

**JUDGE JOHN D. RAINEY**

United States Courthouse  
312 S. Main St., Room 406  
Victoria, Texas 77901  
(361) 788-5000

Stacie Marthiljohni, Case Manager  
United States District Court  
312 S. Main St, Room 406  
Victoria, Texas 77901  
(361)788-5034

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**Revised 04/16/18**

1. CONTACT WITH COURT PERSONNEL

- A. Case related telephone inquiries should be made only to the Case Manager in the Office of the Clerk of Court.
- B. The caseload will not allow the Case Manager to respond to telephone inquiries regarding motions and case status. Inquiries to the Case Manager should be made by letter unless a real emergency exists.
- C. Information regarding the filing of documents and entry of orders can be obtained by calling the U.S. District Clerk's Office in Victoria, Texas as 361-788-5000.
- D. At the Court's direction, law clerks may contact counsel, however, they will not discuss matters other than the subject of the call.
- E. Case related correspondence must be addressed to:  

United States District Clerk  
312 S. Main Street, Room 406  
Victoria, Texas 77901
- F. Do not address substantive issues in letter form.
- G. Courtesy copies of urgent documents may be sent to Chambers after originals are filed with the Clerk of Court.

2. EMERGENCIES

- A. Applications for restraining orders or other immediate relief must be made through the office of the Clerk.
- B. Counsel should contact the Case Manager on emergency matters at the U.S. District Clerk's Office, 312 S. Main St., Room 406, Victoria, TX 77901.

3. CONTINUANCES

- A. Joint Motions for Continuance are not binding and will be granted only at the Court's discretion.
- B. A trial will not be continued because of the unavailability of a witness. Counsel are to anticipate such a possibility and present testimony by deposition or stipulation.

4. APPEARANCES

- A. An attorney who appears at a hearing or conference should be familiar with the case, have authority to bind the client, and be in charge for that appearance.
- B. Out-of-town counsel may appear for conferences by telephone. Advance written notice must be given to the Case Manager.
- C. Counsel will appear for settings unless notified otherwise.

5. MOTION PRACTICE

- A. The Court follows the written motion practice described in the Local Rules. The motion and response will be considered by the Court after the submission date. The Court will refer motions to his assigned Magistrate Judge as the need arises.
- B. The submission date may be extended by agreement of counsel except when the extension violates a court-imposed deadline. Notify the Case Manager, in writing, of an agreement.
- C. A courtesy copy of all opposed motions and responses thereto shall be forwarded to chambers. If the document was filed electronically, attach a copy of the *Notice of Electronic Filing* indicating the document number and date of filing.
- D. Counsel are to ensure that all exhibits referred to in their briefs are in the record.
- E. Requests for oral argument are not necessary. The Case Manager will notify counsel should the Court determine that oral argument would be beneficial.
- F. The Court will rule on motions as soon as possible. Counsel will be furnished with copies of the orders.

6. PRETRIAL CONFERENCES

- A. An initial pretrial conference will be conducted within 140 days from the filing of the suit or notice of removal.

The Court will conduct subsequent pretrial conferences as the need is identified in specific cases.

7. REQUIRED PRETRIAL MATERIALS

A. Joint Pretrial Order

Counsel for the plaintiff is responsible for ensuring that the Joint Pretrial Order is filed on time. Follow the form in the Local Rules, adapting it within reason to the size and type of case.

Joint Pretrial Orders must be signed by all counsel.

Exhibit and witness lists are to be attached to the Pretrial Order.

B. OTHER REQUIRED DOCUMENTS

Jury Trials:

- Proposed questions for voir dire examination
- Proposed jury instructions, including definitions, with a citation of authority. Omit the customary, prefatory instructions as the Court will use its own.
- Proposed interrogatories.
- Memorandum of Law.

Non-Jury Trials:

- Proposed Findings of Fact and Conclusions of Law.
- Memorandum of Law.

8. TRIAL SETTINGS

- A. The Court maintains a one month trailing docket during which time a case is subject to be called to trial on short notice.
- B. Unless an attorney has actually commenced trial in another court, prior settings will not cause a case to be passed.
- C. A case not reached during the designated term will be reset to another term and counsel will be notified by telephone and in writing.

9. EXHIBITS

- A. All exhibits must be marked and exchanged among counsel before trial. The offering party will mark his own exhibits and include the case number on each one.
- B. Exhibit lists are to be included in the Joint Pretrial Order.
- C. Exhibits will be offered and admitted into evidence as the first item of business at the trial. The Court will admit all exhibits listed in the Joint Pretrial Order unless opposing counsel has filed written objections with supporting authority at least three (3) business days before trial.
- D. Counsel will not pass exhibits to the jury during trial without obtaining permission in advance from the Court. All admitted exhibits will go to the jury during deliberations.
- E. Counsel for each party is required to provide the Court with a properly tabbed and indexed notebook which contains a copy of each exhibit.
- F. Counsel should become familiar with Local Rule 79.2 regarding the disposition of exhibits following trial.

10. EQUIPMENT

- A. Easels with writing pads, a document projector and screen, TV and a VCR with DVD player are available for use in the courtroom.
- B. Any request by counsel to use personal electronic equipment (i.e. laptop computer, etc.) should be directed to the Case Manager by letter in advance of the trial or hearing date.

11. COURTROOM PROCEDURES

- A. Hours: Ordinarily for jury trials, court will convene at 9:00 a.m. and adjourn at 5:00 p.m. A one hour lunch break and a 20-minute recess in mid-morning and mid-afternoon are usually observed. Hearings and bench trials may have variable hours.
- B. Telephones: Telephone messages for counsel will not be taken by the judge's staff. Telephones located in chambers and the courtroom are for the Court's use only.

- C. Filing of Documents: Documents submitted for filing immediately prior to and during the course of a trial will be delivered to the Case Manager and a copy provided for the Court.
- D. Decorum: Counsel and parties will comply with Local Rule 19 regarding Courtroom behavior. These procedures are strictly enforced. Counsel will ensure that all parties and witnesses refrain from chewing gum, drinking, eating, smoking or reading nonlegal materials in the courtroom.
- E. Witnesses: Counsel are responsible for summoning witnesses into the courtroom and instructing them on courtroom decorum.

Permission to approach a witness must be obtained from the Court.

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 has been subpoenaed and has failed to appear.

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

Enter and leave the courtroom only by the front doors - do not use the Court's entrance.

Remain seated or stand at the podium while questioning witnesses.

- G. Deliberations: While the jury is deliberating, counsel are to remain near the courtroom in order to be immediately available for jury notes or a verdict.

## 12. VOIR DIRE

The Court will conduct a preliminary examination of the jury panel. Following the Court's examination, each side will be allowed to briefly examine the panel.

## 13. DEPOSITIONS

- A. The Court will accept the parties' agreement to use a deposition at trial even though the witness is available, otherwise follow F.R.C.P. 32.
- B. Depositions may be submitted to 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 citing pages and lines in the Joint Pretrial Order. Objections to those portions (citing pages and lines) with supporting authority must be filed three (3) business days before trial. The Court will attempt to rule on the objections before trial commences.
- D. Use of videotape depositions is permitted if counsel edit to resolve objections.

14. SETTLEMENTS AND ORDERS OF DISMISSAL

Upon the settlement of any case set for conference, hearing or trial, counsel will immediately notify the Case Manager. An order will be entered advising counsel to submit closing papers within 30 days. An extension of the 30-day period may be granted upon written request.