



## **JUDGE RANDY CRANE**

**United States District Court  
Southern District of Texas  
McAllen Division**

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### **Procedures Required by Judge Crane**

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## 1. Communicating with the Court

- A. Ex parte communications with the Court are prohibited. All written communication to the Court must be copied to all parties with an interest in the case that is the subject of the communication.
- B. Information about the status of a case ordinarily should be obtained online from the CM/ECF system but may also be obtained, if necessary, from the United States District Clerk's Office at (956) 618-8065.
- C. Other case related inquires should be made only to the Case Manager:  

Ludi Cervantes  
Case Manager to Judge Randy Crane  
United States Courthouse  
1701 West Business 83, 10<sup>th</sup> Floor  
McAllen, TX 78501  
(956) 618-8065
- D. Letters should be used for minor procedural matters. Do not address substantive issues in letter form. Ordinarily, correspondence is not docketed and is destroyed.
- E. Phone inquires directly to Chambers related to any pending case are prohibited.
- F. Courtesy copies of appellate briefs may be made directly to Chambers.

## 2. Electronic Filing Requirements

- A. The Court encourages the [electronic filing](#) of all pleadings. This reduces the burden on the Clerk's Office and increases the efficiency of the Court. Correspondence shall not be filed electronically.
  
- B. Electronic filings shall be in accordance with [Administrative Procedures for Electronic Filing in Civil and Criminal Cases](#). Answers to frequently asked questions regarding electronic filing may be obtained [here](#).
  
- C. Voluminous, double-sided or irregular documents:
  - (1) Leave of Court is required for the conventional filing of documents greater than 50 pages in length. Such documents should be filed electronically when possible.
  - (2) Leave of Court is required for the conventional filing of documents printed on both sides. Such documents should be filed electronically when possible.
  - (3) Leave of Court is required for the filing of over-sized or irregularly shaped documents which are not capable of being readily imaged by court personnel and equipment. Such documents should be filed electronically when possible.

### **3. Initial Pretrial Conferences and Scheduling Orders**

- A. The Initial Pretrial Conference will be conducted in accordance with FRCP 16 and [Local Rule 16.1](#).
- B. A Joint Discovery/Case Management Plan must be filed at least three (3) business days prior to the Initial Pretrial Conference. The form for this Plan may be downloaded by clicking [here](#).
- C. At the Initial Pretrial Conference, the Court ordinarily will enter a Scheduling Order in compliance with FRCP 16(b). The form of this Order can be viewed by clicking [here](#).
  - (1) The Scheduling Order will govern throughout the case.
  - (2) Discovery deadlines within the Scheduling Order may be extended by agreement in writing between the parties without Court involvement. Any such agreement need not be filed with the Court.
  - (3) Requests for an Amended Scheduling Order should include a proposed Order in this [form](#) with proposed dates included. Final pretrial and jury selection dates may be obtained from the District Clerk's Office.
- D. If new parties are joined after the Scheduling Order is entered, the party causing such joinder shall provide to the new parties a copy of the Scheduling Order.

#### **4. Emergency Relief**

- A. Applications for restraining orders or other immediate relief shall be filed in the same manner as any other pleading. However, counsel shall telephonically advise the Case Manager, Ludi Cervantes, at 956-618-8065 of the filing of such request for emergency relief.
  
- B. *Ex parte* applications for restraining orders will NOT be entertained by the Court unless the requirements of FRCP 65(b) have been satisfied.
  
- C. Applications for restraining orders or other immediate relief shall be presented to the Court by the Case Manager following counsel's affirmation that the opposing party has been contacted and that both parties can be available for a conference before the Court.

## 5. Appearances

- A. An attorney who appears for any proceeding shall:
- (1) Be admitted to practice before this Court;
  - (2) Be familiar with the case;
  - (3) Have authority to bind the client; and
  - (4) Be in charge for that appearance.
- B. Failure to appear at a setting without good cause will subject the attorney and/or his or her client to sanctions, including dismissal for want of prosecution and/or other appropriate order or judgment.
- C. Attorneys not admitted to practice before this Court may seek admission *Pro Hac Vice*. For more information on *Pro Hac Vice* admission, click [here](#). Absent good cause, attorneys whose primary office is within this Division shall only be admitted *Pro Hac Vice* once every two years. Ordinarily, local attorneys who practice before this Court are expected to become generally admitted to practice.

## **6. Continuances**

- A. Agreements or joint motions among counsel for continuances are not binding on the Court. Motions for Continuance will be granted only at the Court's discretion.
- B. The Court will respect attorneys' reasonable requests for vacation if made well in advance of a trial setting.
- C. A trial will NOT be continued because of the unavailability of a witness. Counsel are expected to anticipate such possibilities and should be prepared to present testimony by written deposition, video deposition, or by stipulation.

## 7. Motion Practice

- A. The Court follows the written motion practice described in the [Local Rules](#), except as set forth herein.
  
- B. PLEASE NOTE THE COURT’S REQUIREMENT TO ELECTRONICALLY FILE VOLUMINOUS, DOUBLE-SIDED OR IRREGULAR DOCUMENTS. See Court Procedure 2.C.
  
- C. Motions requiring expedited consideration.
  - (1) Any motion REQUIRING expedited consideration shall contain “Emergency” in the caption.
  - (2) Counsel seeking expedited consideration of a motion shall contact the Case Manager and advise of the filing of such motion.
  - (3) Responses to motions seeking expedited consideration shall be made as soon as possible.
  - (4) The Court shall consider such motions as soon as practicable therefore any responses should be made as soon as possible.



## 8. Final Pretrial Conferences

- A. Any pending motions not previously disposed, shall be addressed at the Final Pretrial Conference.
  
- B. A Joint Pretrial Order must be filed at least 5 business days prior to the date of this hearing. The form for such Joint Pretrial Order may be obtained [here](#).
  - (1) Counsel for the plaintiff is responsible for ensuring that the Joint Pretrial Order is timely filed. Other counsel are required to diligently participate in providing the information required in such Pretrial Order.
  - (2) If plaintiff fails to file the Joint Pretrial Order, the remaining parties are responsible for filing their portions of the Joint Pretrial Order in the Joint Pretrial Order format.
  - (3) The form for the Joint Pretrial Order should be followed, but may be adapted within reason to accommodate the size and nature of the case.
  - (4) Failure to file the Joint Pretrial Order will subject counsel and/or the parties to sanctions, including dismissal for want of prosecution and/or other appropriate sanction.

## 9. Jury Trials

### A. Required Trial Materials

- (1) A Bench copy of all documentary exhibits intended to be introduced. If voluminous, documents may be provided on disc in .pdf, .doc, or .wpd formats.

### B. Trial Settings

- (1) The date for jury selection will be as set forth in the Scheduling Order issued in the case.
- (2) The date for the commencement of the trial will be determined at the Final Pretrial Conference and, ordinarily, shall be sometime later in the trial month.

### C. Equipment

- (1) The following equipment is available for use during trials: an ELMO, VCR, TV, projection screen, and DLP projector.
- (2) The courtroom is also equipped with appropriate connections, hook-ups and cabling to allow the presentation of any media on an attorney's laptop computer through either component or analog video/audio connections.
- (3) Any equipment necessary for the presentation of evidence at trial may be utilized so long as advance permission is obtained from the Court by contacting the Case Manager.

### D. Voir Dire – The Court conducts the preliminary examination of the jury panel. Proposed *voir dire* questions are to be included in the Final Pretrial Order. Counsel should be prepared to introduce themselves, co-counsel and witnesses likely to testify.

### E. Exhibits

- (1) All exhibits must be marked and exchanged among counsel before trial. The offering party shall mark its name, the case number, and the exhibit number on each exhibit to be offered.
- (2) Exhibit lists are to be included in the Joint Pretrial Order.

- (3) Counsel requiring authentication of an opponent's exhibit must notify offering counsel in writing within five (5) business days after the exhibit is identified and made available for examination. Failure to do so is an admission of authenticity. *See* [Local Rule 44.1](#).
- (4) Objections to exhibits must be made in accordance with [Local Rule 46](#).
- (5) Disposition of exhibits following trial will be in accordance with [Local Rule 79.2](#).

## **10. Courtroom Formalities and Decorum**

- A. Traditional formal Courtroom etiquette is required in the courtroom as set forth in [Appendix C](#) of the Local Rules.
- B. Advance permission from the Court is necessary before any electronic devices, computer equipment, cameras or recording devices may enter the courtroom.
- C. No weapons or cell phones are permitted in the courtroom, unless they are evidence in a pending case.
- D. Formal courtroom attire is required and counsel shall have responsibility for communicating this requirement to witnesses and family members.
- E. The courtroom is open to the public during session, subject to security requirements, disruptive conduct and proceedings required by law to be under seal.

## 11. Settlements and Dismissals

1. Upon the settlement of any case, counsel must immediately notify the Case Manager telephonically, in writing or, preferably, by email to [Ludi\\_Cervantes@txs.uscourts.gov](mailto:Ludi_Cervantes@txs.uscourts.gov).
2. Upon receipt of the parties' announcement of settlement, the Court will enter an order vacating all settings, mootng all pending motions and allowing the parties approximately three weeks to submit appropriate dismissal documents.
3. Upon settlement of a suit involving a minor or incompetent plaintiff, counsel must jointly move for appointment of an attorney ad litem if there is a potential conflict of interest between the parent(s)/guardian and the minor/ward.

## 12. Recusals and Conflicts of Interest

- A. The parties are required to file with the Court a [Certificate of Interested Parties](#) at least 10 days prior to the Initial Pretrial Conference.
- B. The parties are also required to immediately apprise the court of any matters that may require the Court's recusal.
- C. In addition to any matters that may require recusal by the Court, the parties should also immediately apprise the court of any matters that might create the appearance of a conflict of interest by the Court or raise a question as to the Court's impartiality. This may be done by correspondence to Chambers with copies to all counsel.