

14. **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 not convene before 8:30 a.m. and normally will adjourn by 5:00 p.m., with a noon lunch recess.
- B. **Access at Other Times:** Counsel needing access to the courtroom to set up equipment or exhibits before or after normal hours of court must arrange in advance with the Case Manager to have the courtroom open.
- C. **Telephones:** The Judge's staff will not take telephone messages, and counsel shall refrain from requesting use of telephones in chambers.
- D. **Filing of Documents:** Pleadings submitted by counsel during the course of a trial should be presented in duplicate (original for filing and copy for the Court) to the Case Manager.
- E. **Decorum:**
 - (1) Counsel and parties will comply with Local Rules 83.8 and Civ. 57.2 regarding courtroom behavior. These procedures are strictly enforced.
 - (2) Counsel will ensure that all parties and witnesses refrain from eating or smoking in the courtroom.
 - (3) *No cellular telephone, beepers or pagers may be turned on while in the courtroom. Counsel are responsible for insuring that their clients, witnesses, and spectators comply with this order.*
- F. **Witnesses:**
 - (1) Counsel is responsible for summoning witnesses to the courtroom and instructing them on courtroom decorum. Witnesses may be questioned while the attorney is seated at counsel table or standing at the podium.
 - (2) Counsel shall make every effort to elicit from witnesses only information relevant to the issues in the case and to avoid cumulative testimony.

- (3) 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 the witness has been subpoenaed and has failed to appear.

G. Seating:

- (1) Unless otherwise requested by the parties, counsel for the plaintiff (or United States, in a criminal matter) shall sit at the counsel table nearest the jury, and counsel for the defendant shall sit at the counsel table farthest from the jury.
- (2) Counsel should enter and leave the courtroom only by the front doors and not through the Court's entrance or the side entrances.

- H. While the jury is deliberating, counsel are to remain near the courtroom to be immediately available for jury notes or a verdict.

15. VOIR DIRE

The Court allows attorneys to conduct voir dire. The amount of time allowed will vary depending on the case.

16. DEPOSITIONS

- A. The Court will accept the parties' agreement to use a deposition at trial even though the witness is available; otherwise, counsel should follow Fed. R. Civ. P. 32.
- B. Before trial, counsel must provide the Case Manager with a copy of any deposition to be used at trial.
- C. Counsel must designate the portion of any 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 at least three (3) business days before trial.
- D. Use of videotaped depositions is permitted if counsel edits to resolve objections.

17. SETTLEMENTS AND ORDERS OF DISMISSAL

A. Motions That Have been Resolved

If the parties are able to resolve a pending motion without Court intervention, they should advise the Court immediately. The parties may do so by calling chambers at (713) 250-5806 and stating that all parties agree that the motion has been resolved. The Court will then deny the motion as moot.

B. Settlements

- (1) If the parties are seriously contemplating settlement, they should advise the Court by calling chambers and indicating that the Court should postpone consideration of pending motions until the parties advise the Court as to whether a settlement has been reached. If the parties succeed in settling the case, they should inform the Court immediately.
- (2) An order of dismissal without prejudice to the right of any party to move for reinstatement within 60 days will be entered on all settlement announcements.
- (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. The parties may (but are not required to) submit the names of proposed ad litems upon whom they agree. The Court will consider any names submitted, but may appoint as guardian ad litem a person whose name has not been submitted by counsel. Contemporaneously with the motion for appointment, counsel must notify the Case Manager by letter requesting a settlement conference.

B. Orders of Dismissal

Any defendant upon whom service has not been perfected within 120 days of the filing of the complaint will be dismissed for want of prosecution in accordance with fed. r. civ. p. 4(m).

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

vs.

C. A. No. H-

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§
§
§
§

JOINT PRETRIAL ORDER

1. **Appearance of Counsel**

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

2. **Statement of the Case**

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

3. **Motions**

Identify any pending motions.

4. **Exhibits**

Each counsel will attach to this joint pretrial order two copies of a list (in the form shown in Attachment A or a similar form) of all exhibits to be offered and will make all such exhibits available for examination by opposing counsel. This rule does not apply to rebuttal exhibits that cannot be anticipated.

Any counsel requiring authentication of an exhibit must so notify the offering counsel in writing within five (5) business days after the exhibit is made available to opposing counsel for examination. Failure to do so is an admission of authenticity.

The Court will admit all exhibits listed in the final pretrial order into evidence unless opposing counsel files written objections with authorities at least three (3) business days before trial.

The offering party will mark his or her own exhibits prior to trial and include the party's name, case number, and exhibit number on each exhibit to be offered.

5. **Witnesses**

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. If a witness is to appear by deposition, cite the inclusive pages and lines to be read. Objections to those portions (citing pages and lines) with supporting authority must be filed at least three (3) business days before trial.

Each counsel will also attach to the joint pretrial order two copies of a list of witnesses' names only for use by Court personnel.

Include in this section the following:

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

6. **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.

7. **Additional Required Attachments**

For Jury Trials include the following IN DUPLICATE:

- (a) 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. Each requested instruction, definition, and interrogatory must also be submitted to the Court both in hard copy or electronically either on a disk or via email.

- (b) Memorandum of Law.

For Non-Jury Trials include the following IN DUPLICATE:

(a) Proposed Findings of Fact.

(b) Proposed Conclusions of Law.

(c) Memorandum of Law.

APPROVAL REQUESTED:

Counsel for Plaintiff(s)

Counsel for Defendant(s)

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

_____	§	
	§	
Plaintiff(s)	§	
	§	
v.	§	Civil Action No. H-_____
	§	
_____	§	
	§	
Defendant(s).	§	

**JOINT DISCOVERY/CASE MANAGEMENT PLAN
UNDER RULE 26(f)
FEDERAL RULES OF CIVIL PROCEDURE**

Please restate the instruction before furnishing the information.

1. State when the parties conferred as required by Rule 26(f), and identify the counsel who conferred.
2. List the cases related to this one that are pending in any state or federal court with the case number and court.
3. Briefly describe what this case is about.
4. Specify the allegation of federal jurisdiction.
5. Name the parties who disagree and the reasons.
6. List anticipated additional parties that should be included, when they can be added, and by whom they are wanted.
7. List anticipated interventions.
8. Describe class-action issues.
9. State whether each party represents that it has made the initial disclosures required by Rule 26(a). If not, describe the arrangements that have been made to complete the disclosures.
10. Describe the proposed agreed discovery plan, including:
 - A. Responses to all of the matters raised in Rule 26(f).

- B. When and to whom the plaintiff anticipates it may send interrogatories.
 - C. When and to whom the defendant anticipates it may send interrogatories.
 - D. Of whom and by what date the plaintiff anticipates taking oral depositions.
 - E. Of whom and by what date the defendant anticipates taking oral depositions.
 - F. When the plaintiff (or the party with the burden of proof on an issue) will be able to designate experts and provide the reports required by Rule 26(a)(2)(B), and when the opposing party will be able to designate responsive experts and provide their reports.
 - G. Expert depositions that the plaintiff (or the party with the burden of proof on an issue) anticipates taking, and their anticipated completion date. *See* Rule 26(a)(2)(B) (expert report).
 - H. List expert depositions that the opposing party anticipates taking, and their anticipated completion date. *See* Rule 26(a)(2)(B) (expert report).
11. If the parties are not agreed on a part of the discovery plan, describe the separate views and proposals of each party.
 12. Specify the discovery beyond initial disclosures that has been undertaken to date.
 13. State the date by which the planned discovery can reasonably be completed.
 14. Describe the possibilities for a prompt settlement or resolution of the case that were discussed in the Rule 26(f) meeting.
 15. Describe what each party has done or agreed to do to bring about a prompt resolution.
 16. From the attorneys' discussion with their clients, state the alternative dispute resolution techniques that are reasonably suitable, and state when such techniques may be effectively used in the case.
 17. Magistrate judges may now hear jury and non-jury trials. Indicate the parties' joint position on a trial before a magistrate judge.
 18. State whether a jury demand has been made and whether it was made on time.
 19. Specify the number of hours that it will take to present the evidence in this case.
 20. List pending motions that can be resolved at the initial pretrial and scheduling conference.
 21. List other pending motions.
 22. Indicate other matters peculiar to the case, including discovery issues, that deserve the special attention of the Court at the conference.

23. **Certify that all parties have filed Disclosure of Interested Parties, as directed in the Order for Conference and Disclosure of Interested Parties, listing the date of filing for original disclosures and any amendments.**
24. **List the names, bar numbers, addresses, and telephone numbers of all counsel.**

Counsel for Plaintiff(s)

Date

Counsel for Defendant(s)

Date