Court Procedures

Hon. Charles R. Eskridge III

These procedures apply to civil and criminal actions assigned to Judge Charles Eskridge.

When serving the summons and complaint or removal papers, Plaintiff must serve these procedures together with the Order for Conference and Disclosure of Interested Persons.

Direct inquiries regarding any case assigned to Judge Eskridge to:

Case Manager to Hon. Charles Eskridge
515 Rusk Street, Room 9015
Houston, Texas 77002
Telephone: (713) 250–5257
Email: CM_DJEskridge@txs.uscourts.gov

Updated as of October 30, 2026

CONTENTS

1. Applicability and compliance
2. Electronic filing and service
3. Emergencies
4. Consent to proceed before Magistrate Judge
5. Informal communication with the Court
6. Court copies
7. Attorney appearances
8. Virtual participation
9. Initial settings and filings in civil cases
10. Abbreviated trial schedule in certain civil cases
11. Continuances
12. Protective orders and filings under seal
13. Initial disclosures and start of civil discovery
14. Depositions and exhibits in civil cases
15. Discovery and scheduling disputes
16. Privilege logs
17. Motion practice and hearings
18. Briefing requirements
19. Final pretrial conference and trial setting
20. Joint pretrial orders in civil cases
21. Required pretrial filings
22. Trial exhibit lists
23. Witness lists
24. Deposition designations in civil cases
25. Motions *in limine*
26. Jury selection
27. Jury instructions
28. Bench trials
29. Juror comprehension initiative
30. Courtroom procedures and conduct
31. Courtroom technology and support
32. Mediation and settlements in civil cases
33. Revisions to procedures and forms

1. **Applicability and compliance**
   a. **Cases applicable.** These procedures apply to all civil cases assigned to Judge Charles Eskridge except for the following categories of cases:
      - Prisoner civil rights;
      - *Habeas corpus*;
      - Administrative agency appeals;
      - Miscellaneous government cases, such as subpoena enforcement, forfeiture, and the like; and
      - Miscellaneous matters, such as motions to quash.

      Follow these procedures where noted as applicable to criminal cases. Where procedures by their nature apply only to civil cases, they may still be considered for guidance.

   b. **Strict compliance.** Parties must strictly comply with these procedures. Use them together with the Local Rules and the Federal Rules of Civil and Criminal Procedure, with preference to these procedures on any inconsistency.

      Failure to follow these procedures and applicable rules may subject counsel and client or *pro se* parties to appropriate relief or dismissal.

   c. **Forms.** Visit the Court's website and review the available forms. Use these forms when applicable.

   d. **Additional information.** Additional information, forms, and the Local Rules are available on the website of the Southern District of Texas. A directory of useful numbers for the Office of the Clerk is Attachment 1.

   e. **Service.** Plaintiff must formally serve these procedures with the summons and complaint. File proof of service.

   f. **Additional requirements in removed cases.** Review Form 1 to see the necessary information required in removed cases. The removing party must make certificate of service and provide the additional information within ten days of removal. The action may be summarily remanded for failure of compliance.

2. **Electronic filing and service**

   a. **E-filing required.** All parties must file documents through the Case Management/Electronic Case Filing System pursuant to LR5.1 and CrLR49. Obtain and follow the Administrative Procedures for Electronic Filing in Civil and Criminal Cases from the website of the Southern District of Texas.

   b. **Service.** For parties represented by counsel with CM/ECF credentials, filing through the CM/ECF system constitutes sufficient service on other parties. For other parties, provide formal service in compliance with applicable rules.

3. **Emergencies**

   a. ***Ex parte* applications in civil cases.** *Ex parte* applications for restraining orders won't be entertained unless the initiating party satisfies the dictates of Rule 65(b).

   b. **Filing and service.** File any application for restraining orders or other immediate relief through the CM/ECF system. In addition to service required by rule, the initiating party must in good faith attempt immediate informal service on the opposing party by any available means, including forward of the application to last-known mail and email addresses.

   c. **Communication.** Make all related communications through the Case Manager via telephone or email.

   d. **Disposition.** The Case Manager will present the application to the Court after receiving written affirmation from the initiating party of contact with the opposing party and availability of all parties for a conference. Alternatively, the initiating party may provide written explanation that no legal requirement for such contact applies.

      Conference or hearing will be ordered as determined advisable. Relief and discovery will be directed as determined advisable.

   e. **Emergency motions.** File emergency motions on the CM/ECF system. Then send a copy by email directly to

the Case Manager so that it quickly receives appropriate attention.

Motions for extension of deadlines aren't emergencies. Neither are discovery disputes. See Section 15.

4. Consent to proceed before Magistrate Judge

a. Title. Congress in 1990 changed the title for Article I judicial officers from *Magistrate* to *Magistrate Judge*, making clear the judicial work that each does within the United States District Courts. Address them as such in briefs and when making appearances.

b. Agreement required. The parties by agreement may elect to proceed before the Magistrate Judge in civil cases assigned to the Court.

c. Required form. Use Form 2 to give consent to proceed before the Magistrate Judge. Follow the instructions. Don't alter the form.

5. Informal communication with the Court

a. Informal communication disfavored. Except as stated in these procedures, informal communication about cases is disfavored.

Don't address substantive issues in informal communication. Address such issues only through written filings and in-person conferences and hearings. Court personnel will not provide legal advice or predict what may happen either procedurally or substantively on any given matter.

b. Case Manager as main point of contact. Direct all case-related, informal communications through the Case Manager. Unless stated otherwise below, use the following:

- Letters to initiate discovery and scheduling disputes under Section 15;
- Letters or email for other minor procedural questions;
- Email or telephone for matters requiring prompt attention; and
- Fax only with prior permission.

c. **Law Clerks.** A Law Clerk may contact counsel with a specific inquiry at the Court's direction. Don't initiate contact with the Law Clerks unless returning a message. Don't discuss matters beyond the indicated subject.

d. **Status inquiries.** Obtain answers where possible from the website of the Southern District of Texas or the personnel listed on its directory. See Attachment 1.

   Review information on status of documents, entry of orders, and docket entries on the CM/ECF system prior to contacting the Court.

   Direct filing questions to the Office of the Clerk.

e. **Service and filing.** Prior to or with delivery of any letter or email, use the same means to provide a copy to all other parties. Don't file copies of letters or email on the CM/ECF system. They will be docketed as determined advisable.

6. Court copies

a. **When required.** Promptly submit a courtesy copy of:

   - Documents filed under seal regardless of length; and
   - Joint Pretrial Orders and other trial material.

   Don't submit a courtesy copy of any other filing except upon request, regardless of length.

b. **Form.** When providing copies of filings over one hundred pages, print double-sided and submit in a binder. Organize exhibits and attachments by tab at the right margin. Use the smallest binders that comfortably hold the material, but not larger than four inches. Divide into multiple binders when necessary.

   Provide courtesy copies marked with the file-stamped CM/ECF system docket number unless submitted on an urgent basis.

c. **Delivery to chambers.** Mail or hand-deliver courtesy copies to the attention of the Case Manager with a transmittal letter specifying the content.

   Don't file transmittal letters. Mail or email a copy of such letters without attachments to all other parties.

7. **Attorney appearances**

   a. **Notice of appearance.** All counsel who wish to receive CM/ECF notices must file a notice of appearance. Inclusion of names in the signature block of a pleading doesn't constitute notice of appearance.

   b. **Attorney in charge.** Counsel designated of record as *Lead Attorney* or otherwise specified as *in charge* must attend all settings. Obtain advance permission to send a designated alternate.

   c. **Appearance at hearing.** Any counsel or *pro se* party who appears at a hearing or conference must be:

      - Fully familiar with the facts and applicable law;
      - Prepared to argue any pending motion and to discuss any anticipated motion; and
      - Authorized to bind the client to stipulations relating to the appearance.

   d. **Waiver of in-person appearance in criminal cases.** Submit a waiver of in-person appearance in criminal cases before or at the start of any hearing where the defendant may appropriately be excused, if desired.

   e. **Failure to appear.** Failure to appear when notified of a setting may subject the attorney and/or the party to sanctions, including dismissal for want of prosecution or other appropriate order or judgment.

   f. ***Pro hac vice* admissions.** Include the applicant's averment of familiarization with these procedures and the Local Rules with any application for *pro hac vice* admission. Such admission isn't allowed for an attorney located within the Houston area.

   g. **Conduct.** The guidelines for professional conduct set forth in the Local Rules are Attachment 2. All counsel and *pro se* parties must always observe these guidelines. Bring contrary conduct to the Court's attention immediately.

8. **Virtual participation**
   a. **Limitation of use.** Virtual appearances are disfavored, but hearings and conferences will be set by video connection where appropriate.
   b. **Written request.** Submit requests establishing good cause for virtual appearance by email to the Case Manager reasonably far in advance.
   c. **Telephonic participation.** Telephonic participation isn't allowed unless video connection isn't possible. Use of cellular or speaker phones is prohibited absent unusual circumstances.
9. **Initial settings and filings in civil cases**

   Observe LR16.1. In addition:

   a. **Initial settings.** Review Form 3 to see the form of Order for Conference and Disclosure of Interested Parties.

      This order promptly issues to:

      - Establish the parties' Rule 26(f) meet-and-confer deadline;
      - Establish the filing deadline for the Joint Discovery/Case Management Plan; and
      - Set the date for the Rule 16 initial pretrial conference.

   b. **Joint Discovery/Case Management Plan.** Review Form 4 to see the form of Joint Discovery/Case Management Plan.

      All parties must sign and counsel for plaintiff must file a single, completed joint plan. Follow Rule 26(f) in all respects. Parties proceeding *pro se* or counsel with knowledge of the case and authority to address substantive and scheduling matters must attend the conference between the parties.

   c. **Scheduling and Docket Control Order.** A Scheduling and Docket Control Order is typically entered prior to the initial pretrial conference. Review Forms 5a (standard), 5b (abbreviated), and 5c (class action) to see the deadline intervals applicable to individual and class actions.

Confer in good faith and prepare to discuss at conference any necessary adjustment to the schedule. Reasonable modifications will be considered but wide variance won't be granted.

d. Specialized discovery protocols. The following forms typically apply in the indicated actions:

- Form 6, Initial Discovery Protocols for Employment Cases Alleging Adverse Actions;
- Form 7, Initial Discovery Protocols for Fair Labor Standards Act Cases Not Pleaded as Collective Action; and
- Form 8, Initial Discovery Protocols for Post-Disaster First-Party Property Insurance Disputes.

These discovery protocols are required unless otherwise ordered. Prepare to discuss their usefulness and any modifications at the initial pretrial conference.

e. Initial pretrial conference. An initial pretrial conference is set between sixty and ninety days from filing of the case. Prepare to discuss all matters covered by Rules 16 and 26(f), the Joint Discovery/Case Management Plan, and the Scheduling and Docket Control Order. Also prepare to argue any pending motions.

Notice will be given if no motions are pending that the initial conference will proceed by Zoom. The conference may also be canceled when determined advisable. Any party may by joint or individual email request reinstatement with explanation why the conference remains necessary. Plaintiff may also request reasonable continuance if it hasn't perfected service.

f. Orders of dismissal for want of prosecution. Any defendant upon whom plaintiff hasn't perfected service within ninety days after filing the complaint pursuant to Rule 4(m) is subject to dismissal for want of prosecution.

10. Abbreviated trial schedule in certain civil cases

a. Appropriate matters. Many cases aren't complex and don't present large amounts in dispute. In matters that

require neither substantial discovery nor lengthy trial, the abbreviated scheduling order at Form 5b is appropriate to afford swift and efficient resolution.

The following types of disputes will, where routine, presumptively proceed to trial approximately six months after the initial pretrial conference:

- Americans With Disabilities Act;
- Fair Credit Reporting Act;
- Fair Debt Collection Practices Act;
- Telephone Consumer Protection Act;
- Copyright infringement of streaming services;
- Premises liability claims for individual injury;
- Vehicle accident and insurance claims;
- Home foreclosure and mortgage disputes; and
- Home and weather-related insurance claims.

A longer scheduling and docket control order is freely granted if all parties request referral of the matter in its entirety to the Magistrate Judge. See Section 4.

b. Discovery limitations. Confer in good faith and prepare to discuss at the initial conference reasonable limitations on interrogatories, document production, request for admissions, depositions, and expert practice.

c. Abbreviated motion practice. Motions under Rules 12(b)(6) or 12(c) are discouraged and infrequently granted under this Section. Motions under Rule 56 are allowed only upon permission received at the final pretrial conference together with abatement of trial.

11. Continuances

The Scheduling and Docket Control Order will be modified only upon a showing of actual diligence and extraordinary circumstances. It's unlikely that any continuance will be allowed in matters under Section 10, absent genuine health exigencies or other emergency. Plan accordingly. In addition:

a. Approval required. The scheduling order isn't altered simply by agreement between the parties on continuance of deadlines. Request changes and include recommended

dates to adjust all deadlines following the first modification.

b. Discovery deadlines. Parties may agree to extension of discovery deadlines without seeking approval when the extension doesn't affect the scheduling order or other ordered deadline.

c. Vacation requests. Vacation and family requests are respected and will be accommodated, if possible, when made well in advance of a hearing or trial setting.

d. Continuances in criminal cases. Any request for continuance from the defendant in a criminal case must include a signed consent to the entry of an excludable-delay order as to Speedy Trial Act limits, if not already on file. Joint motion may be submitted in multi-defendant cases but must include all individual consents.

The parties must confer on any request for continuance. Include a certificate of conference addressing positions of all parties.

12. Protective orders and filings under seal

a. Protective orders. Review Form 9 to see the form of Standard Protective Order. This order is typically entered upon motion of either party after considering any requested modifications. If any party believes the matter requires a different form of protective order, jointly confer in good faith regarding appropriate terms and file either a joint or opposed motion for entry.

Upon entry of a protective order, the confidentiality designations of the parties govern disclosure and use of documents produced during discovery.

b. Motion required to seal. A presumption exists as to public access to judicial records. The filing of any pleading, brief, or supporting material under seal is disfavored. Seek alternate permission by motion establishing good cause as follows. Refer to *Le v Exeter Finance Corp*, 990 F3d 410, 417–21 (5th Cir 2021).

Under seal, file the at-issue pleading, brief, or other material. On the public record, separately file a motion to seal. Prepare and attach to the motion a redacted version

of the material suitable to and proposed for filing on the public docket. In the alternative, establish cause why redaction isn't possible.

Identify all under-seal filings on the CM/ECF system with an informative title and designation of SEALED. For example, *Motion for Summary Judgment (SEALED)*. Absent alternate permission, don't simply identify a document as *SEALED DOCUMENT* without explanation.

c. Disposition. Such motions are promptly considered, with filings directed under seal or on the public docket as appropriate.

13. Initial disclosures and start of civil discovery

a. Initial disclosures. Commence initial disclosures immediately. Include production of copies of all documents responsive to the categories listed in Rule 26(a).

b. Commencement of discovery. The parties may commence discovery by agreement once plaintiff perfects service of the complaint on all defendants. Absent agreement, commencement of discovery will be determined at the initial pretrial conference.

c. Proportionality required. Frame all interrogatories, document requests, and requests for admissions to meet relevance and proportionality requirements of Rule 26(b)(1).

d. Objections. State only specific objections. Observe the following:

- Don't state boilerplate objections or include any preamble;
- Don't state general or rote objections;
- Don't state any objection to the extent that it might apply and instead specify all objections exactly;
- Don't state any response as subject to a stated objection without specifying the extent to which a party withholds information on that basis; and
- Don't state that more information will or may follow later without specifying a reasonable deadline for completion.

e. Electronically stored information. Review Form 10 to see the form of Standard E-Discovery Order. This order is typically entered upon motion of either party after considering any requested modifications. If any party believes the matter requires a different form of order, jointly confer in good faith regarding appropriate terms and file either a joint or opposed motion for entry.

Absent other order, produce ESI in the native format kept by the producing party or in a common interchange format accessible by the opposing party. The production of ESI is initially limited to the files of five custodians selected by the opposing party. Seek alternate limitations for more custodians only after reviewing the initial production and conferring in good faith.

f. Supplementation. Supplement disclosures and discovery responses as directed by Rule 26(e). Tactical supplementation delayed until near or after the close of discovery is dealt with sternly, including the striking of evidence, witnesses, claims, and pleadings as appropriate.

g. Discovery continuances disfavored. Continuances due to failure to complete discovery are disfavored. Rather than grounds for continuance, discovery failures may result in the striking of evidence, dismissal of claims, or the striking of defenses.

14. Depositions and exhibits in civil cases

a. Number of depositions. Seek in good faith to agree to a reasonable limitation on the number of depositions. Consider relevance and proportionality under Rule 26(b)(1).

b. Order of depositions. Plaintiff is presumptively permitted to notice and take the first deposition with reasonable dispatch. Absent other agreement, the parties will then alternate depositions to the extent practicable on reasonable notice with no undue delay.

c. Time limits. Not all depositions require the full time allotted under Rule 30(d)(1). Seek in good faith to establish reasonable, reciprocal time limits. Wasteful or harassing use of deposition time won't be tolerated.

d. Sequential numbering of exhibits. Sequentially number each exhibit introduced at deposition without reference to party or deposition identity. Continue the sequence from deposition to deposition. For instance, if a deposition concludes at Exhibit 52, the next deposition commences at Exhibit 53.

Don't mark any document as an exhibit more than once. Absent error or oversight, each exhibit should have only one number during the case. Use that number in later depositions and on trial exhibit lists.

15. Discovery and scheduling disputes

a. Good faith required. Make a serious attempt to resolve all discovery and scheduling disputes without motion. This includes disputes to compel or quash any discovery or for protection.

Be pragmatic. Seek reasonable compromise. Costs may be shifted or other relief ordered against a party or counsel acting unreasonably or in bad faith.

b. Conference between lead counsel required. Lead counsel must personally confer on all discovery and scheduling disputes as a final attempt at resolution prior to involving the Court.

c. **Initiating letter required.** Don't bring a motion on discovery and scheduling disputes without permission. To obtain permission, the party seeking relief must submit a letter not exceeding approximately two single-spaced pages. Identify the nature of the dispute, outline the issues, and state the contested relief sought. Specify the conference between lead counsel and summarize the results.

   The opposing party should promptly submit a responsive letter of similar length identifying any disagreement. Don't submit a reply letter.

d. **Disposition.** The dispute may be determined on the letters. When determined advisable, a video conference is scheduled as soon as practicable. Disputes are disposed of at conference to the extent possible, with issues and briefing schedule established for any written motion allowed.

   Discovery disputes may at times be referred to the Magistrate Judge for determination.

e. **Disputes as to electronic data.** When the dispute includes discovery of electronic data, each party must have available at any conference a person with detailed knowledge of the computers and electronic databases in issue. Accurate information from such individuals is critical to the ordering of any necessary relief.

f. **Disputes with nonparties.** An initiating letter isn't required to seek discovery relief against a nonparty.

16. Privilege logs

a. **Misuse of privilege logs.** Privilege logs serve an important function to protect valid assertions of privilege. But misuse isn't tolerated.

b. ***In camera* review available.** When a party believes an opponent has misused its privilege log, it may request *in camera* inspection of not more than twenty documents. Bring any request by letter not exceeding approximately three single-spaced pages.

   Lead counsel must confer in good faith to resolve the dispute prior to any letter. In the letter, identify the

documents for review, state the grounds for challenge, specify the conference between lead counsel, and summarize the results. This letter establishes consent to *ex parte* contact with the party's opponent regarding the nature and verity of the asserted privilege.

Each party may freely submit only a single letter requesting *in camera* inspection. Submit any letter at least sixty days before the end of discovery or promptly upon receipt of any later privilege log. Seek any further or related requests according to Section 15.

c. Review by Magistrate Judge or Special Master. When on review a party appears to have misused its privilege log, the matter will likely be referred to the Magistrate Judge to review an appropriate sample of documents. Order for complete review of all logged documents by appointment of a Special Master may follow where necessary.

Costs will readily be shifted in favor of the prevailing party in appropriate circumstances.

17. Motion practice and hearings

Observe the procedures for motion practice in LR7, LR10, LR11, and CrLR12. In addition:

a. Conference and certificate required. Make serious, timely, good faith efforts to seek agreement on all disputed matters and requests for relief. This includes dispositive motions. Motions that don't include a certificate of conference may be denied or stricken.

b. Motions to dismiss or for judgment on the pleadings in civil cases. Pleading deficiencies of a claim or counterclaim are often cured in whole or in part by a permissible amendment to the subject pleading. Before filing a motion to dismiss for failure to state a claim or counterclaim under Rule 12(b)(6), or a motion for judgment on the pleadings on a claim or counterclaim under Rule 12(c), identify such issues to the opposing party and confer in good faith to resolve them. Motions that don't include this in the certificate of conference may be denied or stricken.

c. **Motions for summary judgment in civil cases.** Private mediation or settlement conference before the Magistrate Judge is required within forty-five days of the filing of a summary judgment motion under Rule 56. Proceed as directed under Section 32. Failure to participate in good faith may subject a party to sanctions under Rule 16(f).

   Immediately submit a joint report verifying either success or declaration of impasse by the mediator or Magistrate Judge. Motions for summary judgment won't be considered before submission of this joint report.

d. **Motions on discovery and scheduling issues.** Don't bring a motion on discovery or scheduling disputes absent alternate permission obtained under Section 15.

   Deadlines established by order remain in effect even upon the filing of a motion for extension. Submit such motions well in advance of any impending deadline.

e. **Motions to seal.** Filings under seal are disfavored. Proceed under Section 12 if believed necessary.

f. **Submission date and briefing deadlines in civil cases.** File any response within twenty-one calendar days of the motion. File any reply within ten calendar days of the response. Don't file a surreply absent advance permission.

   Opposed motions are considered upon the close of briefing. Promptly advise by email of need for decision on an expedited basis or date certain. Provide reasons justifying prompt attention.

   Advise by letter or email of any agreed extension of the submission date. Any proposed order for an agreed extension must also account for other pending deadlines.

g. **Submission date and briefing deadline in criminal cases.** Proceed according to CrLR12 and Rule 12 of the Federal Rules of Criminal Procedure.

h. **Proposed orders.** Use Form 11 to prepare draft proposed orders. Include a proposed order granting or denying the requested relief with all nondispositive motions and oppositions.

i. **Oral argument.** Many motions are determined on the papers, making adequate motion papers particularly important. Oral argument will be set when determined advisable. Counsel may jointly or individually advise by email of any request for oral argument together with circumstances to justify it.

j. **Briefing by *amicus curiae*.** Briefs from non-parties that provide additional information or perspective are welcome in appropriate matters, particularly of constitutional dimension. Seek leave to file any such brief by motion with the brief attached as an exhibit. The brief must clearly state which (if any) party it supports and must not exceed 4,000 words without other permission. Limited response by any party to such briefing is freely allowed.

k. **Young lawyers.** Associates and other young lawyers have limited argument and examination opportunities in federal court. Providing such opportunities benefits young lawyers, clients, and the profession as a whole.

   A representation that the party will entrust argument to a young lawyer who has substantially drafted or contributed to a motion or response weighs in favor of any request for oral argument. This includes argument on any *amicus* brief.

l. **Resolution by agreement.** Immediately advise by email of resolution of a pending motion. The motion will then be denied as moot.

18. Briefing requirements

Present succinct, pertinent, well-organized motion papers. Observe the following:

a. **Separate memorandum not allowed.** Don't file a separately designated *Memorandum of Law*. Include necessary factual support, legal argument, and requested relief in the motion itself.

b. **Style.** Use American letter-size paper, a minimum 13-point font, and a minimum of 1″ margins. Double space except for lengthy quotations, headings, and footnotes.

c. Word limits and certificate of word count. Limit any motion or response to 5,000 words (approximately twenty-five pages). Limit any reply to 2,000 words (approximately ten pages). Seek permission to file a surreply.

Provide a certificate of word count following the signature block. Reliance on word-processor register is sufficient in this regard. Word limits don't include the case caption, table of contents, table of authorities, signature block, and certificates.

Short and direct briefs are most the effective and useful. Word limits are thus rarely extended. Anticipate and seek resolution of any motion for extension well in advance of filing deadlines.

d. Footnotes. Footnotes are strongly disfavored. Their use is discouraged by the setting of word limits rather than page limits. Use the same font as text for any footnote believed necessary.

Evidence or argument raised only by footnote will be disregarded.

e. Briefing requirements. All motions or similar filings must contain:

- A short statement of the nature and stage of the proceeding;
- A statement of the facts necessary to resolution of the motion;
- A statement of the issues requiring resolution;
- A short statement of and authority for the standard of review for each issue;
- An argument devoted to relevant, persuasive legal authority;
- A short conclusion stating the precise relief sought; and
- Succinct headings dividing the motion into the above parts.

Submissions with an argument section more than ten pages must also contain:

- A separate cover sheet for the case caption and title of the filing;
- A table of contents setting forth page numbers of all sections and point headings;
- A table of authorities organizing in categories and arranging alphabetically all cited cases, statutes, rules, textbooks, and other authorities;
- A brief introduction of the dispute;
- A concise summary of the argument immediately prior to the argument in full; and
- Succinct point headings dividing the argument into separate components.

f. Citations. Provide pinpoint citation for all legal authority. For evidence, cite to page and line for depositions, to page and paragraph number for affidavits and pleadings, and to page and section number for contracts and similar materials. Use Bates number as the page reference where available.

g. Supporting evidence. Supply affidavits, deposition testimony excerpts, and supporting documents as exhibits to any filing. Provide a cover sheet to identify and separate each exhibit. Prepare and submit a table of contents when attachments are numerous.

Separately upload these exhibits together as a single attachment during filing on the CM/ECF system.

h. Copies of legal authority. Supply all cases or other authority not readily available through Westlaw or Lexis-Nexis as an appendix to any filing. Provide a cover sheet to identify and separate each authority. Prepare and submit a table of contents.

Separately upload any appendix as a single attachment during filing on the CM/ECF system.

i. Court copies. Submit courtesy copies if required and as directed in Section 6.

19. Final pretrial conference and trial setting

a. Final pretrial conference. Docket call is set in each civil case in the Scheduling and Docket Control Order. It

will typically serve as the final pretrial conference. But cases of unique complexity may at docket call be set to a further date for the final pretrial conference. Prepare to address all objections to pretrial filings and to argue outstanding motions.

A final pretrial conference is set in each criminal case in the Scheduling and Docket Control Order. Prepare to address all objections to pretrial filings and to argue outstanding motions.

b. Trial setting. Trial in civil cases will be set for a date certain at the earliest time determined advisable at docket call.

Trial in criminal cases is set in the Scheduling and Docket Control Order, typically to the week following the final pretrial conference.

c. Continuances. Continuance of firm trial dates is disfavored absent exigent circumstances. Establish good cause in any motion seeking continuance. A trial setting in another court isn't good cause unless lead or other primary counsel has commenced trial.

Continuance of a trial setting is unlikely in civil cases due to witness unavailability. Anticipate testimony by stipulation or by oral or written deposition under Rules 27, 30, and 31.

20. Joint pretrial orders in civil cases

a. Form. Use Form 12 to prepare a Joint Pretrial Order.

Adapt it within reason to accommodate the nature and complexity of the case.

b. Same-day filings. When filing the Joint Pretrial Order on the CM/ECF system, attach the pretrial filings set out in Section 21.

c. Responsibility. All lead counsel must sign the Joint Pretrial Order.

Primary responsibility rests with plaintiff's counsel to ensure timely filing unless otherwise set by order. On any failure by plaintiff's counsel, defendant's counsel must timely file the defendant's portions.

21. Required pretrial filings

a. Required filings. Unless determined otherwise by order, on the date established by rule each party must file:

- An exhibit list (Section 22);
- A witness list (Section 23);
- Designation of deposition excerpts (Section 24);
- Motions *in limine* (Section 25);
- Proposed topics and questions for examination of prospective jurors (Section 26);
- In jury trials, a proposed jury charge (Section 27);
- In bench trials, proposed findings of fact and conclusions of law (Section 28); and
- A trial memorandum of law identifying and addressing the legal propositions that are necessary to the disposition and relief sought in the case, with indication of those which aren't in dispute.

b. Court copies. Confer, prepare, and provide a joint trial notebook. Include each party's materials paired together in the order listed above. In civil cases, include the Joint Pretrial Order as the first item.

Counsel to plaintiff or prosecution must deliver three copies at least four business days prior to the final pretrial conference or docket call in the manner directed in Section 6.

22. Trial exhibit lists

a. Form. Use Form 13 to prepare a trial exhibit list. Also refer to Section 14.

Each offering party must mark its own exhibits with the party's name, case number, and exhibit number. List only those exhibits intended in good faith for use before the jury during trial.

If a party revises an exhibit list prior to the start of trial, file an amended exhibit list that restates the complete list and includes any additions or deletions. If a party revises

an exhibit list after the start of trial, file a supplemental exhibit list specifying only the additions.

b. Exchange and filing. Seek agreement on the form of exchange. Absent agreement, exchange well-organized USB drives or provide for similar download.

In civil cases, exchange all exhibits at the time of filing the Joint Pretrial Order unless agreed between the parties in writing to a different time. In criminal cases, a deadline for disclosure of exhibits will be set when appropriate.

At the conclusion of the final pretrial conference or docket call, file all exhibits on the CM/ECF system. File any additional exhibits on the CM/ECF system promptly upon identification for use at or during trial,

c. Court copies. Follow Section 21 regarding submission of all exhibit lists**.** In addition to the lists, each party must simultaneously submit all exhibits on a well-organized USB drive together with three copies in the manner directed in Section 6.

d. Objections. Confer in good faith to identify and resolve objections. The filing of objections with authority is required within seven days of listing and exchange, and the time limits of LR44.1, LR46, and CrLR55.2.B are superseded. File any response within seven days. Reply is optional within four days.

This includes identification in writing to the offering party of exhibits requiring authentication. Telephonic depositions to authenticate exhibits will typically be allowed on an expedited basis with the potential for the shifting of costs when appropriate.

e. Disposition. All exhibits listed without objection will presumptively be admitted into evidence. But such exhibits aren't considered admitted until referenced before the jury.

Objections are typically addressed when the parties offer exhibits in evidence during trial. The parties may request resolution of objections to a reasonable number of critical exhibits at the final pretrial conference.

Exhibits not disclosed as required are rarely admitted.

f. Publication to jury. Exhibits listed without objection don't require further permission for publication to the jury. Don't show exhibits with unresolved objections to the jury. Don't pass exhibits to the jury absent alternate permission.

g. Deliberations. All admitted exhibits will be provided to the jury during deliberations. The burden is on the parties to assemble and ensure that the Case Manager has all the admitted exhibits—and only the admitted exhibits—for delivery to the jury. The parties must jointly prepare and provide written certification of completeness.

h. Demonstrative exhibits. Don't list demonstrative exhibits unless intended for admission.

Disclose demonstrative exhibits to all other parties by 10:00 p.m. of the evening prior to intended use. Objections are resolved as a first order of business the following morning before seating the jury.

i. Sensitive exhibits. Identify at the final pretrial conference any concerns about sensitive, dangerous, or bulky exhibits.

A government agent must retain custody throughout trial of exhibits such as weapons, drugs, money, and the like. Replace with photographs where appropriate for jury deliberation.

j. Control of exhibits after trial. Refer to LR79.2 and CrLR55.2.C.

23. Witness lists

a. Form. Use Form 14 to prepare a witness list.

Each party must file a list of witnesses it intends in good faith to call in its case-in-chief. State for each witness:

- Full name, address, and identifying information;
- A concise summary of the expected testimonial topics;
- Whether the witness will testify live or by deposition; and
- Whether testimony is fact, expert, or record custodian.

b. Court copies. Follow Section 21 regarding submission of witness lists. Also furnish a copy to the court reporter before trial.

c. Objections. Confer in good faith to identify and resolve objections. File any objections with authority within seven days of listing. File any response within seven days. Reply is optional within four days.

d. Disposition. Objections to witnesses are typically resolved at the final pretrial conference.

e. Order of witnesses. In civil cases, by 8:00 p.m. two days in advance of the first day of trial, plaintiff must notify all other parties as to the order of witnesses expected during the first two days of trial. Once trial commences, the parties must update one another at the end of each trial day on the order of witnesses expected during the next two trial days.

In criminal cases, prepare to discuss at the final pretrial conference whether the required notification above is appropriate or requires modification.

24. Deposition designations in civil cases

a. Unavailability required. Jurors don't like hearing testimony from prior depositions. Follow Rule 32 to establish unavailability for use of designations. Even agreed requests are typically refused when the witness is available.

b. Form. Use Form 15 to prepare deposition designations.

Deposition designations are presumptively limited to twenty-five minutes and counter-designations to fifteen minutes absent agreement or alternate permission. Don't

designate irrelevant or repetitive testimony, objections, or colloquy at depositions.

For bench trials, also offer the entire deposition marked as an exhibit.

c. Court copies. Follow Section 21 regarding submission of all deposition designations.

During trial, seek to dedesignate unnecessary or cumulative testimony. Provide revised designations to opposing counsel three days in advance of intended use.

d. Objections and counter-designations. Confer in good faith to identify and resolve objections. The objector must provide any objections with authority to the designator two days in advance of intended use. Also include counter-designations by page and line. The designator must then provide any counter-objections or reply to the objector one day in advance of intended use.

e. Disposition. As to each intended deposition designation, the designator must make a joint filing comprehending the parties' exchanges twenty-four hours in advance of intended use. Objections are typically resolved after the conclusion of the trial day of the day prior to the intended use of the designated testimony.

The designator must prepare and have each designated deposition ready upon request. Include a cover sheet with concise summary of topics for each witness, the first deposition page, and at least two pages prior to and after any designation. Highlight in contrasting colors to indicate all designated testimony, counter-designations, and objections. Use a condensed transcript (four pages to one) when available.

f. Presentation to jury. After the ruling on objections, review and agree on the accuracy of any final synthesis or videotape edit well prior to reading or playing.

Counterdesignations for optional completeness come in with the subject designation. All others follow the original designations.

25. Motions *in limine*

a. Form. Review Form 16 to see the form order for standard topics *in limine* in jury trials.

Confer in good faith to complete and jointly file any requested modifications. Also confer in good faith regarding additional topics. Note all joint or unopposed requests.

Don't bring motions *in limine* in bench trials. Don't raise or reurge topics resolved under *Daubert* or summary judgment practice. Keep in mind that *limine* practice typically concerns only topics so unfairly prejudicial that resulting prejudice can't be cured by instruction.

b. Court copies. Follow Section 21 regarding submission of all motions *in limine*.

c. Objections. File any response with authority within seven days of motion. Reply is optional within four days.

d. Disposition. The standard order is entered as modified during the final pretrial conference. A separate order is entered prior to jury selection as to other topics granted.

26. Jury selection

a. Number of jurors. Twelve jurors are seated in both civil and criminal cases. At least one alternate is seated in criminal trials, with additional alternates seated in lengthy trials.

b. Juror questionnaire. Review Form 17 to see the form questionnaire required of prospective jurors for service.

Completed questionnaires will be provided to the parties prior to jury selection. Don't make copies. Return all questionnaires on conclusion of jury selection.

Confer in good faith, and jointly or separately propose topics and questions for examination of the panel that are specific to the case.

c. Time of selection. Jury selection will commence as early in the day as possible.

Be prepared for opening statements to follow immediately after seating of the jury. Testimony will also commence if time permits.

d. Examination. In civil cases, each side will typically be allowed up to thirty minutes to examine prospective jurors on matters specific to the case. In criminal cases, counsel may upon request briefly examine prospective jurors on matters specific to the case.

The Court will provide background information to the panel and conduct a preliminary examination. It may also conduct further examination after the parties conclude.

e. Peremptory challenges. Refer to 28 U.S.C. § 1870 for civil cases. Refer to Rule 24 of the Federal Rules of Criminal Procedure for criminal cases.

27. Jury instructions

a. Joint or unified proposed jury charge, civil cases. Confer in good faith on the necessary charge to the jury. Seek agreement and reasonable compromise in accord with the law.

File a single, joint or unified proposed charge even if not agreed in full. Observe the following:

- Separately number all necessary instructions and questions;
- Address at a minimum the *prima facie* elements of each cause of action and defense, legal definitions necessary to the jury, components of damages, and methods of calculation of damages;
- Present each instruction, definition, and question with supporting legal authority;
- Use the Fifth Circuit Pattern Jury Instructions whenever possible;
- Identify with legal support any deviations from the pattern instructions;
- Identify by bold, italicized, or differently colored font any disputed language and which party requests each competing version; and
- Don't use footnotes to argue or explain disagreements.

b. Jury charge, criminal cases. At the time ordered, the prosecution must file a proposed jury charge based solely

on the Fifth Circuit Pattern Jury Instructions and supported modifications. At least three days prior to the final pretrial conference, the defense must file objections or its own supported modifications.

Each side must provide supporting legal authority for all requested instructions, definitions, and questions. If either side believes the case requires an instruction not included within the Fifth Circuit Pattern Jury Instructions, confer in good faith to propose agreed wording. Prior to the final pretrial conference, file an agreed instruction or competing versions of the requested instruction that identify agreed aspects.

c. Court copies. Follow Section 21 regarding submission of the charge.

In civil cases, counsel for plaintiff must also jointly submit a Word version by email or USB drive. In criminal cases, counsel for prosecution and defense must each also submit a Word version by email or USB drive.

d. Charge conference. A final jury charge will be determined at a charge conference after the close of all evidence and prior to closing arguments.

A preliminary charge conference typically occurs during the final pretrial conference. A proposed jury charge will be provided to the parties when ready, potentially prior to jury selection. The proposed jury charge will be modified in light of the evidence during trial and further consideration of applicable law.

e. Young lawyers. On request of all parties and time permitting during the preliminary or final charge conferences, young lawyers who have researched and participated in drafting the proposed jury charge are allowed to argue the law in a nonexclusive manner. More experienced lawyers will be allowed to finalize the argument and further preserve the record if desired.

28. Bench trials

a. Required filings. In civil trials, the parties must file proposed findings of fact and proposed conclusions of law

at the ordered time before and after trial. In criminal trials, no such filings are necessary absent other order.

b. Proposed findings of fact in advance of trial. Each party must specify all proposed findings that it anticipates establishing at trial. To the extent possible, cite deposition testimony, expected witness testimony, exhibits, or other evidence to support each proposed finding. Specify stipulated or agreed facts.

c. Proposed conclusions of law in advance of trial. Each party must cite legal authority to support all proposed conclusions of law it seeks at trial. Specify agreed propositions of law.

Each party must set forth all legal propositions necessary to the disposition and relief sought in the case. At a minimum, address the *prima facie* elements of each cause of action and defense, the relation of necessary evidence to those elements, necessary legal definitions, all components of damages, and methods of calculation of damages.

e. Joint supplementation following trial. At the ordered time following trial, the parties must file joint proposed findings of fact and conclusions of law. Submit the proposed findings and conclusions as a single document according to an agreed outline that the parties believe makes the most sense. Use black font for all agreed findings and conclusions. Where the parties disagree, use different color font, with plaintiff submitted in red and defendant submitted in blue.

As to each proposed finding of fact, citation must be made either to specific testimony and evidence from trial or to a stipulation by the parties. As to each proposed conclusion of law, follow the guidance provided above as to pretrial proposed conclusions.

f. Court copies. Follow Section 21 regarding submission of these materials. Counsel for plaintiff must also jointly submit a Word version by email or USB drive.

29. Juror comprehension initiative

a. Jury trial innovations. One or more of the following practices may be implemented where appropriate to assist juror comprehension:

- Trial time limits;
- Preliminary substantive jury instructions;
- Notetaking by jurors;
- Trial binders for jurors to include glossary of terms, cast of characters, chronology, and key exhibits;
- Questions by jurors during trial; and
- Interim statements or argument to jury by counsel.

Refer to the Court's website for additional information.

b. Selection. Confer in good faith and prepare to discuss suitability of these practices at the final pretrial conference.

30. Courtroom procedures and conduct

a. Decorum. The guidelines for courteous and orderly behavior set forth in the Local Rules are Attachment 3. Counsel must ensure all participants always observe these conventions.

For emphasis, personal invective directed at any person won't be tolerated in any circumstances. Address one another, all witnesses, the jury, and court personnel with courtesy and respect.

b. Hours. Hours during trial vary depending upon the type of case and the needs of the parties, counsel, witnesses, jurors, and the Court.

Time before the jury typically commences at 9:00 a.m. and adjourns shortly after 5:00 p.m. on each day. Expect to arrive earlier and stay later than the jury for trial conferences.

Court recesses one hour for lunch and twenty minutes each morning and afternoon. Fridays are typically excepted from trials longer than one week due to

conferences, sentencings, and other regularly scheduled matters.

c. Courtroom access. Arrange in advance by email with the Case Manager for any necessary access before or after normal hours.

Enter and leave the courtroom only by the front, public doors. Don't use other doors absent alternate permission.

d. Seating. The table closest to the jury is reserved for the plaintiff or prosecution.

The Case Manager will note the original seating position of all counsel on a chart for the Court's reference. Remain as situated throughout trial or hearing unless any change is confirmed with the Case Manager.

e. New documents offered. File all original documents as soon as practicable. Handing up documents at trial or hearing doesn't constitute filing.

Have ready two copies of documents filed during or within seven days prior to trial or hearing.

f. Witnesses. Counsel must instruct witnesses in advance on courtroom decorum and duties under *the Rule* when invoked.

The parties are responsible to summon their respective witnesses when called. Also arrange in advance for any necessary interpreter. Trial or hearing won't be recessed unless a missing witness fails to appear on subpoena or a scheduled interpreter overlooks timely arrival.

When questioning witnesses:

- Stand at the lectern or seek alternate permission in appropriate circumstances to remain seated;
- Look at and address the witness, not the jurors;
- Seek leave to approach the witness; and
- Make every effort to avoid cumulative testimony and to elicit from witnesses only information relevant to the issues in the case.

g. Food and beverages. Counsel and staff may have water available at counsel table or at the lectern. Witnesses may have water available on the stand.

No other food or beverage is permitted in the courtroom generally. Counsel must ensure that all spectators refrain from eating or drinking. Seek alternate permission if necessary.

h. Jury deliberations. Counsel must remain immediately available within the courthouse during deliberations. Seek alternate permission if necessary.

i. Juror contact after trial. Observe LR47 and CrLR24.1 or seek alternate permission.

31. Courtroom technology and support

a. Electronic devices. Everyone must turn off and keep stored all cellular telephones, pagers, or similar devices while in the courtroom. Exceptions are rarely granted.

Counsel and staff may have their laptops or similar computers before the bar and available solely for litigation purposes. Computers and extraneous reading material aren't allowed elsewhere in the courtroom.

Counsel must make certain that their clients, witnesses, and spectators comply.

b. Audio, visual, and display equipment. Easels with writing pads, projection, document camera, sound, and video equipment can be available upon advance request.

Parties may provide their own equipment upon advance arrangement with the Case Manager and courthouse security.

c. Equipment use and testing. Consult with the Case Manager on technology needs or special arrangements well in advance of trial or hearing.

Arrange access to the courtroom to set up and test equipment. Recess won't be allowed to resolve technical difficulties arising from lack of preparation or testing.

d. Court reporting. Make prior arrangement with the Court Reporter for daily or real-time transcription if desired.

e. Telephones. The Court's staff won't take telephone messages absent unusual circumstances.

Telephones in chambers aren't available absent alternate permission in emergencies.

f. **Copying service.** The Court's staff won't make copies absent unusual circumstances. The sixth-floor law library has a copying machine available at nominal charge. Arrange to pay the library staff at time of usage.

g. **Trial supplies**. Parties may leave their exhibits, boxes, and other materials in the courtroom during any recess and overnight. Restore all supplies to good order at the end of each day.

h. **Attorney conference rooms.** Attorney conference rooms are available during trial or hearing. Make advance request to the Case Manager for a key. Restore the room to good order and return the key at the conclusion of trial or hearing.

32. Mediation and settlements in civil cases

a. **Periodic updates.** The parties must entertain good-faith settlement discussions at appropriate intervals. Periodic status reports will be requested as determined advisable.

b. **Alternative dispute resolution.** Private mediation or settlement conference before the Magistrate Judge is required within forty-five days of the filing of a summary judgment motion under Rule 56. Further attempt may be required before the final pretrial conference.

A mediator will be appointed when the parties can't select one by agreement. The parties may make joint request to determine whether the Magistrate Judge is available to serve at no cost.

c. **Notice of settlement discussions.** Provide notice by letter or email whenever serious settlement discussions are underway. Consideration of pending motions will be postponed until advised of success or impasse.

d. **Notice of settlement and conditional orders of dismissal.** Provide immediate notice of settlement by email to the Case Manager. An order of dismissal will be entered without prejudice to request within a reasonable

time for reinstatement if approval of documentation or condition precedent fails.

e. **Settlements involving minors.** Counsel must jointly move for a hearing to appoint a guardian *ad litem* and to approve settlement of any suit involving a minor when a potential conflict of interest exists between the parent(s) and the minor.

   Seek agreement on a recommendation where possible. Absent agreement, individually submit the names of qualified attorneys for consideration.

33. Revisions to procedures and forms

a. **Revisions.** These procedures and forms are maintained to answer common questions that arise during litigation, to reduce confusion as to the Court's preferences, and to guide the proper and efficient resolution of the parties' disputes. Updated versions are posted as dictated by experience.

b. **Suggestions welcome.** Suggestions and comments are appreciated. Submit them by letter or email to the Case Manager. Provide a copy to other counsel if made in connection with an active matter.

Attachment 1

Directory of Information
Southern District of Texas, Houston Division

OFFICE OF THE CLERK
UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

For inquiries and information, the main number for the Office of the Clerk is (713) 250–5500.

For additional information and resources, visit the website of the Southern District of Texas at www.txs.uscourts.gov.

For information related to the following, contact:

Admission of Attorneys ..... (713) 250–5500
Appeals ..... (713) 250–5500
Bail Bonds, Disbursement ..... (713) 250–5546
Bill of Costs ..... (713) 250–5500
Civil Case Information ..... (713) 250–5500
Copy Service ..... (713) 250–5500
Court Reporters ..... (713) 250–2120
Case Managers to U.S. District Judges
- Chief Judge Randy Crane ..... (956) 618–8441
- Judge Alfred H. Bennett ..... (713) 250–5850
- Judge Angela Colmenero..... (713) 250-5732
- Judge Keith Ellison ..... (713) 250–5181
- Judge Charles Eskridge ..... (713) 250–5257
- Judge Andrew S. Hanen ..... (713) 250–5518
- Judge George C. Hanks Jr.....(713) 250–5924
- Judge David Hittner ..... (713) 250–5667
- Judge Kenneth M. Hoyt ..... (713) 250–5884
- Judge Sim Lake ..... (713) 250–5514
- Judge Lee H. Rosenthal ..... (713) 250–5516
- Judge Drew Tipton ..... (361) 693–6403
- Judge Ewing Werlein ..... (713) 250–5533

Case Managers to U.S. Magistrate Judges
- Magistrate Judge Richard Bennett..... (713) 250-5703
- Magistrate Judge Peter Bray ..... (713) 250–5148
- Magistrate Judge Christina Bryan ..... (713) 250–5158
- Magistrate Judge Andrew Edison.....(409) 766–3555

Magistrate Judge Yvonne Ho ..... (713) 250–5725
Magistrate Judge Dena H. Palermo..... (713) 250–2702
Criminal Cases (Open & Closed) ..... (713) 250–5500
Financial Section ..... (713) 250–5875
Interpreters ..... (713) 250–5667
Jury ..... (713) 250–5500
Local Rules ..... (713) 250–5500
Monition ..... (713) 250–5500
Naturalization ..... (713) 250–5500
Prisoner Related Cases ..... (713) 250–5402
Registry Funds ..... (713) 250–5875
Service of Papers ..... (713) 250–5500
Statistical Information ..... (713) 250–5500
Summons ..... (713) 250–5500
Transcripts ..... (713) 250–5499
Warrant of Seizure ..... (713) 250–5500

Other Agencies:
Federal Public Defender ..... (713) 718–4600
U.S. Attorney .....(713) 567–9000
U.S. Marshal ..... (713) 718–4800
U.S. Probation ..... (713) 250–5266

Attachment 2

Guidelines for Professional Conduct

Guidelines for Professional Conduct

Local Rules of the Southern District of Texas, Appendix D

A. In fulfilling his or her primary duty to the client, a lawyer must be ever conscious of the broader duty to the judicial system that serves both attorney and client.

B. A lawyer owes, to the judiciary, candor, diligence, and utmost respect.

C. A lawyer owes, to opposing counsel, a duty of courtesy and cooperation, the observance of which is necessary for the efficient administration of our system of justice and the respect of the public it serves.

D. A lawyer unquestionably owes, to the administration of justice, the fundamental duties of personal dignity and professional integrity.

E. Lawyers should treat each other, the opposing party, the court, and members of the court staff with courtesy and civility and conduct themselves in a professional manner at all times.

F. A client has no right to demand that counsel abuse the opposite party or indulge in offensive conduct. A lawyer shall always treat adverse witnesses and suitors with fairness and due consideration.

G. In adversary proceedings, clients are litigants and though ill feeling may exist between clients, such ill feeling should not influence a lawyer's conduct, attitude, or demeanor towards opposing lawyers.

H. A lawyer should not use any form of discovery, or the scheduling of discovery, as a means of harassing opposing counsel or counsel's client.

I. Lawyers will be punctual in communications with others and in honoring scheduled appearances and will recognize that neglect and tardiness are demeaning to the lawyer and to the judicial system.

J. If a fellow member of the Bar makes a just request for cooperation, or seeks scheduling accommodation, a lawyer will not arbitrarily or unreasonably withhold consent.

K. Effective advocacy does not require antagonistic or obnoxious behavior and members of the Bar will adhere to the higher standard of conduct which judges, lawyers, clients, and the public may rightfully expect.

Attachment 3

Courtroom Etiquette

Courtroom Etiquette

Local Rules of the Southern District of Texas, Appendix C

People who appear in court must observe these and other conventions of courteous, orderly behavior.

A. Be punctual.

B. Remain in attendance until excused. All persons sitting before the bar shall remain there during each session and return after recess. Parties and counsel must remain in attendance during jury deliberations; absence waives the right to attend the return of the verdict.

C. Dress with dignity.

D. Address others only by their titles and surnames, including lawyers, witnesses, and court personnel.

E. Stand when the Court speaks to you; stand when you speak to the Court. Speak only to the Court, except for questioning witnesses and, in opening and closing, addressing the jury.

F. Avoid approaching the bench. Counsel should anticipate the necessity for rulings and discuss them when the jury is not seated. When a bench conference is unavoidable, get permission first.

G. Hand to the clerk, not the judge or reporter, all things for examination by the judge.

H. Stand when the judge or jury enters or leaves the courtroom.

I. Contact with the law clerks is *ex parte* contact with the Court. Contact must be through the Case Manager.

J. Assist the summoning of witnesses from outside the courtroom. Furnish the clerk and marshal with a list of witnesses showing the order they are likely to be called.

K. Question witnesses while seated at counsel table or standing at the lectern. When it is necessary to question a witness about an exhibit, ask permission to approach the witness.

L. Conduct no experiment or demonstration without permission.

M. Do not participate in a trial as an attorney if you expect you may be called as a material witness.

N. Avoid disparaging remarks and acrimony toward counsel and discourage ill will between the litigants. Counsel must abstain from unnecessary references to opposing counsel, especially peculiarities.

O. Make no side-bar remarks.

P. Counsel are responsible for advising their clients, witnesses, and associate counsel about proper courtroom behavior.

Q. Request the use of easels, light boxes, and other equipment well in advance so that they may be set up while the Court is not in session