JUDGE ANDREW S. HANEN

United States Courthouse
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Houston, Texas 77002
(713) 250-5908

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United States District Clerk
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Note: This is helpful information. Nothing in this packet supersedes formal rules or common sense.

Last updated July of 2020.

1. CONTACT WITH COURT PERSONNEL

A. Case-related telephone inquiries are to be made to the Case Manager only. **Inquiries should not be made to the Court, the Court's judicial assistant, or law clerks.**

B. The case load may not always allow the Case Manager to respond to calls or emails about motion and case status. Inquiries to the Case Manager should be by letter unless it is a setting in the next 14 days, a criminal case, an emergency hearing, a bona fide emergency, or a matter covered by Section 8A. In those instances, contact by email is appropriate.

C. Information about the filing of documents, entry of orders, or docket entries should be obtained by logging into CM/ECF or PACER, or from the Clerk's Office at (713) 250-5500.

D. Correspondence.

1) Unless pursuant to Section 8A, do not address substantive issues in letter form addressed to the Court because they may not be docketed or included in the appellate record.

2) Case-related correspondence must be addressed to and e-filed with:

United States District Clerk
515 Rusk Street, Room 5300
Houston, Texas 77002

3) All counsel of record should be copied.

E. File-stamped courtesy copies of urgent documents may be sent to Chambers (via the Case Manager) after the originals are filed with the Clerk of the Court. Obviously, opposing counsel should be copied at the same time unless they are automatically copied electronically. Courtesy copies should designate the docket number of the filed document. They should include all exhibits and should not be redacted even if the filed motion is.

F. All counsel are advised to keep their email addresses current in CM/ECF as the Clerk of the Court provides transmission of orders and motions through that interface.

2. EMERGENCIES

A. Applications for restraining orders or other applications for immediate relief must be made through the Clerk's Office: U.S. District Clerk's Office, 515 Rusk Street, Room 5300, Houston, Texas 77002, (713) 250-5500.

1) Applications shall be presented to the Court by the Case Manager following counsel's affirmation that the opposing party has been contacted and that both parties can be available for a conference before the Court.

2) *Ex parte* applications for restraining orders are discouraged and will not be entertained by the Court unless the requirements of FED. R. CIV. P. 65(b) have been satisfied.

B. Counsel shall email or contact the Case Manager at (713) 250-5518 for matters requiring immediate attention.

C. Motions for extension of deadlines in the Scheduling and Docket Control Order are not emergencies.

D. In addition to any physical filing or electronic filing of emergency motions, counsel shall send a file-stamped courtesy hard copy of emergency motions directly to the Case Manager so that they quickly reach the Court's attention.

3. ELECTRONIC FILINGS

A. The Southern District of Texas requires electronic filing of all pleadings. LR 5.1. This reduces the burden on the Clerk's Office and increases the efficiency of the Court. **The parties shall submit a file-stamped courtesy hard copy to the Case Manager of all filings, including any attachments, that are greater than 20 pages in length.** Counsel should NOT attempt to avoid this requirement by unnecessarily separating a motion, brief, and attachments or exhibits into separate submissions.

B. Electronic filings shall be in accordance with Administrative Procedures for Electronic Filing in Civil and Criminal Cases. Questions regarding electronic filing should be directed to the Clerk's Office.

C. Voluminous, double-sided, or irregular documents:

1) Leave of Court is required for the conventional filing of documents greater than 30 pages in length. Such documents should be filed electronically when possible.

2) Leave of Court is required for the conventional filing of documents printed on both sides. Such documents should be filed electronically when possible.

3) Leave of Court is required for the filing of over-sized or irregularly shaped documents which are not capable of being readily imaged by court personnel and equipment. Such documents should be filed electronically when possible.

D. If possible, both the courtesy hard copy and the electronic filing must be filed on the same day.

E. Counsel shall not combine two different and unrelated pleadings (motions, responses, replies, or exhibits) into the same electronically filed document.

4. CONTINUANCES

A. This Court tries not to set multiple cases for the same day. The Court considers the trial setting in the Scheduling Order to be a real setting. Therefore, counsel are cautioned when proposing trial dates to the Court or the Magistrate Judge to be realistic given the circumstances of the particular case. Joint motions for continuances are not binding on the Court, and they will be granted only at the Court's discretion. Any motions for continuances should include a proposed order with the specific relief requested.

B. Counsel are reminded that, as required by The Civil Justice Reform Act of 1990, 28 U.S.C. § 473(b)(3), the Cost and Delay Reduction Plan, "all requests for extensions of deadlines from completion of discovery or for postponement of the trial [must] be signed by the attorney and the party making the request."

C. A trial will not be continued because an expert or medical witness is unavailable. Counsel should anticipate such possibilities and be prepared to present testimony by written deposition, videotaped deposition, or by stipulation.

D. It is the Court's intention to confer with counsel concerning trial scheduling at the initial pretrial conference. As stated above, once a trial is scheduled, a continuance will only be granted in extraordinary circumstances.

5. APPEARANCES

A. All counsel shall be on time. Failure to appear timely shall subject the attorneys and/or their clients to sanctions including dismissal for want of prosecution and/or appropriate adverse ruling or judgment.

B. An attorney in charge of a case must appear at all hearings or conferences. A Motion to Appear on behalf of the attorney in charge will be granted only upon showing of good cause, and only if the substitute attorney is familiar with the case and has full authority to bind the client. The Motion to Appear must be ruled on in advance of the hearing or conference date.

C. It is the Court's preference that counsel appear at all hearings. If out-of-town counsel desire to appear by telephone, a written request should be made to the Case Manager as far as reasonably possible in advance of the conference. Email contact with the Case Manager is permitted. If permission to attend by phone is granted, requesting counsel shall make the necessary arrangements and bear all related expenses. Permission to attend by phone will not be granted for pretrial conferences or docket calls. Counsel shall inform opposing counsel that they will be attending by phone to give them the same option. Counsel shall only use a land-based phone.

D. Counsel will notify the Case Manager **immediately** of the resolution of any matter that is set for trial or hearing.

E. The Court will not grant a Motion to Appear *Pro Hac Vice* to any attorney whose office is located in the Southern District of Texas, unless they can show that they have applied for admission and have scheduled attendance at the Southern District's attorney admissions workshop. For more information, see the attorney admissions requirements of the Southern District.

6. TRANSFERRED CASES

When a case is transferred from another district court to Judge Hanen, all deadlines and settings are cancelled pending a new schedule.

7. MOTION PRACTICE

A. With the following qualifications, the Court follows the written motion practice described in the Local Rules.

B. Unless otherwise indicated in the Scheduling Order entered at the Initial Pretrial Conference, dispositive motions must be filed at least 120 days, and nondispositive motions must be filed at least 45 days, before the date set for final pretrial conference (also referred to as docket call). A *Daubert* motion falls under the rule governing dispositive motions. Motions in limine may be filed with the Final Pretrial Order, but counsel are cautioned not to try to utilize a limine motion in lieu of a motion that should have been filed as a dispositive or *Daubert* motion.

C. The following requirements now apply to Certificates of Conference under Local Civil Rule 7.1 and Local Criminal Rule 12.2:

1) Parties are expected to make a good faith effort to confer about the disposition of all pretrial motions. All pretrial motions must contain a certificate of conference.

2) A certificate stating that the moving party has been unable to reach agreement with another party will be sufficient only if it specifies:

a. The name of the opposing counsel with whom movant's counsel has conferred or attempted to confer;

b. If counsel have not been able to confer, the date and time of all attempts to contact opposing counsel; and

c. If counsel have conferred but have been unable to reach agreement, the precise nature of the disagreement.

3) The Court will not consider the conference requirement to be satisfied by an unsuccessful attempt to reach opposing counsel occurring less than two full business days before a motion is filed.

4) The Court expects that, in most cases, the conference requirement should eliminate the need to file motions under Rule 16 of the Federal Rules of Criminal Procedure and Rule 404(b) of the Federal Rules of Evidence. Additionally, the Court expects that the conference requirement should

dramatically reduce the length of motions in limine and motions to compel discovery.

5) Counsel who repeatedly fail to return phone calls relating to the conference requirement will be asked to explain this behavior to the Court. In extreme cases, sanctions may be imposed.

D. Unless otherwise ordered, counsel **must** respond to an opposed motion within 21 days from the date the motion is filed with the Clerk's Office. If the movant desires to file a reply, it must be filed within 10 days thereafter. The reply should not unnecessarily repeat arguments made in the motion and should only respond to any new arguments, authority, or evidence presented by the opposing party in the response. Failure to respond to a motion will be taken as a representation of no opposition. Failure to file a timely response shall be taken as an indication that the opposing party agrees to the motion and the relief requested. A sur-reply may be filed as per the local rules; but the Court will not wait on a sur-reply to rule. The Court may rule on any motion once it becomes ripe regardless of whether a response, reply, or sur-reply has been filed.

E. Responses, replies, and sur-replies must reference the docket entry number of the motion being responded to, preferably in the first paragraph.

F. After the motion, response, reply, and sur-reply are filed, the Court will not entertain any additional or supplemental filings unless they are accompanied by a motion for leave to file. The motion for leave to file must explain why the argument, evidence, or legal authority contained in the additional filing was not included in earlier documents already in the record and state a specific reason why the Court should grant the motion for leave in the interests of justice.

G. Any motion, response, or reply filed after the time limits contained in these rules must be accompanied by a motion for leave to file that explains why the document was not timely filed. The Court will only grant a motion for leave to file a motion, response, or reply late if good cause is shown. A motion, response, or reply filed late, and not accompanied by a motion for leave, will not be considered.

H. Unless a motion hearing is set by the Court, all motions to which the non-movant has had 21 days to respond will be decided without the necessity of a hearing.

I. 1) Requests for oral argument are not necessary. The Case Manager will notify counsel should the Court determine that a hearing on the motion would be

beneficial. If a motion is pending, all ripe pending motions will be addressed at the next status conference unless counsel are specifically notified to the contrary.

2) While requests for hearings are not needed, counsel may indicate if the movant's lawyer is the one who actually researched and drafted the motion and if that lawyer is qualified as a young lawyer as defined in Paragraph K.

J. If counsel anticipate the need to offer evidence and testimony, leave to do so must be obtained from the Court in advance.

K. Young Lawyers. Today there are fewer opportunities for lawyers to speak in court. This is particularly true for lawyers with less than seven years of experience. The Court strongly encourages more experienced senior or supervisory lawyers and their clients to allow less experienced lawyers to have the primary or only speaking roles in pretrial or motion conferences, and in trials and other proceedings when evidence and arguments are presented. This opportunity is particularly important and appropriate when the less experienced lawyer has drafted or contributed significantly to the underlying motion or response or to the trial or hearing preparation.

The Court understands that, in some circumstances, it may not be appropriate to allow a less experienced lawyer such a prominent role. If the only lawyer who drafted or substantially prepared the motion, brief, or evidentiary presentation is the senior lawyer, or if the motion is dispositive in a "bet-the-company" case, litigants may justifiably want the senior lawyer to do all or most of the in-court presentation. Excluding these rare cases, it is crucial to provide substantive speaking opportunities to less experienced lawyers. The Court strongly encourages all lawyers and their clients to do so. The Court will take this into consideration in deciding whether to grant requests for oral argument on motions or issues that the Court would usually or otherwise decide on the papers.

L. All motions should incorporate supporting briefs or authority and pertinent exhibits. Motions are not to exceed twenty pages. Briefs must be filed together with or incorporated within a motion, response, or reply.

1) All briefs and memoranda of law must be concise, pertinent, and well organized. All briefs, legal memorandum, motions, and pleadings of any kind shall be limited to 20 pages, unless permitted by the Court to exceed this limit.

2) All briefs and memoranda must contain:

Statement of the Issues to be Ruled upon by the Court: a short statement highlighting the issues before the Court with supporting authority and standard of review for each issue.

Summary of the Argument: a short summary divided under appropriate headings and succinctly setting forth separate points.

Conclusion: a short conclusion stating the precise relief sought.

3) Any brief or memorandum with more than 10 pages of argument must also contain the following items:

Table of Contents: setting forth the page number of each section, including all headings designated in the body of the brief or memorandum.

Table of Authorities: listing cases, statutes, rules, textbooks, and other authorities, arranged alphabetically by category.

Statement of the Nature and Stage of the Proceeding.

M. References to evidence in support of or in opposition to a motion must be specific, citing page and line numbers for depositions, or page and paragraph number for any other type of exhibit.

N. If motions are decided without a hearing or are taken under advisement, the Court will make a ruling as soon as possible, and counsel will be furnished with copies of orders.

O. All motions should be accompanied by a proposed order stating the exact relief sought.

P. No motion to dismiss for failure to state a claim or counterclaim under FED. R. CIV. P. 12(b)(6), or motion for judgment on the pleadings on a claim or counterclaim under FED. R. CIV. P. 12(c), will be considered or decided unless the moving party includes a certification that, before filing the motion, the movant notified the opposing party of the issues asserted in the motion and the parties tried but could not agree that the pleading deficiency could be cured in any part by a permissible amendment offered by the pleading party. The movant may comply with this rule

through personal, telephonic, or written notice of the issues it intends to assert in a motion to dismiss. A motion that does not contain the required certification may be stricken without further notice.

8. DISCOVERY AND OTHER PRETRIAL DISPUTES

A. The Court believes that most discovery disputes can be resolved by counsel without the Court's intervention, especially those dealing with (1) scheduling, (2) the number, length, and form of oral and written discovery requests, (3) the responsiveness of answers to oral and written questions, and (4) the mechanics of document production, including protective orders and the proper method of raising claims of privilege.

Any party wishing to raise disputed discovery or other pretrial matters must arrange for a conference with the Court before filing any motion, brief, or accompanying material. The party must email the Case Manager and opposing counsel to arrange for a pre-motion conference. Prior to arranging for this conference, the parties must have actually conferred in an attempt to work out the issues. Merely sending an e-mail or making a phone call is **not** a valid attempt to work out the dispute. The attorneys must have actually talked. See Section 7C above.

The Court will schedule the pre-motion conference as soon as practicable commensurate to the demands of its docket, generally within a few days after the request is made. Unless otherwise directed, counsel may participate only by a land-based telephone.

The party seeking the conference must submit a one- to two-page letter to the Court with copies to all counsel and unrepresented parties, identifying the disputes and setting out the issues to be addressed. This is not a brief and need not set out case law or argument. Instead, the letter is an agenda for the pre-motion conference and should simply set out the dispute. Opposing parties must respond in similar fashion before the Conference, with the same limitations. The letters must include a written statement that counsel have actually conferred in a good-faith effort to resolve the issues but are unable to reach an agreement.

To the extent possible, the disputed issues will be resolved at the pre-motion conference, without the need for a formal motion or response. If the Court cannot resolve all or part of the issues raised without a written submission and response, the issues to be addressed and a filing schedule will be set during the conference.

B. In order to curtail undue delay in the administration of justice, the Court will not hear discovery motions unless moving counsel has advised the Court, in the motion, that counsel have conferred in a good faith effort to resolve the matters in dispute but are unable to reach an agreement. If counsel have been unable to confer because of unavailability or unwillingness of opposing counsel to do so, the statement shall recite the facts concerning attempts to confer. Routine motions for sanctions for discovery abuse are discouraged. Sanctions should be sought only in those rare instances when they are necessary and merited.

C. Motions for extension of discovery deadlines must be filed far enough in advance of the deadline so that opposing counsel may respond prior to the deadline.

9. COPIES OF AUTHORITIES AND OTHER MATERIAL CITED

A. Please append copies of cases and the relevant portions of authorities that are cited in a brief, memorandum, or motion if the authorities are not found in the Federal Rules of Civil Procedure, United States Code, United States Supreme Court Reporter, Federal Reporter, Federal Rules Decisions, Federal Supplement, Southwestern Reporter Third, or Vernon's Revised Statutes and Codes Annotated.

B. Copies of any affidavits, exhibits, deposition testimony, or other discovery referenced should also be contained in the appendix.

C. All appendices should contain a paginated table of contents and should be tabbed such that the Court can locate the materials more readily.

10. INITIAL PRETRIAL AND SCHEDULING CONFERENCE

A. Joint Discovery/Case Management Plan

1) At least 14 days before the conference, counsel must file a joint case management plan including the identity and purpose of witnesses, sources and types of documents, and other requirements for a prompt and inexpensive preparation of the case for disposition by motion or trial. *See* FED. R. CIV. P. 26(f).

2) A form Joint Discovery/Case Management Plan is attached.

B. The parties may agree on additional deadlines for completion of pretrial matters and may bring a proposed Scheduling Order with them to the initial pretrial conference. Suggest a realistic trial date.

C. Attached is a form Scheduling Order used by the Court.

D. The Court will, to the extent possible, honor all dates chosen in the case management plan. Counsel are advised to give these dates careful consideration as the Court will not automatically honor agreements between counsel to alter such dates in the case management plan. Agreements between counsel changing deadlines for dispositive motions, replies thereto, final pretrial order, final pretrial conference, and jury selection will not be honored. Counsel may change other deadlines, if all parties agree and a letter memorializing the change signed by counsel for all the parties is filed with the Court. The initial conference will be conducted by the United States Magistrate Judge.

11. REQUIRED PRETRIAL MATERIALS

A. Pretrial Disclosures

1) The pretrial disclosures relate to the evidence that the party may present at trial, other than solely for impeachment. Each party must provide the following information to the other side:

a. The identity of witnesses, including separately identifying which witnesses the party intends to present and those that it may call if the need arises.

b. The designation of those witnesses whose testimony is expected to be presented by deposition, including a transcript of the pertinent portions of testimony to be presented. Use of depositions will be governed by the Federal Rules, unless leave of Court is obtained.

c. The appropriate identification of each document or exhibit to be represented, including any summaries, separately identifying which documents the party expects to present and those that the party may present if the need arises.

2) Unless otherwise directed by the court, these disclosures must be made at least 30 days before trial. *See* FED. R. CIV. P. 26(a)(3). *The opposing party*

must, within 14 days of the disclosures, serve objections to admissibility of witness testimony or exhibits. Failure to timely object waives all objections, except as to relevancy-based objections under FRE 402 and FRE 403. See FRCP 26(a)(3)(B).

B. Joint Pretrial Order

1) Counsel for the plaintiff is responsible for ensuring that the Joint Pretrial Order is filed on time. Defense Counsel are instructed to cooperate in this endeavor.

2) Follow the form distributed by the Court, adapting it within reason to the size and type of case. The Joint Pretrial Order must be signed by all counsel.

3) A form Joint Pretrial Order is attached.

C. Other Required Documents

1) With the filing of the Joint Pretrial Order, each party must file the following documents separately (captioned, signed by counsel, and with service certified):

2) Jury Trials:

a. Proposed voir dire questions, proposed jury instructions, definitions, and interrogatories.

(1) The jury instructions and interrogatories must be simple and concise. If they are not e-filed in a format that may be used by the Court, counsel should email jury instructions to the Case Manager in Microsoft Word.

(2) Each requested instruction, definition, and interrogatory must be numbered and presented on a separate sheet of paper with the citation of authority upon which counsel rely.

(3) Failure to file same will be deemed to be a waiver of any such question, instruction, definition or interrogatory and such failure will be deemed as agreement with the charge as given by the Court.

b. Memorandum of Law.

3) Non-Jury Trials:

a. Proposed Findings of Fact and Conclusions of Law.

(1) Each proposed conclusion of law must cite supporting authority.

(2) Counsel are strongly encouraged to include references to testimony and exhibits that support each proposed finding of fact.

(3) Counsel must e-file the originals, provide hard copies to the Case Manager, and email the Word version to the Case Manager.

b. Memorandum of Law should be e-filed according to the prevailing rule. Hard copies need only be filed of those authorities not readily available.

c. Parties must file their exhibit list, objections to the exhibits and their witness list for all trials and hearings. (See attached form).

12. TRIAL SETTINGS

A. The Court uses the final pretrial conference as docket call.

1) All pending motions may be ruled on at docket call, and a case will be set for trial if the complete Joint Pretrial Order has been filed.

2) The Court maintains a trailing docket during which a case is subject to call to trial on short notice.

B. At the Pretrial Conference, the Court will address any outstanding motions, objections to exhibits, and deposition proffers. The parties are to provide the Court a copy of all potential exhibits at the Pretrial Conference.

For any deposition proffers and counter-proffers, the party making the proffer will provide a copy of the proffer, counter-proffer and a complete copy of the deposition

to the Court five days prior to the Pretrial Conference for the Court's review. Rulings on admission will be made at the Pretrial Conference.

C. Unless an attorney has actually commenced trial in another court, prior trial settings will not cause a case to be passed.

D. A case not reached for trial will be reset as soon thereafter as possible.

13. EXHIBITS

A. All exhibits must be marked and exchanged among counsel prior to trial. The offering party will mark his own exhibits with the party's name, case number, and exhibit number on each exhibit to be offered.

B. Any counsel requiring authentication of an exhibit must notify 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.

C. Subject to Section 11A which controls, the Court will admit all exhibits listed in the Final Joint Pretrial Order into evidence unless opposing counsel files written objections supported by authority pursuant to the requirements of Rule 26(3)(B). Counsel are expected to be prepared to address the admission exhibits at the pretrial conference.

D. Counsel will not pass exhibits to the jury during trial without identifying them to opposing counsel and obtaining permission in advance from the Court. All admitted exhibits will go to the jury during its deliberations.

E. In addition to the original exhibits, counsel for each party is required to provide the Court with a copy of that party's exhibits in a properly tabbed and indexed notebook.

F. Counsel are advised to plan on the Court admitting only admissible, relevant, and needed exhibits. Wholesale listing of documents is burdensome to the Court and the jury and will not be allowed.

G. All exhibits must be withdrawn at the conclusion of the trial by the party that submitted the exhibit. Each party will sign a "Receipt for Withdrawal of Exhibits," after which all admitted exhibits will be returned to the appropriate party. Each party is responsible for entering their exhibit on the Court's ECF system.

14. EQUIPMENT

A. Counsel are responsible for providing any equipment necessary to facilitate the presentation of their case (e.g. PowerPoint, etc.). Contact the Case Manager/Court Reporter prior to trial to see what equipment will be needed and to assure your equipment works in Judge Hanen's courtroom. This includes providing any special equipment that the jury will need to access exhibits when it deliberates.

B. Easels with writing pads and drawing boards are available for use in the courtroom.

C. A Document Camera is available for projecting letter-sized or smaller documents, including pictures. VGA and HDMI connections for laptops to project documents or videos to the jury are available at counsel tables.

D. Any requests for a daily copy provided by the Court Reporter should be handled before the beginning of trial. The Court Reporter reserves the right to not provide a daily copy.

15. COURTROOM PROCEDURES

A. Hours: The Court's hours during trial vary depending upon the type of case and the needs of the parties, counsel, witnesses, and the Court. Trials will normally convene at 8:30-9:00 a.m. and adjourn at 5:00-6:00 p.m. depending on the status of the case and witnesses. Recesses include lunch between 12:00 noon and 1:30 p.m., as well as morning and afternoon breaks.

B. Access at Other Times: Counsel must arrange access to the courtroom in advance with the Case Manager to set up equipment or exhibits before or after normal hours of court.

C. Telephones: Telephone messages for counsel will not be taken by the Court's staff, and counsel shall refrain from requesting use of telephones in chambers. Public telephones are not generally available. Cell phones are not allowed in the courtroom without the Court's permission.

D. Filing Documents: Two copies of documents filed immediately prior to and during the trial should be submitted to the Case Manager.

E. Decorum:

1) Counsel and parties will comply with the Texas Disciplinary Rules of Professional Conduct, the Texas Lawyers Creed and the Local Rules adopted by the Southern District of Texas. These procedures are strictly enforced. (See also the Courtroom Etiquette attachment).

2) Counsel will ensure that all parties and witnesses refrain from chewing gum, drinking, eating, smoking, or reading newspapers, books, etc., in the courtroom. No such articles are allowed in the courtroom. No cellular telephones, iPads or other tablets, computers, or beepers are allowed in the courtroom without the Court's permission. If permission is given, all such devices shall be silenced. No recordings of any kind are allowed. Any person who violates this policy should be prepared to forfeit that device. Make arrangements with the Case Manager in advance.

F. Witnesses:

1) Counsel are responsible for summoning witnesses into the courtroom and instructing them on courtroom decorum. Witnesses shall be questioned while standing at the podium.

2) Counsel must obtain Court's permission before approaching a witness.

3) Counsel shall make every effort to elicit from the witnesses only information relevant to the issues in the case and to avoid cumulative testimony.

4) 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 or she has been subpoenaed and has failed to appear.

G. Seating:

1) The Court has designated the counsel table nearest the jury as the plaintiff's table; seating at the respective tables is determined on a first come first served basis on the first day of trial.

2) Once counsel have determined their seating arrangement, the Case Manager or reporter will note their position on a chart for the Court and there will be no change once trial has begun, except at the Court's direction.

3) Enter and leave the courtroom only by the front doors; do not use the Court's entrances or side doors.

4) Stand to make objections and remain standing until the Judge has ruled or you have been otherwise instructed.

H. Deliberations: While the jury deliberates, counsel are to remain in or near the courtroom to be available for jury notes or a verdict. Counsel should supply a telephone number to the Case Manager for contact during deliberations.

I. Ex-juror contact: After the jury and counsel are excused, neither counsel nor their clients, agents, or representatives may contact jurors without the Court's permission.

16. VOIR DIRE

A. In general, the Court will conduct the initial examination of the venire. In most cases the Court will allow counsel a limited time to conduct the voir dire. This issue should be raised at a pretrial conference or by motion.

B. Proposed voir dire questions must be filed with the clerk with the Joint Pretrial Order.

17. DEPOSITIONS

A. The Court will generally accept the parties' agreement to use relevant portions of a deposition at trial even though the witness is available; otherwise, follow FED. R. CIV. P. 32. Nevertheless, the Court cautions counsel against the overuse of deposition testimony. Jurors do get bored.

B. Counsel will designate the portion of any deposition to be read by citing page and line numbers in the Joint Pretrial Order. Objections to those portions, citing page and line numbers, with supporting authority must be filed at least three (3) business days before the final pretrial conference. Counsel making such objection shall have the burden of securing a ruling from the Court either at the final pretrial conference or at some other time before the trial has begun.

C. Use of videotape depositions is permitted if counsel voluntarily edit the offer to resolve objections and incorporate rulings by the Court. The Court prefers that deposition offers be presented in pagination order.

D. In a non-jury trial, counsel shall provide a list of the portions of the depositions offered as an exhibit, citing page and line numbers and an edited portion of the deposition for the Court's use and the judge will read all deposition evidence.

18. SETTLEMENT AND ORDERS OF DISMISSAL

A. Counsel shall immediately notify the Case Manager via e-mail upon settlement of any case.

B. Announcements of Settlements:

1) Announcements must be received in writing and shall always include how the court costs are to be divided.

2) The Court will either enter an Order of Dismissal upon receipt of the announcement of settlement or request further documentation from the parties. It will give the parties a deadline for filing agreed upon disposition documents.

3) The parties' closing papers will supersede the Court's Order of Dismissal.

C. Suits Involving Minor Plaintiffs:

1) Upon settlement of a lawsuit or prior to any mediation or other ADR procedure of a case involving a minor plaintiff, counsel will jointly move for appointment of an attorney ad litem if there is potential conflict of interest between the parent(s) and the minor.

2) Counsel shall keep in mind and comply with FED. R. CIV. P. 5.2(a) to protect the identities and other privileged information of minors.

3) If counsel cannot agree on an attorney ad litem, each counsel will submit the names of three proposed attorneys ad litem, and the Court will appoint one.

4) If the case is settled contemporaneously with the Motion for Appointment, counsel will notify the Case Manager by letter requesting a settlement hearing.

5) All parties and attorneys must appear for the settlement hearing, unless excused by the Court.

D. Any cause of action in which service upon defendant has not been perfected within 90 days after filing of the complaint will be dismissed for want of prosecution in accordance with FED. R. CIV. P. 4(m).

19. SPECIFIC TYPES OF CASES

The Court has adopted specific rules for certain kinds of cases:

A. **Employment Cases** (See attached "Rules Governing Employment Cases")

B. **FLSA Cases** (See attached "Rules Governing Initial Discovery Protocols for FLSA Cases")

C. **Patent Cases -** While this Court subscribes in general to the national and Local Patent Rules of the Southern District of Texas, it has found that delays in the orderly progression of cases involving intellectual property disputes routinely increases the expenses incurred by all parties and routinely lends to costly discovery disputes and expansion of claims well beyond those contemplated by the parties. In order to minimize those expenses and lend to a more orderly disposition of the case, counsel should be aware that the Court anticipates that every patent case will proceed to trial within 18 months of filing. With that in mind, counsel should anticipate the implementation of these approximate deadlines:

Case Filed	72 weeks before trial
Initial Discovery	72-50 weeks before trial
Markman Hearing	50 weeks before trial
Daubert Motions	30 weeks before trial
Disposition Motions	24 weeks before trial
Exchange Motions in Limine, Deposition Excerpts, Exhibits	10 weeks before trial
Final Pretrial Order	8 weeks before trial
Pretrial Conference	5 weeks before trial
Jury Selection and Trial	(Date Provided by the Court)