

Hon. Ronald G. Morgan
United States Magistrate Judge
U.S. District Court for the Southern District of Texas
600 E. Harrison Street, Room 204
Brownsville, Texas 78520-7114
(956) 548-2570

Civil & Criminal Procedures

The following are procedures which, in addition to the Local Rules of the Southern District of Texas, will govern all cases that are before United States Magistrate Judge Ronald G. Morgan.

In both criminal and civil cases, Judge Morgan adopts the procedural rules of the presiding judge for that case, except as provided below.

If the parties in a civil case agree to have Judge Morgan preside over the case, pursuant to 28 U.S.C. 636(c), Judge Morgan adopts Judge Rodriguez's civil procedures and rules, except as provided below.

Here are answers to frequently asked questions:

Can the court be contacted by E-mail or fax? If so, what is the number or address?

Does the court accept filings by fax or E-mail?

The Court may be contacted through its Case Manager, Bertha Vasquez, by e-mail or phone.

E-mail: Bertha_Vasquez@txs.uscourts.gov

Phone #: (956) 982-9657

All scheduling matters – both civil and criminal – should be addressed to the Case Manager.

Faxing is generally discouraged. In an emergency situation, the best practice is to file the motion on CM/ECF and call the Case Manager to let her know of the filing.

Do you have any rules regarding filing, hearing or granting motions?

The Court strictly enforces Local Rule 7.1.D concerning certificates of conference.

Will the Court hold a hearing on my motion?

As to criminal cases: the Court holds motions hearings once a month. The Court will rule on discovery motions during that hearing. Judge Morgan will not rule on dispositive motions, e.g. motions to suppress or motions to dismiss; those motions will be heard and decided by the District Judge at a later date.

As to civil cases: parties should make their best arguments in their written briefing. Judge Morgan will generally only hold a hearing for civil motions if (1) the motion in question requires an evidentiary hearing to resolve factual questions that cannot be answered by affidavits/deposition testimony or (2) it is an emergency motion where time is of the essence and briefing is impractical.

How does the Court handle discovery disputes?

(1) The Court expects counsel to be able handle discovery disputes on their own without the Court's intervention.

(2) All discovery requests, responses, and objections are governed by the requirements of Rule 26(g) of the Federal Rule of Civil Procedure. Counsel and parties shall be familiar with the requirements of the Rule. All discovery responses, including answers, including answers to interrogatories, document production requests, and disclosures are to be complete and non-evasive, as required by Rule 37(a)(4).

Evasive or incomplete discovery responses, answers, or disclosures will be deemed to be a failure to respond, answer, or disclose.

(3) If a party responding to a discovery request, including interrogatories and document production requests, objects, in whole or in part, to the discovery, objections must be specific, non-boiler plate and supported by particularized facts where necessary to demonstrate the basis for the objection. Failure to do so may be deemed by the Court to constitute a waiver of objection.

(4) The parties are reminded that, pursuant to Federal Rules of Evidence 502(d), the inadvertent disclosure of information otherwise protected by the attorney-client or work product privileges shall not constitute waiver of the privilege by the producing party.

Does the Court require the entry of a protective order in civil cases?

In many civil cases, the Court will require the parties to file a joint protective order for the Court's approval (the major exceptions are pro se prisoner civil rights cases and student loan recovery cases). The Court believes that a well-crafted protective order will help avoid discovery disputes in the case and streamline the exchange of discovery.

The parties are encouraged to formulate an order that is specific to the issues of each particular case, but the Court does provide a template order at <https://www.txs.uscourts.gov/content/united-states-magistrate-judge-ronald-g-morgan>

When (if ever) do you want a courtesy copy of a pleading?

The Court does not need written courtesy copies of pleadings. If the party is submitting audio or video evidence (i.e., an exhibit for a summary judgment motion), the Court requests that an extra copy of the exhibit be submitted to the Clerk’s office as a courtesy copy for the Court’s use.

How does the Court handle scheduling orders?

At the outset of a civil case, the Court sets an initial pretrial and scheduling conference as a matter of course. If the parties can amicably agree to a discovery and case management plan, the Court typically cancels the pretrial conference and issues a scheduling order that reflects the case management plan. If the parties believe that there are unusual issues in their case, that require a scheduling conference, they shall describe them, in detail, in their discovery and case management plan.

If the parties believe that the scheduling order should be amended, they should file a motion for a continuance. The Court will typically grant unopposed or joint motions to amend the scheduling order.

In civil trials, do you allow attorneys to conduct their own voir dire?

Yes. The Court will conduct the initial voir dire, but it will allow time for one attorney from each party to question the venire.

What are your procedures and requirements for Court appointments for indigents, and guardians ad litem?

For appointments of counsel, the Court utilizes the local CJA list and selects counsel.

For guardians ad litem, if the parties can agree on a local attorney to appoint, the Court will generally appoint that person. That local attorney should already be a member of the bar for the Southern District of Texas. If the parties cannot agree or do not have someone in mind, the Court will select the guardian.

Any special suggestions, admonitions or recommendations you would make to lawyers appearing before you?

Be prepared. Be on time. Be civil.