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District Courts of Harris County



JUDGE MICHAEL GOMEZ

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GENERAL COURT PROCEDURES (UPDATED 11/7/2013)

JUDGE MICHAEL GOMEZ 129TH CIVIL DISTRICT COURT GENERAL COURT PROCEDURES

I. FILING

The 129th District Court is a mandatory e-file Court. The Court does not accept filings by e-mail or fax (except via free fax filing and only until the newly promulgated e-filing rules take effect).

II. ORAL HEARING DOCKET

Please contact the Clerk to request a hearing date and time. Once you call the Clerk and obtain a hearing date, please file a notice of oral hearing and serve it on all parties. The Court requires at least five (5) days written notice (usually the Wednesday before the Monday hearing) to all parties, unless otherwise shortened by the Court, agreed to by all parties or the Texas Rules of Civil Procedure require different deadlines. **The failure to file a notice of hearing will result in the hearing being passed.**

Motions are generally set for oral hearing on Mondays beginning at 11:00 a.m. Motions requiring a significant amount of time and attention should request a special setting.

In the event that you are unable to secure a hearing date as soon as necessary on the Court's regular oral hearing docket, or if you require a special setting, please file a letter with the Court, and serve it on all parties, requesting a special setting with alternative dates that are convenient for all parties and the date by which you are requesting the matter be heard by the Court. Please send a courtesy copy of the letter to the Clerk who will then give it to the judge for review. Please remember you may also submit a matter for hearing by submission.

III. APPEARANCE BY PHONE

The Court is particularly inclined to accommodate out of town parties who wish to attend a hearing via telephone. If more than one person wants to appear by phone at a scheduled hearing, the attorneys must all conference in through the Harris County Conference line. Please contact the Clerk to arrange the conference call.

IV. SUBMISSION DOCKET

If you do not require an oral hearing, you may set the matter for the submission docket to be decided on the papers. The submission docket is Mondays at 8:00 a.m. after proper notice. Motions set for submission must be noticed for submission at least ten (10) days from filing, except on leave of the Court.

If the movant places the matter on the submission docket, the respondent may object to consideration of the motion by submission and request to have the matter heard at an oral hearing.

Motions for reconsideration are generally placed on the submission docket first.

V. EMERGENCIES

If both sides agree to an emergency hearing, please call the Clerk and request a phone conference or an oral hearing with the judge. If only one side thinks it is an emergency, please file a motion for emergency hearing. Please send a courtesy copy directly to the Clerk who will then give it to the judge to review and set an expedited hearing time or provide further guidance to the parties, as appropriate.

VI. MOTIONS IN GENERAL.

The Court requires a courtesy copy of any pleadings that are filed within 24 hours of the hearing or submission date. **Please include an order with every motion filed.** With the exception of dispositive motions, motions for voluntary dismissal non-suits, post-verdict motions, and motions involving service of process, you must confer with opposing counsel prior to filing a motion and include a detailed certificate of conference.

The Court requires complete compliance with TRCP 191.2, which states as follows:

“Parties and their attorneys are expected to cooperate in discovery and to make any agreements reasonably necessary for the efficient disposition of the case. All discovery motions or requests for hearings relating to discovery must contain a certificate by the party filing the motion or request that a reasonable effort has been made to resolve the dispute without the necessity of Court intervention and the effort failed.

The Court does not consider the following statements, or the like, to comply with the Rule:

- “Sent a letter...did not get a response.”
- “Left a message...don’t know if the other side agrees or disagrees.”
- “The other side won’t return my phone calls.”
- “I have attempted to resolve this matter by agreement but was unable to do so.”

All motions without a detailed certificate of conference may be passed by the Clerk. Please be advised that even if you have succeeded in scheduling a hearing notwithstanding an insufficient certificate of conference,

the Court may nonetheless require you to confer with opposing counsel before hearing your motion.

VII. DISCOVERY MOTIONS

You must attach a copy of the discovery response at issue or state verbatim the request and answer in the body of your motion. Proposed orders should list each discovery issue separately.

VIII. RESPONSES

Please include an order denying your opponent's motion. **The failure to file a written response prior to the hearing or submission date may be considered a representation of no opposition. As a result, the Court may pass your hearing and rule accordingly on the motion before it.**

IX. SPECIAL EXCEPTIONS

Attach a copy of the pleading you are excepting to (unless the exception is only to the amount of damages sought) or state verbatim the paragraph to which you except. Proposed orders should list each exception separately.

X. AGREED MOTIONS

Agreed Motions do not have to be placed on the Court's docket. Simply file them with the Court for consideration. If an agreed motion is denied without a hearing, you can request a subsequent oral hearing on the motion.

XI. RULE 106 MOTIONS FOR SUBSTITUTED SERVICE

All motions for Substituted Service under Rule 106 must be accompanied by an affidavit that includes the following information or they are subject to being denied:

Efforts taken 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 the driveway or other indications that defendant actually resides at the subject address.

XII. MOTIONS TO WITHDRAW AS ATTORNEY OF RECORD

Because motions to withdraw as attorney of record usually impose the burden of a *pro se* case on opposing parties and the Court, they will be granted on a case by case basis. The following must be filed before any such motion will be considered:

1. Notice of hearing or submission.
2. A statement of the particular circumstances and disciplinary rules requiring withdrawal. A general statement such as “irreconcilable conflicts” is not enough. Matters which are confidential may be filed under seal.
3. A certificate by the attorney of record of the client’s name, address, and telephone number, whether such information is current, or if not current, when it was last known to be correct.
4. 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 extension will be granted to the *pro se* client in order to obtain other counsel; & (e) notice of submission or hearing at which the motion to withdraw will be considered.
5. In addition to the items described in #4 above, if the client is a corporation, the attorney must notify the client that a corporation cannot proceed *pro se* and if the corporation has not obtained new counsel within 30 days, a default judgment may be entered against the corporation if it is a defendant or its claims will be dismissed if it is a plaintiff.
6. A signed acceptance of the terms of the letter described in item 4, if the client has agreed to the withdrawal. If the client has not agreed to the withdrawal, proof of service of the letter described in items 4 & 5 must be filed.

XIII. SEVERANCE

Coordinate with the Clerk on the procedures. The order granting severance should properly delineate the parties and claims remaining and being severed, respectively, as well as the pleadings being incorporated into the severed case, as appropriate. A cheaper alternative in some cases is to ask for abatement of one cause of action or separate trial on a cause of action.

XIV. SANCTIONS

Sanctions should not be requested unless the opponent has violated a previous order or engaged in particularly egregious behavior.

XV. DEPOSITIONS

To the extent possible, depositions should be scheduled by agreement. Generally, the party who requests the first deposition is entitled to take the first deposition. Thereafter, unless the parties agree otherwise, depositions should be alternated.

If practical to do so, exhibits should be sequentially marked Ex. 1, Ex. 2, etc. regardless of the identity of the deponent or the side introducing the exhibit. These same exhibit numbers will be used throughout pretrial and trial.

XVI. TEMPORARY INJUNCTIONS

Please call the Clerk before your scheduled hearing. Temporary Injunctions are automatically set on Monday at 3:30 p.m.

It is imperative that we know whether or not you are ready to proceed with the hearing and how long the hearing will take. We may need to reschedule your hearing and extend the TRO until a convenient time for the Court. **Do not bring your witnesses to Court until you have spoken to the Clerk!**

XVII. MEDIATIONS

Generally, all cases are required to be mediated before trial. If you believe that your case is not appropriate for mediation, file an objection to the mediation and set it for a hearing or put it on the submission docket.

HELPFUL RESOURCES



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

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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