



UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
GALVESTON DIVISION

GEORGE C. HANKS, JR.
UNITED STATES DISTRICT JUDGE

COURT PROCEDURES

The accompanying Procedures are to be used in conjunction with the Local Rules for the Southern District of Texas and the Federal Rules of Civil and Criminal Procedure—not as a substitute for them.

The Local Rules of this District can be obtained at www.txs.uscourts.gov. The Court requires strict compliance with the Federal Rules, Local Rules, and these Procedures.

A failure to comply with these Procedures may result in sanctions.

HONORABLE UNITED STATES DISTRICT JUDGE GEORGE C. HANKS, JR.

United States Courthouse
601 Rosenberg, Sixth Floor
Galveston, TX 77550
Telephone: (409) 766-3737
Fax: (409) 766-3549

DANA PEREZ

Case Manager for Judge George C. Hanks, Jr
Galveston, TX 77550
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1. CONTACT WITH COURT PERSONNEL

- A. The Court requires that parties file documents through the District Court's Case Management/Electronic Case Filing ("CM/ECF") System. *See* Southern District Local Rule 5.1 and the District's Administrative Procedures for CM/ECF (as amended and available at www.txs.uscourts.gov).
- B. **Case-related telephone and email inquiries should be made only to the Case Manager.** Inquiries should **not** be made to the Court's law clerks, nor to the Judge.
- C. Information about the status of documents, entry of orders, or docket entries should be obtained from the CM/ECF or Pacer Systems, or if absolutely necessary, from the United States District Clerk's Office ((409) 766-3530).
- D. The Court's caseload does not allow the Case Manager to respond to casual telephone inquiries about the status of motions or cases.
- E. Correspondence with the Court must be sent to the Court's Chambers as follows:
1. Case-related correspondence should be addressed to:

Dana Perez
Case Manager to Judge George C. Hanks, Jr.
United States Courthouse
601 Rosenberg, Room 411
Galveston, TX 77550
Or by email: galveston_cm@txs.uscourts.gov
 2. Letters or emails should be used for minor procedural matters and for discovery disputes. Do **not** address substantive issues in letter or email form. The parties must also file copies of all letters via CM/ECF. Email correspondence with the Court will be docketed at the Court's discretion.
 3. Copies of **urgent** documents (including letters) may be sent by First Class Mail or hand-delivered to Chambers (*see* Emergencies, § 3 below), or emailed to the Court's Case Manager. Service copies must be transmitted to all counsel of record prior to and in the same manner as the document is transmitted to the Court. The documents may **not be faxed without express prior permission of the Court.** (Note: If a document is emailed to the Court through the Case Manager after 4:30 p.m., the Judge may not see the document until the next morning.)

2. COURTESY COPIES OF DOCUMENTS

- A. The parties **must** promptly deliver to Chambers courtesy copies of:
- (i) documents fifty (50) pages or more in length (including exhibits and attachments), and
 - (ii) documents pertaining to matters being heard by the Court within seven days after the document is filed, and
 - (iii) documents for which courtesy copies are required by § 7A, Motions and Memoranda of Law.

Parties **may** deliver to Chambers courtesy copies of other documents.

- B. Do **NOT fax or email** copies of documents to Chambers unless specifically authorized to do so by the Court.

3. EMERGENCIES

- A. Applications for immediate relief must be filed electronically through the CM/ECF system and all related communications with the Court must be through the Case Manager. Such applications 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, or an explanation of why such contact has not been made.
- B. Motions for extension of deadlines or cut-off dates in the Docket Control Order are **not** emergencies. (*See Continuances, § 4 below.*)

4. CONTINUANCES

- A. Agreements or joint motions among counsel for continuance are not binding on the Court. Motions for continuance will be granted only at the Court's discretion.
- B. Vacation requests will be respected if they are made well in advance of a trial setting or hearing date.
- 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, videotaped deposition, or by stipulation.

5. APPEARANCES AND CONFERENCES

- A. An attorney who appears at a hearing or conference **MUST**
 - 1. be familiar with the case, and
 - 2. have authority to bind the client.
- B. Out-of-town counsel wishing to appear at a conference or hearing by telephone must submit a written request by email to the Case Manager as far in advance of the conference as reasonably possible. The Court will attempt to accommodate such requests.
- C. Counsel and pro se parties shall notify the Case Manager **immediately in writing** of the parties' settlement of any matter before the court. Upon receipt of a notice that the entire case is settled, the Court may enter a conditional order of dismissal.
- D. Failure to appear when notified of a setting may subject an attorney and/or his or her client to sanctions, including dismissal for want of prosecution and/or other appropriate order or judgment.
- E. Motions for admission *pro hac vice* shall include the attorney applicant's averment that he or she has familiarized him/herself with the Local Rules of the Southern District of Texas *and* these Procedures.

6. MOTION PRACTICE

- A. **General Guidelines:** The Court follows the written motion practice described in the Local Rules.
- B. **Pre-Motion Conferences Required**

In all cases in which the parties are represented by counsel, except habeas corpus/prisoner petitions and Social Security and Bankruptcy appeals, a pre-motion conference is required for motions other than discovery motions. A pre-motion conference with the Court **must** be requested before filing:

- i. Any motion pursuant to Fed. R. Civ. P. 12 or 56;
- ii. Any motion for a change of venue; or
- iii. Any motion to amend a pleading pursuant to Fed. R. Civ. P. 15 where leave of court is required.

The pre-motion conference may be held in person or by telephone. The Court hopes to use this procedure to advance the case efficiently and minimize the costs of litigation to the parties.

To request a pre-motion conference, the moving party shall file and serve a letter not to exceed three (3) pages in length setting forth the basis for the anticipated motion. All

parties served with such a request may, but are not required to, serve and file a letter response, not to exceed three (3) pages within five (5) days from service of the notification letter. The Court may act on the initial request before a response is filed.

Rule 12(a) prescribes time requirements for the filing of answers and for the filing of motions permitted under Rule 12. For the purposes of these timing requirements, a pre-motion conference letter requesting permission to file a motion permitted by the Rule shall be considered the equivalent of the motion itself. Compliance with this procedure shall not be deemed a waiver of any parties' defenses as to insufficient service of process or lack of personal jurisdiction.

In many cases, it will be apparent from the letter requesting a pre-motion conference that such a conference will not be a useful expenditure of the parties' time, and the parties will be notified by the Court to file the motion and a pre-motion conference will not be set. In other cases, the usefulness of a pre-motion conference will be clear based on the request. Counsel are informed that such decisions are commonly made before the time for filing response letters has expired, but any such decisions may be revisited upon the filing of a timely response letter.

Note that these provisions do *not* apply to motions other than those specifically enumerated. For example, letters requesting pre-motion conferences are not required for motions pursuant to Fed. R. Civ. P. 50, 59 and 60, and counsel should be aware that the Court of Appeals will not accept an argument that compliance with district court motion rules should excuse noncompliance with Fed. R. App. 4. *See, e.g., Bowles v. Russell*, 551 U.S. 205, 206-08 (2007) (holding no jurisdiction exists over appeal filed within time permitted by district court but outside time provided by Fed. R. App. P. 4(a)(6)).

Failure to comply may result in the Court striking the motion.

C. Other Requirements

1. Counsel must make serious and timely efforts to confer with opposing counsel on all motions to try to reach agreements on the relief requested.
2. All motions must contain a certificate of conference stating that counsel has conferred regarding the substance of the relief requested, and stating whether the relief is opposed or denied. In circumstances where opposition is uncertain, the party filing the motion must make at least two attempts to ascertain whether the relief is opposed, and must provide a certificate of conference stating the number of attempts made to contact the opposing party, the method of those attempts (i.e., fax, e-mail, telephone call, postal mail), the date and time of the attempts, and the results obtained thereby.
3. All motions except motions pursuant to Federal Rules of Civil Procedure 56 must be accompanied by a separate proposed order. Do not submit a proposed order that contains a bare signature block. Instead, include a few lines of substantive text above the page containing the signature block.

4. Pursuant to the Local Rules, opposed motions may be considered by the Court after expiration of 21 days from the motion filing date, without notice from the Court. Unless the Court issues a briefing schedule, responses by the nonmovant must be filed within 21 days of the motion. Movant may file a reply within seven calendar days after the non-movant's response. No further briefing should be filed without leave of Court.

When circumstances dictate, the Court may consider a motion prior to expiration of the 21-day period.

5. Any party wishing to make a discovery or scheduling motion should arrange for a conference with the Court **before** submission of **any** motion papers. *See* "Discovery and Scheduling Disputes" below.
6. Because most motions will be ruled on without an oral hearing, focused, clear motion papers are very important. (*See* Motions and Memorandum of Law, § 4 below) Separate requests for oral argument on motions are not necessary. The Case Manager will notify counsel should the Court determine that oral argument would be beneficial.
7. All pleadings or other documents filed under seal in a civil case must be identified as SEALED and by the title of the document. For example, a motion for summary judgment filed under seal must be docketed as "MOTION for Summary Judgment (SEALED)." No pleading may be filed for docketing simply as "SEALED DOCUMENT" without advance permission of the Court.
8. Counsel and pro se parties are directed to Federal Rule of Civil Procedure 6(b)(1), which allows extension of deadlines upon a showing of "good cause." In most cases, the Court will be inclined to grant the first, unopposed motion to extend a particular deadline as a matter of courtesy, so long as that motion recites sufficient cause and is submitted before the deadline in question. Second motions for extension of time will be granted on a case-by-case basis. Third motions for extension of time are disfavored but will be granted in extraordinary circumstances. Motions made after a deadline should comply with Federal Rule of Civil Procedure 6(b)(2).
9. The Court strongly encourages litigants to be mindful of opportunities for young lawyers (i.e., lawyers practicing for less than seven years) to conduct hearings before the Court, particularly for motions where the young lawyer drafted or contributed significantly to the underlying motion or response. The Court believes it is crucial to provide substantive speaking opportunities to young lawyers, and that the benefits of doing so will accrue to young lawyers, to clients, and to the profession generally. Thus, the Court encourages all lawyers practicing before it to keep this goal in mind.

D. Submitted Motions – Need for Expedited Decision:

1. The Court will rule on motions as soon as possible after the submission day or a response is filed. Counsel of record and pro se parties will be furnished with copies of orders.
2. If a pending motion requires resolution on an expedited basis, please advise the Court by letter.

E. Discovery and Scheduling Disputes: Most discovery and scheduling disputes can and should be resolved by counsel without the intervention of the Court. Compromise is encouraged.

1. Counsel are responsible for conferring in good faith to resolve discovery and scheduling disputes. If counsel for the parties are unable to reach an agreement, a conference with the Court must be sought by a joint letter filed with the Court. The parties should file a joint letter that does not exceed 2 pages, outlining the issue. The letter **MUST** specify the date, time and place of the parties' prior out-of-court discovery or scheduling discussion(s), the results of the discussions, and the names of all counsel participating therein. If counsel has been unable to confer because of the unavailability or unwillingness of certain counsel to do so, the statement shall recite the facts concerning attempts to confer.
2. The Court will dispose of discovery disputes at the conference to the extent possible. If a written motion is necessary, the issues to be addressed and a briefing schedule will be set during the conference.
3. If relief is sought against a non-party to the litigation, the relief may be sought by motion.
4. If the dispute for which the Court's intervention is sought involves the discovery of electronic data, the parties shall bring or have available by telephone at the conference a person with detailed knowledge of the computers and electronic databases at issue. This computer and database expertise will permit reliable responses to the Court's inquiries and will assist the Court in developing an appropriate resolution of the dispute.
5. The Court strictly enforces the Federal Rules of Civil Procedure and the Local Rules with regard to disclosure and discovery.

****Counsel should use a numbering system during the discovery process to allow for the orderly discussion of documents during the discovery and pretrial process.****

7. MOTIONS AND MEMORANDA OF LAW

A. **Page Limits and Briefing Requirements:** The Court requires concise, pertinent and well-organized motions and memoranda of law. Without leave of Court, any motion, brief, or memorandum shall be limited to 25 pages, 13-point type-font, double-spaced, with 1” margins. Any motion, brief, or memorandum that has more than ten (10) pages of argument must contain the following eight (8) items. **All motions, briefs and memoranda** must contain items 3, 4, 6, and 7 below.

1. A table of contents with the page number of each section, including all headings designated in the body of the motion, brief, or memorandum.
2. A short statement of the nature and stage of the proceeding.
3. A statement of the issues to be ruled upon by the Court and, with respect to each issue, a short statement (supported by legal authority) of the standard of review.
4. A short summary of the argument.
5. Succinct headings dividing the argument into separate points.
6. A short conclusion stating the precise relief sought.
7. All motions must contain a proposed order setting forth the relief requested by the movant. (This order is not included in the 25-page limit).

B. **Copies of Authorities and Other Material Cited:**

1. Please append copies of cases and the relevant parts of authorities that are cited **only** if the authorities are **not** found in commonly used resources such as the United States Code, United States Supreme Court Reporter, Federal Reporters, Federal Rules Decisions, Federal Supplement, Southwestern Reporter Second or Third, Vernon’s Revised Statutes and Codes Annotated. Unpublished authorities that are easily available on Westlaw or Lexis also need not be provided to the Court.
2. Copies of supporting affidavits, deposition testimony excerpts, and other discovery evidence referred to in the motion, brief, or memorandum should be separately filed in one or more appendices.
3. All appendices should contain a table of contents, and courtesy copies of appendices or those filed conventionally (i.e., not electronically) should be tabbed at the right margin to facilitate location of the materials cited.

8. INITIAL PRETRIAL CONFERENCES AND DOCKET CONTROL ORDERS

Please refer to Local Rule 16.1 and the Court's Form Order for Conference. *See §5 supra* ("Appearances and Conferences") for general procedures for conferences. In addition:

- A. A Joint Discovery/Case Management Plan (in the attached form) must be filed at least seven business days before the Initial Pretrial Conference in Civil cases.
- B. At the Initial Pretrial Conference in civil cases, the Court will enter a Docket Control Order. Attached is a form of the Docket Control Order used by the Court.
 - 1. The parties may agree on deadlines for completion of pretrial matters and bring a proposed Docket Control Order to the Initial Pretrial Conference.
 - 2. The Docket Control Order will govern throughout the case. The Docket Control Order deadlines shall not be modified except by leave of this Court upon a showing of good cause or to prevent manifest injustice.
 - 3. If a change to an existing Docket Control Order is requested, the parties shall submit recommendations for adjusting all dates in the Docket Control Order that follow the date sought to be modified.
- C. **Additional Parties:** If new parties are joined after entry of the Docket Control Order, the party causing such joinder shall provide to the new parties: (i) copies of all orders and pleadings previously filed in the case, (ii) the operative Docket Control Order, and (iii) these Court Procedures.

9. REQUIRED PRETRIAL AND TRIAL MATERIALS

- A. **Joint Pretrial Order:** Joint Pretrial Orders must be signed by all counsel. All parties are responsible for cooperating and complying with all requirements to prepare the Joint Pretrial Order. The Joint Pretrial Order must be filed by the deadline set out on the Court's Docket Control Order.
 - 1. Plaintiff is responsible for ensuring that a complete Joint Pretrial Order is filed timely. A form Joint Pretrial Order is attached. It should be followed, but may be adapted, within reason, to accommodate the size and nature of the case. If the plaintiff fails to file the Joint Pretrial Order, then the defendant is responsible for filing defendant's portions of a Proposed Pretrial Order in the Joint Pretrial Order format.

2. Failure to timely file a Joint Pretrial Order will subject counsel and clients to sanctions, including dismissal for want of prosecution and/or other appropriate relief. This applies also to parties appearing pro se.
4. In civil cases, a Joint Pretrial Order should comply with the disclosure requirements of Federal Rule of Civil Procedure 26(a)(3).

B. Other Required Documents: With the filing of the Joint Pretrial Order, each party should also file a separate copy of each of the following documents:

1. **For all trials and evidentiary hearings:**
 - a. **Exhibit List** (see attached form)
 - b. **Witness List**
 - c. **Designations** of deposition excerpts for witnesses being called by deposition. A copy of each deposition excerpt must be provided to the Court.
 - d. **Objections**, if any, to an opponent's exhibits. Objections must be filed within the time limits set out by the Local Rules.
2. For **Jury Trials**, the parties must file a single, joint proposed jury charge, including all necessary instructions, definitions and questions.
 - a. **Each** requested **instruction** must be numbered and presented with authority.
 - b. The parties shall include in the proposed jury charge all necessary instructions or definitions. The instructions shall, at a minimum, include: (1) the *prima facie* elements of each cause of action and defense asserted, (2) legal definitions required by the jury, (3) items of damages, and (4) methods of calculation of damages. Counsel are to use the Fifth Circuit Pattern Jury Instructions, as modified by case law or statutory amendments, whenever possible. Any deviations must be identified, and accompanied with legal authorities for the proposed deviation.
 - c. Even if the parties, in good faith, cannot agree on all instructions, definitions, or questions, the parties should nonetheless submit a single, **unified charge**. Each disputed instruction, definition, or question should be set out in bold type, underlined or italics and identified as disputed. Each disputed item should be labelled to show which party is requesting the

disputed language. Accompanying each instruction shall be all authority or related materials upon which each party relies.

- d. Prior to the start of trial, the parties shall also submit the proposed charge electronically in Microsoft Word, by emailing it to the Case Manager.
- e. The parties shall file a **trial memorandum of law** addressing the law governing the case and all contested issues.

3. For **Non-Jury Trials**, each party must file:
 - a. **Proposed Findings of Fact** and email it to the Case Manager (electronically in Microsoft Word);
 - b. **Proposed Conclusions of Law** and email it to the Case Manager (electronically in Microsoft Word); and
 - c. **Memorandum of Law**. The memorandum of law, proposed findings, and proposed conclusions at a minimum should address the following: (1) the *prima facie* elements of each cause of action and defense asserted, (2) legal definitions, (3) components of damages, and (4) methods of calculation of damages.

- C. **Trial Notebooks and Exhibit Binders:** The Court requires **2 copies** of a Joint Trial Notebook and each party's exhibits be submitted to the Court **at least 4 business days prior to the first day of trial**. The Trial Notebook should be submitted jointly, and must contain the Joint Pretrial Order as well as each side's Exhibit Lists, Witness Lists, Designations, Objections, Motions in Limine, Jury Charges (where applicable), Memoranda of Law, and Proposed Findings of Fact and Conclusions of Law (where applicable). If counsel are wholly unable to cooperate, then each side is responsible for ensuring that its own Trial Notebook and exhibit binders are submitted.

10. TRIAL SETTINGS

- A. **Civil cases:** A civil case may be assigned either (1) a firm trial setting or (2) a Docket Call date. Docket Call is a final pretrial conference. Parties should be prepared to answer questions on all pending motions or the Joint Pretrial Order. Pending motions may be ruled on at Docket Call. Trial may be set for any day after the Docket Call.
- B. Unless an attorney has actually commenced trial in another court, prior trial settings will not cause the Court to pass a trial setting in a case.
- C. Information on Trial Settings: The Case Manager cannot definitively ascertain when a case will be reached or where a case is on the trial docket. Any predictions given by the Case Manager are only “educated guesses” and are NOT binding on the Court.

11. EXHIBITS

- A. **Civil cases:** All exhibits must be **pre-marked** and exchanged among counsel at the time the Joint Pretrial Order is filed. As a general rule in civil cases, exhibits that have not been disclosed to opposing counsel prior to trial will not be received in evidence. The offering party shall mark its name, the case number, and the exhibit number on each exhibit to be offered.
- B. **Authentication Objections:** Counsel requiring authentication of an opponent’s exhibit must notify offering counsel in writing within the time required by the Local Rules.
- C. **Other Objections to Exhibits:** Unless otherwise directed by the Court, a party may offer in evidence any exhibits listed in the final Joint Pretrial Order *unless* opposing counsel files specific **written objections** within seven days after the joint pretrial order is filed. The Court endeavors to rule on objections to exhibits outside the presence of the jury and will do so prior to opening statements, to the extent possible.
- D. **Copies of Exhibits:** Prior to trial, all parties must provide the Court with 2 complete sets of their exhibits for use at trial.
- E. **Trial Procedure as to Exhibits:**
 - 1. Counsel may not pass exhibits to the jury or the witness during trial without obtaining permission in advance from the Court.

2. Exhibits must be identified in front of the jury, or in a bench trial, to the Court before they will be received in evidence. Only exhibits admitted during trial will go to the jury during its deliberations.
 3. Counsel are responsible for monitoring and reviewing the completeness and organization of admitted exhibits at the close of each day.
- F. **Disposition of Exhibits:** Counsel should become familiar with Local Rule 79.2 regarding disposition of exhibits following trial.

12. EQUIPMENT

- A. **Sound and Video Equipment:** The Court has projection, document camera, sound, and video equipment in the courtroom. Counsel are invited to use that equipment during trial. Counsel who seeks to test the equipment prior to trial shall contact the Court's Case Manager by email, letter or phone to make arrangements to test the equipment. Parties also may provide their own equipment, but special arrangements must be made with the Case Manager *prior* to the day of trial.
- B. **Other:** Easels with writing pads are available for use in the Courtroom, upon request to the Case Manager prior to trial.

13. COURTROOM PROCEDURES

- A. **Hours:** The Court's hours during trial will vary depending upon the type of case and the needs of the parties, counsel, witnesses, and the Court. Court normally will convene at 8:30 a.m. and adjourn by 5:00 p.m., with a 12:15 to 1:30 p.m. lunch recess.
- B. **Access at Other Times:** Counsel needing access to the Courtroom to set up equipment or exhibits must arrange access in advance with the Case Manager to have the Courtroom open.
- C. **Telephones:** Telephone messages for counsel generally will **not** be taken by the Judge's staff, and counsel shall refrain from requesting use of telephones in Chambers.
- D. **Filing of Documents:** Handing documents to the Court or Case Manager does **not** constitute filing of the documents in the CM/ECF system.
1. All original documents must be filed through the CM/ECF system.

2. Copies of documents filed within seven days prior to and during trial should be submitted to the Case Manager **IN DUPLICATE**.

E. Attorney Conference Rooms: Attorney conference rooms are available upon request to the Judge's Case Manager. A key will be given to counsel for use throughout the trial. Counsel must clear the room of all materials and return the key to the Case Manager at the conclusion of the trial.

F. Decorum:

1. **General:** Counsel and parties will comply with Local Rule 83.8 regarding Courtroom Behavior. These procedures are strictly enforced.
2. **Counsel's Oral Presentations:** Counsel shall stand when addressing the Court. Counsel may use a lectern positioned appropriately to make oral argument. Counsel may question witnesses while standing at the lectern or seated at counsel table.
3. Counsel will ensure that they, all parties, and all witnesses refrain from drinking (other than water as provided by the Court), eating, smoking, or reading newspapers, books, etc. in the Courtroom. Counsel may not bring any outside cups or containers for water into the courtroom. The Court will provide disposable cups.
4. Boxes and documents should be stored outside under the table or behind the bar in an orderly fashion.
5. Counsel's legal assistants and support staff are expected to have full knowledge of these Procedures.
6. **No cell phones may be operated in the Courtroom. Cell phones and other devices should be on "Silent" mode.**
7. The Court does not permit waiting in the 6th floor hallway.

G. Witnesses:

1. Counsel are responsible for summoning witnesses into the Courtroom and instructing them on Courtroom decorum.
2. Counsel should bear in mind the Court's hours and arrange for witnesses accordingly. The Court will not recess to permit counsel to call a missing witness unless he or she has been subpoenaed and has failed to appear.

3. Counsel shall make every effort to elicit from the witnesses only information relevant to the issues in the case and to avoid cumulative testimony.

H. Seating Assignments: The Court does not designate seating at counsel tables. Seating is determined on a first-come, first-served basis on the first day of trial.

I. Jury Matters:

1. While the jury is deliberating, counsel are to remain inside the Courthouse to be immediately available for jury notes or a verdict, unless given permission to leave by the Court.
2. After the jury is excused, counsel may **not** contact jurors unless permitted to do so by the Court. *See* Local Rule 47.

14. VOIR DIRE

The Court generally conducts a preliminary examination of the jury panel. Following the Court's examination, each side in **civil cases** usually will be allowed to examine the panel briefly, provided that the proposed *voir dire* questions are submitted as part of the Joint Pretrial Order.

15. SETTLEMENTS AND ORDERS OF DISMISSAL

A. Settlements

1. **Upon settlement** of any case set for conference, hearing or trial, counsel must **immediately notify** the Case Manager in writing, by letter, or by email (galveston_cm@txs.uscourts.gov).
2. Upon receipt of parties' announcement of settlement, the Court will enter a 30- or 60-day conditional order of dismissal, which permits a party to move to reopen the case if final settlement cannot be completed within the allotted time.
3. Upon settlement of a suit involving a minor plaintiff, counsel must jointly move for appointment of a guardian *ad litem* if there is potential conflict of interest between the parent(s) and the minor.
 - a. If counsel cannot agree on a guardian *ad litem*, the Court will make the appointment. Counsel may submit the names of qualified attorneys they propose for the appointment.

- b. Contemporaneously with the motion for appointment, counsel must notify the Case Manager by letter requesting a settlement conference.

B. Orders of Dismissal For Want of Prosecution

Any defendant upon whom service has not been perfected within 120 days after the complaint is filed will be dismissed for want of prosecution in accordance with Federal Rule of Civil Procedure 4(m).

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
GALVESTON DIVISION

,
,
Plaintiff,
VS. CIVIL ACTION NO.
,
,
Defendant.
,
,

DOCKET CONTROL ORDER

This case will be controlled by the following schedule.

DEADLINES

1. **MOTIONS TO AMEND THE PLEADINGS**
2. **MOTIONS TO ADD NEW PARTIES** The attorney causing the addition of new parties will provide copies of this order and all orders previously entered in the case to new parties.
3. **MOTION TO CERTIFY CLASS** The party seeking certification will file a motion and supporting memorandum by this date.
4. Identification of plaintiff's experts and production of experts' reports in the form required by Fed. R. Civ. P. 26(a)(2)(B).
5. Identification of defendant's experts and production of experts' reports in the form required by Fed. R. Civ. P. 26(a)(2)(B).
6. **COMPLETION OF DISCOVERY** Written discovery requests are not timely if they are filed so close to this deadline that the recipient would not be required under the Federal Rules of Civil Procedure to respond until after the deadline.
7. **LIMITS ON DISCOVERY**

8. **DISPOSITIVE MOTIONS**

9. **ALL OTHER PRETRIAL MOTIONS**
10. **JOINT PRETRIAL ORDER AND MOTIONS IN LIMINE**
Plaintiff is responsible for timely filing the complete joint pretrial order. All information is to comply with the disclosure requirements of Fed. R. Civ. P. 26(a)(3). All parties are directed to read the Court's Procedures regarding required trial documents and procedures.
11. **DOCKET CALL** Other than as set out in the Court's Procedures, no pleading or document filed within seven days of docket call will be considered by the Court. Any pending motions may be ruled on at docket call, the case will be set for trial, and further pretrial orders may be issued.
12. **JURY / BENCH TRIAL** Case is subject to being called to trial on short notice during this month.

Estimated Trial Time: _____ days.

SIGNED at Galveston, Texas, this ___day of _____, _____.

GEORGE C. HANKS, JR.
UNITED STATES DISTRICT JUDGE

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
GALVESTON DIVISION**

_____	‘	
	‘	
Plaintiff(s),	‘	
	‘	
v.	‘	Civil Action No. _____
	‘	
	‘	
_____	‘	
	‘	
Defendant(s).	‘	

JOINT PRETRIAL ORDER

[See generally Judge Hanks' Court Procedures]

****Failure to comply with these Procedures, the Local Rules, and the Federal Rules of Civil Procedure may result in sanctions, including the Court's refusal to allow evidence at trial or the striking of a party's pleadings in this lawsuit.****

Appearance of Counsel

List the parties, their respective counsel, and the mailing addresses, email addresses, and telephone numbers of counsel in separate paragraphs.

Statement of the Case

Give a brief agreed statement of the case for the information of the Court. The Court may read this statement to the jury panel to see whether any member of the panel is acquainted with the facts or parties in the case. Include names, dates and places.

Jurisdiction

Briefly explain why this Court has full and complete jurisdiction over the subject matter and the parties in this case. If there is an unresolved jurisdictional question, state the problem.

Motions

Identify any pending motions.

Contentions of the Parties

In separate paragraphs, give a concise statement of each party's contentions and claims.

Admissions of Fact

List all facts that have been stipulated to.

Contested Issues of Fact

List all factual disputes that are necessary to the final disposition of this case.

Agreed Applicable Propositions of Law

Delineate those legal propositions not in dispute.

Contested Issues of Law

Briefly state the issues of law in dispute. Along with this Joint Pretrial Order, each party or side should submit a memorandum of law to address these issues in more depth.

Exhibits and Exhibit List

The Court strictly enforces the rules regarding disclosure and discovery. Counsel should use a Bates numbering system during discovery to allow for the orderly discussion of documents during the pretrial process.

Each party must attach an Exhibit List (in the form shown by Attachment A or a similar form) of all exhibits offered, and all parties must provide copies of their listed exhibits to opposing counsel by the date specified by the Court. (This rule also applies to summaries and rebuttal exhibits, except in the limited circumstances when exhibits cannot be anticipated.) The Exhibit List should provide a clear, concise description of each exhibit, with a Bates number from the discovery process where applicable.

Any counsel requiring authentication of an exhibit must so notify the offering counsel in writing within seven days after the exhibit is made available to opposing counsel for examination. Failure to do so is an admission of authenticity. See S.D. TEXAS LOCAL RULE 44.1.

At the Court's discretion, exhibits listed in the final pretrial order may be admitted into evidence unless opposing counsel files written objections within the time called for in the Local Rules.

The offering party should mark its own exhibits prior to trial and include the party's name, case number, and exhibit number on each exhibit to be offered. (Example: Smith Construction, 3:10-cv-0010, Ex. 1.)

Witnesses and Witness List

List the names and addresses of witnesses who will or may be called and include a brief statement of the subject matter and substance of their testimony, as required by Fed. R. Civ. P. 26(a)(3).

If a witness is to appear by deposition, cite the inclusive pages and lines to be read or submitted. Objections to those portions (citing pages and lines) with supporting authority must be filed within seven days after the joint pretrial order is filed.

In the event there are any other witnesses to be called at the trial, their names, addresses and the subject matter of their testimony must be reported to opposing counsel as soon as they are known. This restriction shall not apply to a purely rebuttal or impeaching witness *if* necessity of the witness or the testimony cannot reasonably be anticipated before trial.

Settlement

Include a statement addressing whether or not all settlement efforts have been exhausted, the current settlement demand and offer, and whether the case can reasonably be expected to settle.

Trial

Include in this paragraph the following:

- (a) Whether trial will be Jury or Non-Jury;
- (b) Probable length of trial; and
- (c) Availability of witnesses.

Additional Required Attachments

Motions in Limine: State whether any party is filing a Motion in Limine. (All Motions in Limine must be filed with the Pretrial Order.)

For Jury Trials include the following:

- (a) Proposed questions for the venire panel.
- (b) Proposed jury instructions, definitions, and interrogatories. Each requested instruction, definition, and interrogatory must be numbered and presented on a separate sheet of paper with the citation and authority upon which counsel rely.
- (c) Memorandum of Law.

For Non-Jury Trials include the following:

- (a) Proposed Findings of Fact.
- (b) Proposed Conclusions of Law.
- (c) Memorandum of Law.

