the parties may make recommendations.**

### **Miscellaneous**

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

**Failure to serve a defendant within 120 days will trigger a notice to show cause why the case or defendant should not be dismissed. Otherwise, a defendant should refrain from filing a motion to dismiss for want of prosecution unless a sufficient time has elapsed without activity. (normally six months).**

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

**Compliance with Fed. R. Civ. P. 41. When a plaintiff satisfies the requirements of Rule 41(a)(1)(A), the case may be voluntarily dismissed without a court order.**

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

**Sanctions will be assessed on a case by case basis.**

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?

- 1) **Tardiness**
  - 2) **Attorneys talking too fast, or over the Judge or one another.**
  - 3) **Not immediately notifying the Court that a motion is unopposed or resolved and failure to immediately notify the Court that the case settled.**
  - 4) **Failure to acknowledge/distinguish cases adverse to a party's position.**
  - 5) **Actions or use of language to debase or impugn opposing counsel or party.**
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## CRIMINAL CASES

### Contacting the Court

1. Who should be contacted regarding scheduling matters in a criminal case?

**Contact Magda Muzza, Courtroom Deputy, at (210) 244-5021, or magda\_muzza@txwd.uscourts.gov.**

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

**Please do not contact the Judge's law clerks directly. For procedural matters that cannot be answered by the Federal Rules of Procedure, Local Rules, or the Judge's Scheduling Order, please contact either Magda Muzza or Missy Kauffman.**

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

**Contact Magda Muzza, Courtroom Deputy, at (210) 244-5021, or magda\_muzza@txwd.uscourts.gov. If further assistance is needed she will provide you with the appropriate contact information.**

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

**Please first call Magda Muzza, Courtroom Deputy, at (210) 244-5021. If unable to reach Courtroom Deputy and immediate assistance is required, you may contact Missy Kauffman at (210) 244-5183.**

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 expedited relief in a criminal case?

**A courtesy call should be made to Magda Muzza, Courtroom Deputy, at (210) 244-5021. Notice should be given to the opposing party of the timing of the expected filing. Parties should comply with Federal Rule of Civil Procedure 65 and the Local Rules.**

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

**Any such request should be made by motion. A courtesy call should be made to Magda Muzza, Courtroom Deputy, at (210) 244-5021.**

8. Is it permissible to contact the court regarding the status of motions in a criminal case? If

so, should the law clerk or the courtroom deputy be contacted?

**Generally, no. The Court will address all pending motions in a timely manner appropriate to management of the Court's docket. If otherwise necessary for case management, after four months, you may contact Magda Muzza.**

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

**Please contact Magda Muzza, Courtroom Deputy, at (210) 244-5021, or magda\_muzza@txwd.uscourts.gov in a timely manner after the contested motion is resolved. The parties should also file a timely joint advisory asserting the matter is resolved.**

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

**The parties are required to notify the Court if an evidentiary hearing is requested. Contact Magda Muzza, Courtroom Deputy, at (210) 244-5021, or magda\_muzza@txwd.uscourts.gov.**

### **General Pretrial Matters**

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

**In cases not referred to a Magistrate Judge, the Court will send the parties an order requiring them to confer and submit a Joint Proposed Scheduling Order. Failure to submit a proposed scheduling order within the Court's thirty (30) day deadline will result in the Court issuing its own order.**

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

**In cases not referred to a Magistrate Judge, any such request should be made by motion. The Court will approve, in most instances, an agreed modification. If the modification is not agreed, the opposing party should file a response to any motion to modify.**

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

**Pleas are routinely referred to a U.S. Magistrate Judge. Motions to withdraw counsel or substitution of counsel may be referred to a U.S. Magistrate Judge. The Court may refer various other criminal matters to a Magistrate Judge on a case by case basis.**

## **Procedures Specific to Criminal Cases**

14. Must counsel in criminal cases confer on all motions before filing them? If so, must counsel reflect the result of their conference in the body or title of the motion?

**Yes. The local rules so require and failing to include a certificate of the conference and the reason for no agreement, may result in the motion being dismissed for failure to comply with the local rules.**

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

**Yes.**

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

**The checklist should be signed by both counsel and filed. If there are questions, the parties can approach the Court.**

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

**File a motion, attach the check list and ask for a hearing.**

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

**Motions should contain specific and detailed factual allegations, and not general assertions. The Court requires motions to include pertinent citation to authorities and a certificate of conference required by Local Rules 7(d)(i) and 7(i).**

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

**All parties should comply with Judge Pulliam's Standing Order regarding Discovery.**

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

**There are no docket call settings in criminal cases.**

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

**Yes. To avoid bench conferences in a jury trial, no later than 24 hours prior to its use, the parties should exchange any item it intends to use in the presence of the jury as a demonstrative aid, regardless whether the party intends to move for its admission.**

**Exhibits are to be placed in three-ring binders. The binders should be labeled with the style of the case, case number, and should distinguish whether it is “Plaintiff’s Exhibit Notebook” or “Defendant’s Exhibit Notebook.” The binder must contain an index and tabs to locate the exhibits. Provide one set of exhibits for the Judge and one for use by witnesses on the stand.**

**Exhibits must be exchanged with opposing parties at least two weeks prior to the final pretrial conference. Objections to the admissibility of any exhibits must be exchanged and submitted 7 days before the final pretrial conference. Objections not so disclosed, other than objections under Federal Rules of Evidence 402 and 403 shall be deemed waived unless excused by the court for good cause shown.**

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

**Objections to a Presentence Investigation Report should be given in writing to the probation officer who will attach it to the Presentence Investigation Report, which will be filed at the time of sentencing. If the Probation Officer does not modify the Presentence Investigation Report or guideline worksheet and the objection remains unresolved, Counsel shall file a Sentencing Memorandum outlining the unresolved objection, any authorities relied upon and sentencing recommendations for the Court’s consideration. The Sentencing Memorandum should be filed with the Clerk’s Office at least 7 days prior to the sentencing hearing. Counsel shall provide a copy of the Sentencing Memorandum to opposing counsel and the U.S. Probation Officer.**

**If any objections will be withdrawn prior to sentencing, counsel must notify the court as soon as possible, and are encouraged NOT to wait until the sentencing hearing to do so.**

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

**Pursuant to Local Rule 16(e), the Court expects the parties to submit the following two weeks prior to the scheduled trial:**

- (1) A list of questions the party desires the court to ask prospective jurors.**
- (2) A statement of the party’s claims or defenses to be used by the court in conducting voir dire. The statement shall be no longer than one-half page with type double-spaced.**
- (3) A list of stipulated facts.**
- (4) An appropriate identification of each exhibit as specified in this rule (except those to be used for impeachment only), separately identifying those that the party expects to offer and those that the party may offer if the need arises.**
- (5) The name and, if not previously provided, the address and telephone number**

of each witness (except those to be used for impeachment only), separately identifying those whom the party expects to present and those whom the party may call if the need arises.

(6) The name of those witnesses whose testimony is expected to be presented by means of a deposition and designation by reference to page and line of the testimony to be offered (except those to be used for impeachment only) and, if not taken stenographically, a transcript of the pertinent portions of the deposition testimony.

(7) Any motions in limine.

(8) An estimate of the probable length of trial.

Additionally, the parties should meet, confer, and submit a joint proposed set of jury instructions and verdict forms two weeks before the scheduled trial. Any instruction that counsel cannot agree upon should be submitted separately with appropriate citations to controlling authority supporting those instructions. All submissions should be submitted simultaneously.

One week before the scheduled trial, the parties must submit their objections to any witness, deposition testimony, exhibit, or motion in limine. Objections not so disclosed, other than objections under Federal Rules of Evidence 402 and 403 shall be deemed waived unless excused by the court for good cause shown.

Counsel are also required to confer regarding any charts or demonstrative exhibits to be presented at trial.

### **Facilities and Technology**

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

**Yes. Any requests or questions regarding transcripts should be made with court reporter Tish Moncivais at (210) 244-5038 or [fish\\_moncivais@txwd.uscourts.gov](mailto:fish_moncivais@txwd.uscourts.gov).**

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**Yes. Authorization to use the wireless internet must be completed in the U.S. Clerk's Office located on the ground floor.**

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

**Projector with HDMI and VGA cable hookup; Document projector (ELMO); DVD player; screen; computer speakers.**



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28. 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, but pre-arrangements must be made through courthouse personnel listed in 26 above.**

29. 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, but arrangements must be made through courthouse personnel listed in 26 above.**

### **Motions Practice**

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

**Only for emergency motions or when the pleading is filed within 48 hours of a hearing scheduled in the case.**

31. Does the court prefer copies of cases attached to briefs or motions? If so, are copies from electronic databases acceptable? Does the court prefer pertinent provisions of the cases to be highlighted?

**No. Parties are encouraged to hyperlink all citations to Westlaw.**

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

**Should you desire oral argument on a motion, such request should be set out in the opening paragraph of the motion. The Court will notify the parties if it deems a hearing is necessary.**

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

**Sentencings are usually held Monday mornings at 9:00 a.m. However, due to the Court's busy schedule, sentencing hearings may be scheduled throughout the week. Non-Evidentiary and Evidentiary motion hearings will be set separately throughout the week.**

34. 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?

**In certain circumstances. If a telephone conference is requested, the requesting party should contact Magda Muzza at (210) 244-5021 or at magda\_muzza@txwd.uscourts.gov. The party must explain why a telephone conference is necessary. If approved by the Court, Magda Muzza will arrange the telephone conference with parties.**

35. 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?

**A motion to exceed the page limit is required, and the proposed pleading must be attached.**

36. 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?

**No.**

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

**Letter briefs are not permitted. A party who seeks *any* form of relief shall file the request in the form of a motion. Any letter brief or advisory seeking relief shall be dismissed or stricken.**

38. 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?

**No. Agreed requests for extension of time must be submitted by joint motion.**

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

**The Court will rule on dispositive motions as soon as possible.**

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

**No.**

### **Courtroom Decorum**

41. 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)?

**Attorneys are required to wear standard business attire.**

**Counsel should stand when addressing the Court.**

**Water bottles are allowed at the counsel table, no other beverages are allowed in the courtroom.**

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

**All presentations in the courtroom are from the lectern.**

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

**All presentations in the courtroom are from the lectern.**

### **Hearing and Trial Procedures**

44. 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?

**If a continuance of trial is needed the motion must be filed prior to the pretrial submissions deadlines set in the Court's scheduling order. With the exception of an emergency, late motions will not be tolerated and may result in a motion hearing in order for counsel to show good cause as to the late request.**

45. 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?

**The Court will set a trial date following determination of all pending dispositive motions.**

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

**Trial will normally convene at 9:00 a.m. and adjourn around 5:00 p.m., taking breaks when appropriate and necessary. Recess for lunch will generally be between 12:00 p.m. to 1:30 p.m.**

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

**Yes. The proposed questionnaire must be provided no later than 60 days prior to trial. Questionnaires are limited to twenty questions.**

48. Does the court allow attorneys to conduct their own voir dire in criminal cases? If so,

typically for how long?

**The Judge will conduct voir dire. Attorneys may submit proposed written questions at the final pretrial conference. On completion of the general voir dire, the Judge typically allows attorneys 20 minutes per side to ask follow-up questions.**

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

**Counsel are normally allotted 20 minutes per side.**

50. Does the court permit the parties to use deposition testimony by agreement even if the witness is available?

**Yes. Prior to the final pretrial conference, counsel must exchange and provide Magda Muzza, the Courtroom Deputy, the name of those witnesses whose testimony is expected to be presented by deposition.**

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

**At least fourteen days prior to the final pretrial conference, counsel must provide Magda Muzza, the Courtroom Deputy, with a copy of all depositions to be used as exhibits. Counsel must submit to the Court designation by reference to page and line of the testimony to be offered (except those to be used for impeachment only). Objections to those portions (citing pages and lines) with supporting authority must be filed at least 7 days prior to the final pretrial conference. Use of videotape depositions is permitted to the extent the parties agree on admissibility or edit to resolve objections.**

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?

**Yes. Proposed jury instructions, verdict forms and/or proposed finds of fact and conclusions of law should be provided in Microsoft Word and emailed to magda\_muzza@txwd.uscourts.gov.**

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

**Generally, the parties may leave most exhibits and equipment overnight in the courtroom; however, please check with the Courtroom Deputy on the particular day because other proceedings may be scheduled.**

**Certain exhibits (ie: firearms, drugs, etc) are not allowed to remain in the courtroom overnight and must be placed in the custody of the case agent.**

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

**The Courtroom Deputy will return exhibits following trial. Counsel will be required to sign an Inventory of Exhibits. Counsel are responsible for maintaining exhibits in an unaltered and safe manner for appeal.**

### **Court Appointments**

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

**In criminal cases, all indigents have appointment of counsel. The Court does not appoint counsel for state or federal habeas cases or prisoner cases, except in a rare case where special circumstances justify the appointment of counsel.**

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

**If an ad litem is required, the Court will appoint one or refer the matter to a magistrate Judge, but the parties may make recommendations.**

### **Miscellaneous**

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

**Sanctions will be assessed on a case by case basis.**

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

**No.**

59. Any pet peeves?

- 1) **Tardiness**
- 2) **Attorneys talking too fast, or over the Judge or one another.**
- 3) **Not immediately notifying the Court that a motion is unopposed or resolved.**
- 4) **Failure to acknowledge/distinguish cases adverse to a party's position.**
- 5) **Actions or use of language to debase or impugn opposing counsel or party.**
- 6) **Objections raised for the first time at the sentencing hearing and not previously submitted to the Probation Officer.**