











COVID-19 Safety Information >



District Courts of Harris County



JUDGE FREDERICKA PHILLIPS

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COURT PROCEDURES

Court Procedures

Records

The presence of the court reporter does not indicate a record is being made. The court reporter is transcribing realtime for the judge. You are not on the record until the Court says, "We're on the record".

MOTIONS

All motions must be set on the Court's docket by submission or oral hearing to be considered by the Court, **except** for agreed motions signed by all parties. Agreed motions do not have to be placed on the Court's docket. All motions and responses should include a proposed order. All motions require a certificate of conference, with the following exceptions; Motions for Default Judgments, Motions for Summary Judgment and Motions to Dismiss.

NOTICES OF INTENT TO DISMISS/DWOP DOCKET

If YOU HAVE FILED YOUR MOTION TO RETAIN, YOU DO NOT HAVE TO APPEAR IN COURT (UNLESS SPECIFICALLY NOTIFIED BY THE COURT). IF YOU HAVE FILED 4 OR 5 PREVIOUS MOTIONS TO RETAIN, THE COURT WILL REVIEW AND MAY REQUEST A HEARING. **REFER ALL QUESTIONS TO THE TRIAL COORDINATOR.**

Certificate of Conference

The certificate of conference should include a detailed statement of the movant's efforts to resolve the issues in the motion with opposing counsel/party prior to filing the motion. If a party was unable to reach the other side prior to filing the motion, the certificate should state the multiple efforts to communicate with that party, and must always be supplemented as soon as possible after the parties have actually conferred. A statement along the lines of "you faxed, emailed, or mailed a letter to opposing counsel and they did not respond" is NOT sufficient to meet the requirement to confer. A supplemental certificate of conference must be filed 2 business days before the hearing on the motion outlining subsequent efforts to resolve the dispute after the motion was filed. Failure to actually confer with the other side or adequately explain why after **multiple** attempts you were unable to confer before the hearing or submission date may result in your

motion being removed from the docket. Failure to file a supplemental certificate of conference at least 2 days before the hearing or submission date may also result in your motion being removed from the docket.

Motions for Summary Judgment

All motions for summary judgment will be heard by submission ONLY. Submission dates are any Monday at 8:00 am with proper notice (21 days).

Discovery motions

The Court believes the parties can resolve most discovery disputes without court intervention. Attorneys must communicate with opposing counsel before filing any motion related to discovery and must file a supplemental certificate of conference at least 2 days before the submission/hearing date for the motion. The motion should include the detailed certificate of conference as discussed above. If parties have not conferred, the motion will be removed from the docket. Parties with discovery motions pending on the oral hearing docket should arrive at least 15 minutes before their scheduled hearing to confer again with the other side prior to your case being called to the bench.

Discovery motions should specify each specific discovery response at issue and include a copy of the response(s) at issue as sub-documents when e-filing, or state verbatim the request and answer in the body of your motion.

Proposed orders should list each discovery issue separately so that the court may sign a specific order granting or denying the requested relief.

Special exceptions

Attach a copy of the pleading you are excepting to as an exhibit (unless the exception is only to the amount of damages sought) or

state verbatim which paragraphs you except to. Proposed orders should list each exception separately.

Severances

The party requesting the severance must specifically list all pleadings to be included in the severance order to be transferred to the new file.

Motions for Substituted Service

Motions for substituted service must be in strict compliance with TRCP Rule 106. The motion should include an affidavit detailing all efforts taken to verify that the defendant actually lives or works at the subject address, multiple attempts of service at different times of day with the specific dates and times, the identity of person(s) present at the subject address and what was said, the identity of the owners of any cars in the driveway or other indications that defendant resides at the subject address. Motions should include the attached form order for substituted service [here](#) .

Continuances

Continuances should be filed early. Generally, the court will allow one timely asserted continuance. After that, the court requires a reasonable explanation for the request that takes into consideration the current age and status of the case and whether opposing party is prejudiced by further delay. More than likely, a hearing will be required on any additional continuances.

Default Judgments

A hearing is required on all motions for default judgment involving homeowners associations and expedited home foreclosures. All other Default motions require a notice of submission or request for hearing from the clerk. A certificate of service must be attached to all Default motions.

Please submit the proper non-military affidavit by visiting the Defense Manpower Data Center's (DMDC) Military Verification service at <https://scra.dmdc.osd.mil>.

Daubert/Robinson

A hearing should be requested pursuant to the DCO deadlines. All motions to exclude experts should be filed AND set for hearing WELL IN ADVANCE OF TRIAL. The court will NOT consider such motions filed after the deadline in the docket control order without a motion for leave demonstrating exceptionally good cause. Do not wait until the eve of or morning of trial to file your motion.

MOTIONS TO WITHDRAW

Motions to withdraw as attorney of record must contain the parties telephone number, address, email address if available, current deadlines and trial settings. Orders on motions to withdraw MUST include contact information for the pro se party including name, address, telephone number, and email address.

Hearings

Emergencies/Expedited

If both sides agree to an emergency/expedited hearing, call the court clerk and set up a phone conference with the judge. If only one side feels it is an emergency, e-file a motion for emergency/expedited hearing.

Oral Docket

Any party may set a motion for oral hearing using the e-hearing system. Only call the court clerk if you need assistance with using the e-hearing system. Non-evidentiary telephone hearings may be allowed under limited circumstances approved by the Court.

APPEARANCE BY PHONE

The court allows attorneys to appear by phone. Please contact the court clerk to make arrangements. If more than one person wants to appear by phone at a scheduled hearing, the attorneys must all conference in on one line and then call the Court. The Court will not arrange the conference.

Submission Docket

The submission docket is Mondays at 8:00 am after 10 days notice. Summary Judgments require 21 days notice.

All motions for reconsideration shall be placed on the submission docket first.

Temporary Injunctions

Temporary injunctions and evidentiary hearings are set on Thursdays unless otherwise directed by the Court. Please call the Court Clerk before your scheduled hearing to confirm the hearing. Before the scheduled hearing, please contact the Court and advise: (1) whether or not you are ready to proceed; (2) whether the parties were properly served; and (3) the length of time requested for hearing and number of witnesses. We may need to reschedule your hearing and extend the TRO (as permitted by law) if there are trial conflicts. Do not bring your witnesses to court until you have spoken with the Court Clerk.

Trials

All cases are automatically set for trial after the answer of a defendant. On resettings, most are reset within 2 to 4 months if not reached at the first setting. **If you have NOT been assigned to trial by the trial coordinator, you DO NOT have to appear in court. The trial coordinator will call and send a follow up email letting you know of your assignment.**

Pretrial

All Pre trial Matters will be heard at the time of trial just prior to jury selection.

If the parties believe more than an hour is needed for the pre-trial conference, contact the trial coordinator so additional time can be scheduled.

Exchange motions in limine, witness lists, exhibit lists, deposition excerpts and any objections thereto at least 5 days prior to the pretrial hearing or the date set in the Trial Preparation order if one is issued. Discuss the matters among yourselves and attempt agreements. Advanced rulings on deposition excerpts are available by request, depending on the case. Captioning should be included on deposition videos used at trial.

The Court has adopted a standing Order in Limine applicable to all cases. Do not duplicate these items in your motions in limine. Your motion should be limited to only those items specific to the facts and circumstances in your case. Attached is the courts stand Order in Limine

[61st Limine.Standing order.doc](#)

Voir Dire

Time for voir dire depends on the complexity of the case and will be discussed with the parties during pretrial. After the general voir dire, individual jurors can be questioned at the bench for cause.

During voir dire, general contentions may be stated but the case should not be argued.

Challenges for Cause

Jury Venire are excused for all challenges for cause between voir dire and peremptory. Liberal with cause determinations and hardships are provided if I have enough on the panel to seat a jury.

Peremptory Challenges

Clerk prepares strike list for the lawyers to mark and sign their peremptory challenges.

Questionnaires

Questionnaires are discouraged as they tend to extend the length of voir dire. If the parties desire questionnaires, a hearing should be set to discuss them in certain cases at an earlier date before the first day of voir dire.

Proposed Jury Charge

Drafts of proposed jury charges should be exchanged PRIOR to trial. Parties should email or bring a thumb drive with their proposed charge in Word format to the court reporter.

Exhibits

Use numbers for the exhibits, not letters. Have a list prepared for the Court and another for the court reporter. Also, have a thumb drive of the exhibits for the court reporter.

Courtroom decorum

All litigants and counsel are expected to show respect for each other and the court. Stand when the jury and the judge enters and exits the courtroom. Stand when talking to the judge. Request permission to approach the bench or the witness. Do not interrupt opposing counsel or witnesses. Address the judge, opposing counsel or witnesses professionally and respectfully. You may examine witnesses at the counsel table or from a podium. Address the witness as "Mr." or "Ms." Please read the attached Administrative Order and The Texas Lawyer's Creed a Mandate For Professionalism

[/JustexDocuments/3/Admin Order & Lawyer's Creed.PDF](#)

Minor Settlements

The Court must approve the disposition of all cases involving minors. In motions requesting the appointment of a guardian ad litem, please include a brief description of the nature of the suit and the alleged damages. The motion must advise the Court if a guardian or attorney ad litem should be fluent in a language other than English. The Court will appoint ad litem based on the complexity of the case and the ad litem's experience.

Other

Please contact the Court if you need a sign language interpreter, auxiliary aid, or any other ADA accommodation or service.

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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