

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

CHRISTOPHER RICK MONTEZ,

Plaintiff,

VS.

JAIME ESPARZA,

Defendant.

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CIVIL ACTION NO. SA-23-CV-1483-FB

COURT ADVISORY CONCERNING DISCOVERY AND OTHER MATTERS

As this case begins in this District, the Court wishes to apprise counsel and the parties of the Court's expectations concerning the conduct of discovery and conduct throughout the course of this case:

1. Subject to matters of privilege, the Court expects the parties to engage in full and open discovery, laying all cards on the table with the goal being the early and less expensive resolution of this dispute for the benefit of the parties. *See generally* FED. R. CIV. P. 26(b)(1) and W. DIST. LOC. R. CV-16 and CV-26 through CV-37.
2. There will be no Rambo tactics or other forms of elementary school behavior. Simply put: Do not play games. All counsel are expected to abide by "Appendix A" attached hereto.
3. Make time for earspace, *i.e.* talking and listening as opposed to texting and emailing.
4. If necessary, the Court will require the party wishing to withhold information to present those items in camera to the Court. Should it be determined that discovery of those items should have been made, the Court will impose appropriate penalties.
5. The Court observes, and counsel are well aware, that a trial, appeal and reversal and remand for new trial would result in each side being aware of the opponent's evidence. It would appear to be more efficient and less costly for the clients simply to make discovery early in the case, **regardless of whether the information is hard copy, computerized, etc.**
6. **In this modern environment of artificial intelligence, counsel are reminded of traditional obligations of professional responsibility to be honest with the Court and opposing counsel, regardless of drafting methodology employed. The signature of**

counsel on all pleadings constitutes an affirmation that all of the pleading contents have been validated for accuracy and authenticity.

It is so ORDERED.

SIGNED this 6th day of December, 2023.



FRED BIERY
UNITED STATES DISTRICT JUDGE

THE TEXAS LAWYERS' CREED
(EXCERPTED)

I am passionately proud of my profession. Therefore, "My word is my bond."

I will be courteous, civil, and prompt in oral and written communications.

I can disagree without being disagreeable.

I will conduct myself in court in a professional manner and demonstrate my respect for the Court and the law.

I will treat counsel, opposing parties, the Court, and members of the Court staff with courtesy and civility.

The Rule For the Practice of Law

*Treat others (including lawyers, parties, witnesses and Court staff)
as you would like to be treated.*

The Implementation of The Rule

Our goal is the fair, peaceable and efficient resolution of disputes, and to seek the truth within the bounds of the rule of law.

There is a difference between advocacy for the sake of prolonging advocacy and serving the best interests of clients in bringing litigation to closure.

The law is only a part of life. It is easier to abide by The Rule if one occasionally breaks bread with one's adversary.

Abide by the Texas Lawyer's Creed.

The Penalties for not abiding by The Rule

The loss of respect and goodwill from one's professional colleagues, thus making the practice of law much less enjoyable.

The writing of The Rule in multiples of fifty on a Big Chief tablet with a Number Two pencil.¹

The donation of numerous pictures of George Washington to deserving charitable organizations.

Others within the discretion of the Court.

Fred Biery
United States District Judge

¹ This penalty is reserved for those whose conduct is particularly childish.



Discourage litigation. Persuade your neighbors to compromise whenever you can. Point out to them how the nominal winner is often a real loser—in fees, expenses, and waste of time. As a peacemaker the lawyer has a superior opportunity of being a good man. There will still be business enough.

Abraham Lincoln