











# COVID-19 Safety Information >



District Courts of Harris County



JUDGE BEAU A. MILLER

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## COURT PROCEDURES

### Procedures for the 190<sup>th</sup> Civil District Court

#### 1. Purpose

These court procedures are to facilitate Rule 1 of the Texas

Rules of Civil Procedure and the fair, equitable, and efficient administration of justice.

## **2. Court Attire**

All counsel must appear in business attire for all hearings, including in the courtroom and via zoom. Men are expected to wear a suit (sports coat and dress slacks are permissible) and tie; women are to wear the appropriate equivalent.

Failure to do so may result in an appropriate sanction, which could also include the passing of a hearing if it is the party seeking relief.

## **3. Mandatory Electronic Filing**

In accordance with the Local Rules of Harris County District Courts, all cases in the 190<sup>th</sup> 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. Each exhibit should be filed separately.

## **4. Motions**

### **4.1 Certificate of Conference**

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

- 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 have conferred on the matters on which relief is sought, and whether the relief is opposed, agreed, or agreed in part.

## 4.2 Proposed Orders

All motions **and** responses must have a proposed order. 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.

## 4.3 Courtesy Copies

Parties filing pleadings more than twenty 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.

### 4.3.1 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.

## 4.4 Discovery Motions

The Court expects that parties will make every effort to resolve all discovery issues without court intervention. 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. The Court will then determine the need for briefing and/or a conference on the matter.

Proposed orders should list each discovery issue separately. Both the movant and non-movant must submit a proposed order.

## 4.5 Settlements, Nonsuits, and Agreed Judgments

### 4.5.1 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 are dismissed for want of prosecution if no judgment is filed within 14 days after the court is notified of settlement (this time may be extended where necessary). Failure to

obtain an enforceable settlement agreement will not be good cause to avoid dismissal or to reinstate the case.

#### **4.5.2 Settlements Involving Minor Children**

A Guardian Ad Litem will be required for all settlements involving minor children. 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 the time of the hearing, the parties are to present the proposed Judgment, as well as the Supreme Court ad litem fee report.

#### **4.6 Default Judgments**

An oral hearing is required on all default judgments. The Non-Military Affidavit must comply with recent amendments to the Soldiers and Sailors Relief Act.

#### **4.7 Special Note Regarding Homeowners' Association Defaults**

The Court makes a special attempt to work together with Homeowners' Associations and property owners in judicial foreclosure cases. Motions for Default Judgment based upon unpaid assessments or deed restriction violations must be set for an oral hearing, however a board member or property manager does not need to be present at the hearing.

The Court would like to review the following three documents at the hearing:

- the lien foreclosure language in the declarations;

- the deed; and
- the accounting.

It is not necessary to submit the entirety of the Associations' declarations with your Motion; the Court is only interested in reviewing the lien foreclosure language. Likewise, the Court is only interested in reviewing the property description within the deed.

#### **4.8 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 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.

#### **4.9 Motions to Withdraw as Attorney of Record**

Motions for withdrawal of counsel must be set on the oral hearing docket. The motion must contain:

- a statement of the particular circumstances and disciplinary rules requiring withdrawal;

- 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
- a signed acceptance of the terms of the letter described above, if the client has agreed to the withdrawal. If the client has not agreed to the withdrawal, proof of service of the letter described above must be filed.

#### 4.10 Rule 106 Motions for Substituted Service

Parties requesting an Order for Substituted Service under Rule 106 should use the court's suggested form: [190TH Order Granting Rule 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 or other indications that defendant resides at the subject address.

## 5. Hearings

### 5.1 Oral Hearings

The Court's oral hearing docket is Monday at 1:30 pm. 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. Please advise the court clerk of the amount of time necessary for your hearing and whether you require a court reporter. No motion will be set for oral hearing without the party requesting the hearing providing a time estimate.

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. **Late filed responsive pleadings will not be considered by the court.**

### 5.2 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 file a written request with the Court. The court clerk will contact the requesting party with a hearing date, and the party requesting the oral hearing must give notice to all parties of the hearing.

### **5.3 Emergency Hearing Requests**

Parties may request an emergency oral hearing or telephonic conference by contacting the Court Clerk.

### **5.4 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.

### **5.5 Zoom Appearances**

The court will allow Parties to appear by zoom for default judgment and minor settlement hearings. All other zoom appearances must be granted by leave of court. All lawyers are to appear in professional business attire for all hearings, including by zoom. Failure to do so may result in an appropriate sanction.

## **6. Temporary Injunctions**

Temporary Injunctions are generally set on Mondays at 3:00 p.m. 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.

## 7. Trial Continuances

Continuance requests after the 1st trial setting should be set for oral hearing with proper notice to all parties. Parties should not expect that 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, **and** an agreed DCO, it does not have to be set for a hearing.

Proposed continuance orders must include a proposed amended DCO agreed to by all parties. If parties cannot agree to a proposed amended DCO, the reasons for non-agreement should be stated with specificity. All deadlines remain in effect until a new DCO is entered.

## 8. Trial

### 8.1 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.

### 8.2 Pretrial Order

The Court has a standing Pretrial Order. The order is on the Court's website. All parties must comply with the order prior to the pretrial conference. [Standing Trial Preparation Order.pdf](#)

### 8.3 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 extracts and objections; and
- proposed jury charges.

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.

### 8.4 Expert Witnesses

Any Motions to exclude or challenge expert evidence must be filed and set for hearing on a date at least thirty days

prior to trial.

## 8.5 Trial Testimony by Videotaped Deposition

No Party Shall present a witness at trial via videotape deposition in which the excerpts shown to the jury is longer than 20 minutes without first obtaining leave of court.

## 9. Mediation

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

## 10. Courtroom Audio/Video Equipment

All courtrooms have state of the art 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. For detailed instructions on use of the audio-visual equipment, please visit the following web link:

<https://www.justex.net/generalinfo/46>

## 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

## 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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