

COURT:

United States Magistrate Judge of the United States District Court for the Southern District of Texas

JUDGE'S NAME:

Stephen Wm. Smith

COURT ADDRESS:

United States Courthouse
515 Rusk Street, Room 7720
Houston, TX 77002

STAFF:

Case Manager: Jason Marchand, (713) 250-5148

JUDGE'S PROFILE:

Year Elected/Appointed:

2004, reappointed 2012

Previous legal experience/area of practice before becoming a judge and with whom:

Board Certified Labor and Employment Law; Fulbright & Jaworski, LLP, 1978-2004 (partner 1985)

1. Can the court be contacted by e-mail or fax? Does the court accept filings by fax or e-mail?

See the S.D. Tex. website for information regarding electronic filing; Parties may email Jason at: cm41bt@txs.uscourts.gov. The court prefers not to receive faxes to chambers without prior authorization.

2. What is your preferred procedure for contacting the court in a true emergency?

Call Jason at (713) 250-5148. If Jason is unavailable, call chambers at (713) 250-5100.

3. Do you have particular rules regarding filing, hearing or granting motions?

Follow Federal and Local Rules as well as any specific instructions from Jason.

4. Do you have any particular procedure regarding scheduling, preparing or filing Rule 16/Bankruptcy Rule 7016 docket control/scheduling orders (for discovery cutoff, designation of experts, amended pleadings...)?

The court enters scheduling orders at Rule 16 initial conferences at the referral of the district judges. Follow Federal and Local Rules.

5. What are your requirements and procedures regarding dismissing cases, the routine dismissal docket, and motions to retain?

Follow Federal and Local Rules. The court does not have a "routine dismissal docket."

6. Do you have any special rules governing courtroom decorum (e.g., addressing the court, opposing counsel or witnesses, requirement that counsel use only podium, approach the witness, talking or passing notes at the counsel table, beverages allowed at the counsel table, attire)?

The court requires professional behavior and attire at all times. Disruptive behavior, particularly at counsel table, will not be tolerated. Counsel should always stand when addressing the court. Use of the podium, approaching witnesses, etc. will be addressed on a case by case basis.

7. What are your preferred procedures for contacting the court or court staff regarding the status of motions? What procedures should be followed to obtain an expedited hearing?

Contact Jason regarding emergency matters or to check on the status of motions. If requesting expedited or emergency consideration, be sure to state that in the title of the document and on the electronic docket.

8. Does the court provide its own blackboard?

Contact Jason with any questions regarding courtroom resources.

Chart stand?

Overhead projector?

Video equipment?

What arrangements must be made to use them?

9. When do you regularly have docket call and/or motions calendar?

Set on a case by case basis.

10. Do you allow attorneys to conduct their own voir dire?

The court conducts limited voir dire, and then allows counsel additional time to conduct their own voir dire.

11. Do you set time limits per side or specifically for witnesses, opening statements, and/or closing? If so, what are your general parameters?

Time limits are set on a case by case basis.

12. Do you allow telephone conferences for the resolution of motions or any other matters? If so, who arranges them and when are they scheduled?

Telephone conferences are allowed on a case by case basis. Contact Jason with requests and to make arrangements.

13. What is your procedure regarding pre-trial conferences, pre-trial settings, and scheduling of same?

Follow Federal and Local Rules. The court will notify parties of all settings.

14. Do you have a limited number of non-issues/pre-trial settings and a certain time period between settings?

No.

15. What are your procedures and requirements for court appointments for indigents, guardians ad litem and/or bankruptcy issues?

Follow Federal and Local Rules. Such matters are determined on a case by case basis.

16. Are any forms required by counsel to prepare at the initial setting (for criminal cases)?

No.

17. Is notice of rulings given by the court in writing?

Rulings may be written, oral, or reflected in electronic entries on the case docket. Parties are responsible for checking the case docket and informing the court of current contact information.

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

The court requires a courtesy copy only when a document is filed shortly before a hearing or in an emergency. The court may at times request a courtesy copy of voluminous material.

19. Do you prefer copies of cases attached to briefs/motions? If so, do you prefer pertinent provisions of the cases to be highlighted?

Only unpublished or not readily available cases need be attached.

20. What is your practice regarding discovery disputes?

The court follows standard motion practice under the Federal and Local Rules. Contact Jason in an emergency.

21. When generally do you find that sanctions are appropriate?

The court determines sanctions on a case by case basis.

22. What matters do you routinely refer to your docket for adjudication? For which courts do you routinely work?

Magistrate Judge Smith currently is the Magistrate Judge for U.S. District Judge David Hittner and U.S. District Judge Lynn Hughes.

23. What are your procedures for referring cases to alternative dispute resolution? Under what circumstances do you order mediation? When it is ordered, how is a mediator chosen?

The court orders mediation on a case by case basis.

24. What is your procedure for continuing trials? How early will you grant/deny a request and how early do you want the request made?

A motion for continuance should be filed as early as practicable. Continuances are granted only for good cause on a case by case basis.

25. What are your procedures for number of jurors in civil cases and do alternates participate in jury deliberations?

The number of jurors selected varies by case, and all jurors participate in deliberations. The court does not select alternate jurors.

26. Are there any special practices or procedures lawyers appearing before you should know about?

Follow Federal and Local Rules and use common sense.

27. Any pet peeves? What are they?

The court is not impressed by lack of preparation and wordy, poorly organized briefs. Also, counsel should be familiar with the rules governing sealed filings. All documents filed under seal, whether pursuant to a protective order or otherwise, must be accompanied by a motion for leave to file under seal. All motions to seal must satisfy the standard for limiting public access to judicial records articulated in *S.E.C. v. Van Waeyenberghe*, 990 F.2d 845 (5th Cir. 1993). *See also In re High Sulfur Content Gasoline Prods. Liab. Litig.*, 517 F.3d 220 (5th Cir. 2008). The court may order unsealed, in whole or in part, any document improperly filed under seal.

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

Consider consent to Magistrate Judge jurisdiction in cases assigned to Judge Hittner or Judge Hughes. The Magistrate court's docket is generally less crowded and parties are generally assured of a preferential setting for the trial date they request.