











# COVID-19 Safety Information >



District Courts of Harris County



## JUDGE TANYA GARRISON

 <p><b>Cases</b> Case Information</p>	 <p><b>Local Rules</b> Local Rules</p>	 <p><b>Jurors</b> Information for Jurors</p>	 <p><b>FAQs</b> Frequently Asked Questions</p>
 <p><b>Jobs</b> Job Vacancies</p>	 <p><b>Dockets</b> Court Docket Schedules</p>	 <p><b>Hearings</b> Election Contest Hearings</p>	 <p><b>Locations</b> <u><a href="#">Court Locations and Phone Numbers</a></u></p>
 <p><b>Parking</b> Parking</p>		 <p><b>Dining</b> Dining</p>	

[Home](#) > [Courts](#) > [Civil](#) > [Judge Tanya Garrison](#) > [Judge Tanya Garrison](#)

## COURT AND TRIAL PROCEDURES

### Procedures for the 157<sup>th</sup> Civil District Court

#### 1. Mandatory Electronic Filing

In accordance with the Local Rules of Harris County District Courts, all cases in the 157th Civil District Court shall be electronically filed. When filing documents, please type the entire title of your pleading in the description field and clearly label all exhibits. Do not use all caps. Please limit the title of documents to no more than 10 words.

All pleading, motions, responses, etc., must be separated with the filing as follows: motion and response/reply, each individual exhibit, proposed order, notice of hearing and/or **submission**.

## 2. Motions

### 2.1 Certificate of Conference

A certificate of conference is required for all motions, pleas, and special exceptions except for:

- dispositive motions, including motions for summary judgment;
- default judgments;
- motions for voluntary dismissal or non-suit; and
- motions involving service of citations.

Certificates of conference must state:

- how and when parties conferred on the matters on which relief is sought;
- the names of the attorneys/parties who conferred; and
- whether the relief is opposed, agreed, or agreed in part.

Failure to include a Certificate of Conference may result in a hearing being passed.

### 2.2 Proposed Orders

All motions **and** responses must have a proposed order filed in advance of the hearing on that motion. The Court may pass hearings on motions filed without a proposed order. All motions should have their own proposed order (Please do not combine multiple motions into one order). The proposed order should include the exact title of the motion being considered.

### 2.3 Courtesy Copies

Parties filing pleadings more than 25 pages in length or with more than 50 pages of exhibits must provide a courtesy copy of those pleadings and accompanying exhibits to the Court, and give written notice to all parties stating the specific documents that were provided. If a party highlights or otherwise marks a document in a courtesy copy provided to the Court, that party shall provide all other parties to the litigation an exact copy of what was provided to the Court. Also include a copy of the proposed order, latest live pleading and answer, latest DCO, and any legal authority, with any courtesy copy provided to the court. Courtesy Copies should be provided 3 days before the scheduled hearing if possible.

If statutory or case law will be presented to the Court at any hearing, a copy of the statute or case should be made available with highlighted portions of the relevant language.

## **2.4 Footnotes and Hyperlinks**

Footnotes on filings are accepted. If you have hyperlinks on motions that have been filed, you can provide a courtesy copy of the motion in a USB thumb drive with your courtesy copies.

## **2.5 Discovery Motions**

The Court expects that parties will make every effort to resolve all discovery issues without court intervention. Conferences shall occur prior to the filing of the discovery motion. If such attempts prove unsuccessful, litigants may request a hearing. The complaining party should file a motion containing:

- a brief description of the dispute;
- a certificate of conference stating the name of all counsel participating in the discussions, including the date, time, and place the parties have had out-of-court discovery discussions, and the results of those discussions; and
- a copy or verbatim reproduction of the discovery requests and responses at issue.

After filing the motion, the complaining party should contact the Court about a hearing. Proposed orders should list each discovery issue separately. Both the movant and non-movant must submit a proposed order.

## **2.6 Settlements, Nonsuits, and Agreed Judgments**

### **2.6.1 Settlement Announcements**

It is not necessary to appear in Court to announce a settlement; a phone call to the Trial Coordinator is sufficient. However, a plaintiff who announces settlement without an enforceable Rule 11 agreement does so at his/her own risk. Cases may be dismissed for want of prosecution if no judgment is filed within 30 days after the court is notified of settlement (this time may be extended where necessary). Failure to obtain an enforceable settlement agreement might not be good cause to avoid dismissal or to reinstate the case.

### **2.6.2 Settlements Involving Minor Children**

A Guardian Ad Litem will be required for all settlements involving minor children, unless the Court has been advised of same and approved proceeding without a guardian ad litem during an in person status conference. The parties are to submit an agreed motion and order for appointment of a Guardian Ad Litem. The Court will then select the Guardian Ad Litem for that case, and will inform the parties of the Court's decision. Once a Guardian Ad Litem has been appointed, the parties may contact the Court Clerk in order to obtain a Minor Settlement hearing date. At least 24 hours prior to the time of the hearing, the parties are to present the proposed Judgment, as well as the Supreme Court ad litem fee report. Failure to do so may result in a hearing being passed.

## **2.7 Default Judgments**

A motion for default judgment can be set for an oral hearing or **submission** hearing. The Non-Military Affidavit must comply with recent amendments to the Soldiers and Sailors Relief Act.

## 2.8 Severance

Motions for Severance may be set either for **submission** or oral hearing. The motion must state the basis for the severance. The proposed Order of Severance should include the following:

- how the severed case is to be styled;
- the new cause number;
- the parties to be included in the severed case;
- all the pleadings that are to be severed into the new file;
- whether the Order disposes of the severed case, or whether it will remain an active case; and
- who will pay for the costs of severance.

Failure to include the necessary information in the proposed order may result in denial of the Motion.

## 2.9 Motions to Withdraw as Attorney of Record

Motions for withdrawal of counsel must be set on the oral hearing docket, unless the client has agreed to the withdraw and signed an acceptance of the attorney's notice letter. The motion must contain:

- a statement of the particular circumstances and disciplinary rules requiring withdraw;
- a certificate of the attorney of record of the client's name, address, telephone number, and the last known time the information was correct;
- a copy of a letter from the attorney of record to the client giving notice: (a) that the attorney is withdrawing; (b) that the client is deemed to have knowledge of and is required to abide by the Texas Rules of Civil Procedure if the client proceeds pro se; (c) that all notices from the Court to the client's current address will be deemed to have been received unless the client notifies the Court of any change of address; (d) that no continuances or extensions will be granted to the pro se client in order to obtain other counsel; and (e) notice of the hearing at which the motion to withdraw will be considered; and
- If the client has not agreed to the withdraw, proof of service of the letter described above must be filed.

## 2.10 Rule 106 Motions for Substituted Service

Parties requesting an Order for Substituted Service under Rule 106 should use the court's suggested form: [157th Order Granting 106 Substitute Service.docx](#) Rule 106 Motions can be submitted to the Court without the need for an oral hearing but must be accompanied by an affidavit that includes the following information:

- efforts taken to verify that defendant actually lives or works at the subject address;
- each attempt at service, with date and time;
- identity of persons who were present at the subject address and what was said; and
- identity of cars in driveway, other indications that defendant resides at the subject address, or other evidence that service as proposed is likely to give the defendant actual notice of the lawsuit.

### 2.11 Motions to Retain

The first and second Verified Motion to Retain do not need to be set on an oral hearing or **submission** docket. They should be filed and will be considered by the Court. Any subsequent motion to retain must be set for an oral hearing.

## 3. Hearings

### 3.1 Oral Hearings

The Court's oral hearing docket is usually held on Friday. Any party requesting an oral hearing should call the Court Clerk for a date and time for a hearing and be ready to state an approximate amount of time needed for the hearing.

Parties filing motions that will require extra time, or the presentation of evidence, must alert the Court Clerk of this fact and request an off-docket setting. Parties should generally follow these guidelines in determining if extra time is required:

- Dispositive motions, summary judgment motions, and jurisdictional motions, requiring more than 20 minutes of total (for both the movant and all respondents) time for argument;
- All evidentiary hearings (other than defaults, minor settlements, or transfer of structured payments); and
- Pre-trial motions - including sanctions, discovery, and procedural motions - that will require more than 10 minutes of total (for both the movant and all respondents) time for argument.

Once the clerk assigns a hearing date the party requesting the hearing must file a notice of oral hearing and serve it on all counsel and self-represented parties. The hearing notice must state the exact title of the motion or motions to be heard.

Any responsive pleading must be filed by 4:00 pm the last business day before the hearing.

### 3.2 Submission Docket

The **submission** docket takes place Mondays at 8:00 a.m. with ten days notice. If you set a matter on the **submission** docket file a notice of **submission** with the

exact title of the motion or motions set for consideration and serve it on all counsel and self-represented parties.

If any party wants an oral hearing on a motion that has been placed on the **submission** docket that party should call the Court Clerk and request a hearing date and time. The party requesting the oral hearing must give notice to all parties of the hearing. Absent extraordinary circumstances, all such requests will be honored.

### **3.3 Emergency Hearing Requests**

Parties may request an emergency oral hearing or telephonic conference by contacting the Court Clerk. A letter or motion requesting such a hearing, the reasons for the hearing, and the reasons giving rise to emergency consideration should be filed and served on all parties. The letter or motion should not exceed 2 pages in length.

### **3.4 Emergency Rulings During Depositions**

Parties may request an emergency ruling during a deposition by calling the Court Coordinator. Attempts will be made to schedule a time for an emergency hearing as soon as possible. Prior to contacting the Court, all parties are expected to all take action reasonably required to avoid the necessity of such a hearing. If the Court determines that such a request is made in bad faith or for purposes of delay, sanctions may be imposed.

### **3.5 Telephonic Appearances**

Telephonic appearances on contested matters are strongly discouraged. You may only appear by telephone upon receiving special permission from the Court in advance of the hearing. Please contact our Court Clerk with your request and state the reasons, with specificity, as to why you need to appear by telephone.

### **3.6 Remote Appearances**

The court will allow Parties to appear by zoom for default judgment, structured settlement transfer, and minor settlement hearings. All other zoom appearances must be granted by leave of court.

## **4. Temporary Injunctions**

Temporary Injunctions are generally set on Fridays. Please contact the Court Clerk before your hearing date to confirm that all necessary parties have been served, that you are ready to proceed, how long your hearing will take, and how many witnesses will be called. It may be necessary to reschedule your hearing and extend the TRO until a convenient time for the Court.

## **5. Trial Continuances**

Parties should not expect that a continuance request, even an agreed request, to be granted in the absence of good reasons for the continuance. If you are

currently on your 1st trial setting, and have filed an agreed motion with an order, it does not have to be set for a hearing. Motions for Continuance should be filed as early as possible. Motions filed after receiving assignment from the trial coordinator will not be looked upon favorably. All opposed Motions for Continuance require an oral hearing. Motions for Continuance for a case on file for more than 36 months require an oral hearing regardless of any agreements between the parties.

## **6. Trial**

### **6.1 Trial Settings**

All cases are set on a two-week trial docket. There are no docket positions; cases will be set for a date certain by the Trial Coordinator. If a case is not reached within the two-week docket the Court will automatically issue an order resetting the trial date. Preferential settings are available in special circumstances and may be requested by motion. Such motions must be set for an oral hearing to be considered by the Court.

### **6.2 Pretrial Conferences**

There will be a pretrial conference, generally held the week before the two-week trial docket, for each case set for trial. The Trial Coordinator will contact the parties to confirm the date of the pretrial conference.

The parties must prepare, exchange and bring to the pretrial conference, a Trial Notebook that contains:

- live pleadings;
- witness lists (with estimated time for examination and cross-examination of each);
- exhibit lists (including copies of exhibits and any objections);
- motions in limine and objections;
- deposition excerpts and objections; and
- proposed jury charges.

These documents must be exchanged prior to the pre-trial conference. The parties are ORDERED to confer with each other prior to the pre-trial conference to discuss these documents to determine if any agreements can be reached regarding limine, pre-admission of exhibits, deposition objections, and jury charge **submissions**. At the pretrial conference, the Court will rule on any motions in limine and objections to deposition excerpts, pre-admit any agreed exhibits, discuss witnesses and timing issues, and any other relevant matters.

### **6.3 Expert Witnesses**

Pursuant to 4.1 herein, any Motions to exclude or challenge expert evidence should be filed and set for hearing on a date in advance of trial.

### **6.4 Remote Testimony**

Witness, parties, lawyers, etc., may no longer appear by Zoom (or other remote means), absent prior order from the Court. If a party would like to request permission from the Court to have a witness appear for trial via Zoom, a motion requesting leave for this purpose should be filed and set for oral hearing. The Motion for Leave must be agreed, and must include a sworn statement from the attorney presenting the witness that:

- They have ensured that the witness has available electronic equipment sufficient to host such testimony and that the attorney and witness have personally tested the equipment to ensure it works and everyone involved knows how to use the equipment;
- The witness will be testifying in a neutral setting with no room decoration within view of the camera;
- The witness will be the only person in the room; and
- A complete set of all exhibits (or select exhibits as agreed upon by all counsel in cases with more than 50 total exhibits), in hard copy, have been delivered to the witness, and that the witness will have all exhibits available for testimony.

If any of the following conditions are not observed, the witness may be struck.

## **6.5 Demonstrative Exhibits and Power Point**

All demonstrative exhibits and Power Point presentations must be shown to all parties before being shown to the jury.

## **7. Mediation**

The Court does not require mediation in every case. It may, however, order mediation on a case-by-case basis.

## **8. Courtroom Audio/Video Equipment**

All courtrooms have audio-visual equipment, including an ELMO (document camera), computer jacks, projectors, TV screens and DVD players. We encourage you to use the ELMO to present exhibits to the jury. If you are unfamiliar with its use, you may visit our courtroom to test the equipment. Please contact the Court's bailiff to schedule a technology visit. For detailed instructions on use of the audio-visual equipment, please visit the following web link: <https://www.justex.net/Courts/Civil/CivilTechnology.aspx>

# **HELPFUL RESOURCES**

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### Judges



### Attorneys

- Civil Ad Litem
- FDAMS Application
- FDAMS User Guide
- Standards and Procedures
- Vips Application
- Vips Support Documents and Useful Resource Links
- HCSO Inmate Visitation Info



### Reporters

- Court Reporter Case Management System



### Media

- Civil Electronic Media Rules



### Employees

- Microsoft Outlook Web Access
- Accessing County Resources



### Statistics

- Civil
- Criminal
- Family
- Juvenile



### Career Opportunities

Job Vacancies

Externships

Internships

Volunteers

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## Harris County Links

*Harris County | Texas*

*Harris County Community Supervision & Corrections Department*

*Harris County Pretrial Services*

*HC AZ*

*Court Agenda*

*County Directory*

*Employees*

*County Holidays*

*District Clerk*

## The Administrative Office of the District Courts

*1201 Franklin, 7th Floor*

*Houston, Texas 77002*

## Thank you for visiting us

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