











# COVID-19 Safety Information >



District Courts of Harris County



JUDGE ELAINE H. PALMER

 <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 Elaine H. Palmer](#) > [Judge Elaine H. Palmer](#)

## COURT PROCEDURES

- [1. Pre-Trial Procedures and Motion Practice](#)
- [2. Trial Procedures](#)
- [3. Practice Tips for the 215TH District Court](#)
- [4. HARRIS COUNTY WIRELESS INTERNET](#)

## Pre-trial Procedures and Motion Practice

**Trial Settings:** The Court will schedule an initial Case Management Conference shortly after a defendant answers and appears. The docket control order (except the trial setting) may be amended either by Rule 11 agreement or by moving for leave of Court.

**Rolling Docket:** If a case is not reached during its two week docket, the parties may jointly request that, in addition to a new trial setting, the case be placed on the Court's Rolling Docket where it will remain on an "on call for trial" status. The case is not assigned for trial but if the Court's docket opens up, the Court will call cases from the Rolling Docket. Cases from the Rolling Docket will only be assigned to trial if all parties are available when called by the Court.

**Continuances:** Any Motion for Continuance should be filed sufficiently in advance of the trial setting (more than a week ahead). If the parties would like to amend the docket control order in addition to continuing the trial date, please note your request in the motion for continuance and include a statement that a new scheduling order shall be issued in the proposed order. Continuances after the first continuance must demonstrate substantial need for a delay of the trial setting. Agreed continuances may be submitted immediately for ruling without oral hearing.

**Pre-trial Conferences:** A pre-trial conference will be held immediately before trial begins. The [Court Coordinator](#) will telephone counsel with the day and time to appear. Cases generally will have at least one day's notice before being called in for trial. Docket positions are available on this site or by contacting the Court Coordinator. The Court reserves the right to change the docket positions, as it deems necessary or appropriate.

The parties are required to bring, and have exchanged, a Trial Notebook that contains the following items:

1. Live pleadings and answer
2. Witness list - with estimated time for direct and cross of each
3. Exhibit list - include copy of exhibits and any objections to exhibits
4. Motion in Limine and objections
5. Deposition cuts and objections, if any are to be read or played
6. Proposed jury charge

## 7. Any anticipated demonstrative items

**Motions:** Motions may be set for oral hearing on Thursdays at 8:30am, 9:30am or 10:30am. Temporary Injunctions are heard on Thursdays at 1:30pm. Please contact the Court Clerk at 832-927-2201, to reserve a date and time. After confirming a date and time with the clerk, file the "Notice of Oral Hearing" with the Court and give notice to other parties as required under the state and local rules. All responses must be filed at least 24 hours before the scheduled hearing **and have orders attached**. The court also has a submission docket every Monday at 8:00 a.m. for motions to be considered without oral hearing. \* **Motions must have an order attached before the submission or oral hearing date, otherwise the Court will pass the current setting.**

Any party may request an oral hearing. Any party requesting oral hearing, or requesting that a motion be removed from the submission docket and placed on the oral hearing docket, must give notice to all parties of the hearing.

**Parties are to confer and narrow their areas of disagreement in advance of any hearing.** Please remember to call the Court and all counsel when any hearing is passed.

**The Court prefers that counsel appear in person for any hearing.** However, on the rare occasion counsel cannot appear in person, appearances by telephone and hearings by teleconference may be arranged through the Court Clerk.

**Motions for Default Judgment:** The Non-Military Affidavit **MUST** be in compliance with the recent amendments to the Soldiers and Sailors Relief Act. An oral hearing is only required if proving damages, otherwise they may be set on the submission docket.

**Motions to Appear Pro Hac Vice:** All Pro Hac Vice Motions **MUST** comply with the new legislation (Section 82.0361 of the Government Code) effective September 1, 2003.

**Motions for Substituted Service:** The order filed with a Motion for Substituted Service should state that the plaintiff is ordered to mail a copy of the petition and a copy of the citation to the defendant at the last known address via regular mail and certified mail. Motions for Substituted Service

will only be considered after 7 attempts of service or proof of avoidance of service.

**Motions for Expedited Foreclosure:** All expedited foreclosure motions **MUST** be set for oral hearing. Please call the Clerk to obtain a hearing date. Once a date is obtained, please file a Notice of Hearing and an Order to Proceed with the Court Clerk.

**Motions for Rehearing:** All motions for rehearing **MUST** be set on the submission docket.

**Motions to Withdraw:** In cases in which another attorney is *not* to be substituted in to replace withdrawing counsel, motions to withdraw must *strictly* comply with all of the pertinent requirements of Rule 10, TEX. R. CIV. P. In addition, in any instance where an attorney seeks to withdraw as counsel representing a company, corporation or any entity which cannot, as a matter of law, appear pro se, the motion must state that the company, corporation or other entity has been advised that they must substitute new counsel within 30 days of the date of withdrawal of prior counsel or the Court will enter judgment against said company or corporation. This requirement must also be included in the proposed order and the motion and the order signed by the Court must be served on the client.

**Motions for Severance:**

1. The Motion for Severance must be set either by submission or oral hearing.
2. The Motion for Severance must state the basis for the severance.
3. The Order of Severance must include the following information:
  - How you want the case to be styled.
  - Case number, i.e. 2006-32041-A.
  - What **parties** are to be severed into the severed case.
  - What **documents** are to be severed into the severed case.
  - **State** if the severed order disposes of the severed case or will it remain an active case.
  - **State** who will pay for the cost of the severance.
4. If the motion is granted, the attorney requesting the severance will be responsible for providing the clerk of the Court with certified copies of the

documents being severed out that are mentioned in the order before the Court will sign the severance order.

**Emergency Motions:** If a true emergency arises, file your motion and request for emergency hearing directly with the Court Clerk. Additionally, you should give the Clerk an oral overview of the nature of the emergency. The clerk will advise you of the date and time for an oral hearing or telephone conference after the clerk confers with the Court. The Court admonishes counsel not to cry "wolf" where no real emergency exist. Motions considered in the regular course of the Court's business can handle most disputes.

### Trial Procedures

**Jury Trials:** Before trial, parties should exchange exhibit lists, motions in limine, and proposed charge issues. Exhibits should be available for inspection and copying on request if the exhibit was not otherwise produced in discovery. All exhibits should be pre-marked, and an 8 1/2 x 11 size duplicate exhibit should be provided for any oversize or "blowup" exhibits.

**Review the exhibit list and motion in limine filed by opposing counsel before trial.** Be prepared to advise the Judge as to which exhibits and limine requests you have no objection. Generally, the Court will admit as many exhibits as possible prior to the start of voir dire.

**Challenges to Experts.** If you anticipate a challenge to an expert's qualifications that will take more than 15-30 minutes to hear, do not wait until the first day of trial. Discuss scheduling of the challenge with the court at an earlier status conference or with the Trial Coordinator.

Be prepared to advise the Court of your witness list and anticipated schedule. Deposition excerpts should be provided to opposing counsel the week before trial. Excerpts should be reviewed and objections made in writing more than 24 hours before that deposition is to be used at trial.

The Court has equipment for viewing documents and videotaped depositions.

The Court Coordinator will telephone all parties at least one day in advance of trial to schedule the pre-trial conference. Voir dire may begin immediately after the pre-trial conference in some cases, so be ready to pick a jury when called for the pre-trial conference. Jurors are encouraged

to take notes during the trial and are allowed to use their notes during deliberations.

**Non-Jury Trials:** Follow the above guidelines for jury trial, but prepare and exchange proposed findings of fact and conclusions of law with all counsel and provide them to the judge at least one day before trial. In addition, prepare a proposed form of judgment.

### Practice Tips for the 215th District Court

#### Motions

##### A. Writing

1. At the outset, tell the Court what relief you want and the legal basis for your argument. (Imagine what reading reported cases would be like without the case synopsis at the start and without head notes.)
2. Use captions generously to give the Court a guidepost for each part of your argument.
3. Try to give the appearance of lots of white space. Avoid pages and pages of text without paragraph breaks and captions.
4. Do the trial court judge a favor and save the string cites for the appellate courts. If you must include string cites, a footnote is a good place to do so.

##### B. Arguing

1. Assume the motion has been read. If the judge was in trial the day before you appear for argument, you may assume that it was not read as thoroughly as it would be if the judge was not in trial on the preceding day. The judge will generally tell you if he has read the motion and response
2. Assume the critical cases cited to the Court have been read in connection with your case if the matter before the court is novel or if there is a difference in the characterization given a particular case by the advocates in the written motion and response. (Point out which cases are

critical and always include a copy for the convenience of the court. Highlighting relevant parts of the case always helps to Court.)

- 3. Do not argue outside the record. If a case is a “silver bullet” case for your position, cite it and discuss it in your motion/brief and give the other side the opportunity to rebut it.
- 4. Provide the Court with a sketch of the parties in those cases that warrant the extra work.

## 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

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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

*Visitor Counter: 2092669*



