

1. Contact with Court Personnel.
 - A. Make case-related telephone inquiries to the case manager. In an emergency when the case manager cannot be reached, please call the judge's secretary at (713) 250-5900.
 - B. Inquire with the case manager by e-mail unless it is about a setting in the next 14 days, a criminal case, or a real emergency.
 - C. Counsel should alert the case manager by e-mail to matters requiring prompt attention.
 - D. Get information about the filing of documents, entry of orders, or docket entries from the computer or from the docket section at (713) 250-5500.
 - E. Lawyers must not call the law clerks unless they are returning one.
 - F. Messages.
 - (1) Do not write letters about cases.
 - (2) Use e-mail for non-substantive messages.
2. Emergencies.
 - A. Apply for immediate relief through: Intake Section, U.S. District Clerk's Office, 515 Rusk Avenue, Room 1217, Houston Texas; (713) 250-5500.
 - B. Counsel should send a copy of emergency motions directly to the case manager so that they quickly reach the court's attention.
 - C. Motions for extension of deadlines are not emergencies.
3. Continuances.
 - A. Joint motions for continuance do not bind the court.
 - B. The court will respect counsel's vacations or other recreational plans.
4. Appearances.
 - A. Counsel will appear for settings.
 - B. An attorney who appears at a hearing or conference must:
 - (1) Know the facts thoroughly;
 - (2) Have authority to bind the client; and
 - (3) Be in charge for that appearance.

- C. Out-of-town counsel may request to appear by telephone by e-mailing the case manager well in advance of the setting; the case manager will confirm.

The court disapproves of the geographical one-upmanship; consider the convenience of out-of-town counsel.

- D. Notify the case manager immediately by e-mail when something is resolved. An agreement to pass is not a resolution.
- E. Announcements of settlement will be followed by an order of dismissal. The court will deal harshly with parties using collapsed settlements to get past settings.

5. Motion Practice.

- A. The court allows oral motions.
- B. Generally, the court hears motions on the papers. The court will notify counsel if an oral hearing is desired.
- C. Counsel may agree to extend a submission date except when it would violate a court-imposed deadline. As a pleading, file a one-page memorandum of the agreement.
- D. The court hears oral motions on discovery disputes, when necessary, as soon as both counsel can appear in person or by telephone.
- E. Extract only the parts of depositions necessary for the motion.

6. Pretrial Conferences.

- A. A joint discovery plan is not required. Counsel must (a) master the facts, (b) ascertain the discovery needed, (c) discuss it with each other, and (d) be prepared to discuss discovery in a conference so that the court may fashion a brief, effective management plan.
- B. At every pretrial conference, counsel must be prepared to address the facts and law, all pending and anticipated motions, jurisdictional and procedural matters, narrowing substantive issues, and stipulations.

The court will dismiss claims and defenses with no articulable factual basis.

- C. The court uses pretrial conferences to narrow issues, limit discovery, and set cases for early trial to use the parties' and the taxpayers' money efficiently.
- D. Initial disclosures may not be delayed.

7. Required Pretrial Materials.

A. Pretrial Documents

Each party also must file as separate documents (captioned, signed by counsel, and with service certified):

(1) Jury Trials.

- a. Proposed questions for voir dire examination unique to the case – not boilerplate.
- b. Proposed jury instructions, including definitions, with authority. Omit the customary prefatory instructions; the court will use its own.
- c. Proposed interrogatories.

(2) Non-Jury Trials.

- a. Proposed findings of fact, with agreed and contested findings separated.
- b. Proposed conclusions of law.

B. Other Required Documents.

Each party's exhibit and witness lists (4 copies) must be filed with the pretrial order.

8. Trial Settings.

- A. A case will be set for trial on a specific week; if it is not reached that week, it will remain on indefinite stand-by.
- B. Unless an attorney has actually begun trial in another court, earlier settings will not cause a case to be continued.

9. Exhibits.

- A. All exhibits must be marked and exchanged among counsel before trial.
- B. All exhibits will be offered and admitted into evidence as the first item at the trial.
- C. Counsel need not furnish the court with a copy of the exhibits before trial.

10. Equipment.

- A. Easels with writing pads are available for use in court.

- B. Counsel are responsible for furnishing sound or video equipment.
 - C. For all equipment you wish to bring, tell the case manager in advance so that arrangements can be made to have them admitted to the building.
11. Courtroom Procedures.
- A. Hours.
 - (1) Ordinarily for jury trials, court will convene at 9:00 a.m. and adjourn at 4:30 p.m., recessing for lunch between noon and 1:30 p.m., with a 20-minute recess in mid-morning and mid-afternoon.
 - (2) Hearings and bench trials may have variable hours.
 - B. Telephones. Telephone messages for counsel will not be taken by the judge's staff. Counsel may not use telephones in chambers, except in an emergency.
 - C. Filing Documents. Documents submitted during the course of a proceeding will be filed with the district clerk's intake section with a copy furnished to the judge.
 - D. Decorum.
 - (1) Civilized, professional behavior is required.
 - (2) Counsel will ensure that the parties, their friends and relatives, and witnesses refrain from chewing gum, drinking, eating, or reading non-legal materials in the courtroom.
 - (3) Counsel will ensure that those people do not comment or gesticulate in the courtroom or quarrel in the court house.
 - E. Witnesses.
 - (1) Counsel will summon witnesses into the courtroom and instruct them on courtroom decorum.
 - (2) Counsel must obtain permission to approach a witness.
 - F. Seating.
 - (1) The court does not designate seating at counsel tables; this is determined first come first served on the first day of trial.
 - (2) Once counsel have determined their seating, the reporter will note their position on a chart for the court; once trial has begun, counsel may not change seats except at the court's direction.

- (3) Once seated, no one before the bar – not counsel, parties, nor assistants – may leave the courtroom, except with permission or at a recess.
 - (4) Enter and leave the courtroom only by the front doors; do not use the court's doors.
- G. Deliberations. While the jury is deliberating, counsel must remain near the courtroom to be immediately available.
- H. Ex-Juror Contact. After the jury and counsel are excused, counsel may contact jurors as the individual juror may wish.

12. Voir Dire.

The court will examine the venire. At some trouble to the court and jurors, counsel are furnished extensive questionnaires about the panel. Use them.

13. Depositions.

- A. The court encourages the parties's agreement to use depositions at trial even though the witness is available.
- B. Depositions may be filed with the case manager immediately before trial if they are to be used.
- C. Counsel will designate the portion of a deposition to be read by page and line. Objections to those portions (citing pages and lines) with authority must be filed before the day of trial; the court will rule on the objections before the trial begins.
- D. Use in Court.
 - (1) Bench. The judge will read all deposition evidence for himself; if the parties prefer, they may file summaries.
 - (2) Jury. The jurors will read the deposition selections for themselves from copies counsel furnish.

14. Aid for Names and Terms.

In trials or hearings that involve either (a) more than five people – witnesses as well as others who will just be mentioned – or (b) technical, geographical, or otherwise unfamiliar terms, parties should prepare a joint list in alphabetical order of the names – with a short, neutral description if possible – and one of terms so the jury, court, and reporter may refer to them.

[End]

