











COVID-19 Safety Information >



District Courts of Harris County



JUDGE LAUREN REEDER

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COURT PROCEDURES

Court Procedures:

Pre-trial Procedures and Motion Practice

1. HEARINGS

Law day dockets are on Monday's beginning at 9:00 AM and are **in-person only**. Any party requesting an oral hearing can obtain a date by the clerk, please call the main number 832-927-2234. Once you obtain a hearing date you are required to file a Notice of Oral Hearing and serve it on all counsel or pro se parties. The court strives to read every filing prior to the oral hearing, and thus would like to have as much lead time as possible to read motions and responses so that it may rule promptly at the hearing or very shortly thereafter. Please call the Court Clerk and all counsel when any hearing is passed.

1. Submission Docket

Submission docket takes place on Monday at 8:00 AM after 10 days' notice for most motions. A request for an oral hearing is not a substitute for a response nor for a motion to continue the hearing. If a party wants an oral hearing on a motion that has been placed on the **submission** docket that party should e-file a letter with the court requesting the hearing.

1. Temporary Injunctions

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Temporary injunctions are set on Mondays at 11:30 a.m.

Before scheduling hearings, movants should call the Court and advise (1) regarding readiness to proceed with the hearing, and (2) the estimated length of the hearing.

Depending on trial schedules and the length of the hearing, the Court may find it necessary to extend the TRO and reschedule the temporary-injunction hearing.

Parties should not bring witnesses to court until checking with the court clerk.

1.3 EMERGENCY HEARING:

In order to receive an emergency hearing you must file an emergency motion which must provide a detailed description of why

it is needed. The motion will be given to the Judge for her approval of the date and time for hearing.

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2. MOTION

2.1 AGREED AND UNOPPOSED MOTIONS

Agreed or unopposed motions **do not** have to be placed on the court's oral hearing or submission docket. All unopposed or agreed motions should be titled as such.

In addition, ALL continuance or reset motions (whether agreed, unopposed or opposed) MUST state what number continuance motion is being filed (i.e. "Plaintiff's First" or "Defendant's Second" or "Third Agreed Motion," etc.). If a motion is actually agreed, the motion and order should contain signature blocks for all parties that are agreed to the relief requested, and should state "AGREED AS TO SUBSTANCE AND FORM AND ENTRY REQUESTED" above the signature block.

CONTINUANCES

First continuances may be granted for good cause or upon agreement of the parties if a motion for continuance is filed sufficiently in advance of the trial setting. If agreed, first continuances will not require a hearing unless after reviewing the motion the Court deems one necessary. The proposed order granting the continuance shall provide a space for the new trial date to be inserted by the Court. 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 the statement that a new scheduling order shall be issued by the Court in the proposed order. Alternatively, an amended scheduling order may be submitted. **Continuances after the third continuance must demonstrate substantial need for a delay of the trial setting and must be set for oral hearing whether agreed or opposed.**

2.2 CERTIFICATES OF CONFERENCE

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

2. Summary Judgments
3. Default Judgments
4. Agreed Judgments
5. Motions for voluntary dismissal or non-suit
6. Post-verdict motions; or
7. Motions involving service of citation

The movant must confer person-to-person with opposing counsel before the Court will consider a motion that requires a conference. The Court will pass motions that do not have a certificate stating (1) that the movant has actually talked to opposing counsel, or (2) why counsel have not been able to discuss motion.

A certificate of conference stating that you sent a letter or email to opposing counsel and received no response is not a proper certificate of conference

2.3 ORDERS

File proposed orders with all motions and responses. On occasion, the Court may require parties to email longer or more complex proposed orders in Word format to the court clerk.

When submitting a proposed order, you must include a cover letter and indicate whether the order is agreed to as to form.

1. 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 an oral hearing on a motion to compel. The complaining party should file a motion containing:

8. A brief description of the dispute;
9. The date, time, and place the parties have had out-of-court discovery discussions;
10. The names of all counsel participating in the discussions; and
11. A copy or verbatim reproduction of the discovery requests and responses at issue.

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

1. SPECIFIC MOTION PROCEDURES

3.1 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 only when absolutely necessary. **Motions to Withdraw must be set for oral hearing.** The following must be filed before any such motion will be considered:

1. Notice of hearing.
2. A statement of the particular circumstances and disciplinary rules requiring withdrawal. A general statement such as “irreconcilable conflicts” is not enough. Confidential matters may be filed under seal.
3. A certificate by the attorney of record of the client's name, address, and telephone number, and the statement 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 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.

5. 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 item 4 must be filed.

3.2 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:

12. Efforts taken to verify that defendant actually lives or works at the subject address;
13. Each attempt at service, with date and time;
 - Identity of persons who were present at the subject address and what was said;
 - Identity of cars in the driveway or other indications that defendant resides at the subject address;
 - Any other information that will give the Court assurance that the defendant will receive notice through the requested substituted service.

Additionally, the following must be referenced and attached as an exhibit to the order:

EXHIBIT A

It is further

ORDERED that service shall also comply with the following provisions:

(a) a copy of the citation and petition shall be mailed by both certified mail, return receipt requested, and regular mail to the Defendant at the same address at which service is authorized above;

(b) the return of service shall not be made until 30 days after mailing or until the process server receives back the green card from the post office, whichever is earlier;

(c) the return of service shall include a statement setting out the date of mailing and the result of the mailing by certified mail and the date of mailing and the result of mailing by regular mail (i.e., whether the envelope was returned by the post office, or the green card came back signed, or whatever happened as a result of the mailing); and

(d) a copy of any envelope or green card returned by the post office shall be attached to the return of citation.

The return of service of the person executing service pursuant to this order shall otherwise be made in accordance with Rule 107 of the Texas Rules of Civil Procedure.

Service will be complete upon compliance with this Order regardless of whether Defendant signs the certified mail receipt.

Motions for Substituted Service the Court will place the motion on **submission** docket, no need to file notice of **submission**.

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3.4 MOTIONS FOR DEFAULT JUDGMENT

Default judgments asking for unliquidated damages will need an oral hearing on Mondays at 10:00am with a ten days' notice.

Default judgments asking for liquidated damages can be placed on the **submission** docket.

When proving damages in a motion for default judgment, show the court how you calculated the damage figure and provide evidence to support your calculation. For instance, if you are suing for breach of a credit card or mortgage agreement, provide the court evidence as to how you calculated the amount due by the defendant/debtor.

When proving attorney's fees in a motion for default judgment, in

your affidavit provide the court with evidence to support your claim for attorney's fees. At a minimum you should show (1) your experience, (2) the work you did on the lawsuit, (3) how long it took you to do it and (4) your hourly rate.

The Court requires the movant to give the defaulting parties (as well as any other parties who may have made an appearance in the case) 10 days' notice of the hearing and of the default motion by regular and certified mail, and to certify that this has been done in a certificate of service.

If the defaulting party was served at an address other than the address for which the citation was issued, the Court requires the movant to file a Motion to Amend Citation, requesting that the citation be amended to reflect the address at which valid service was actually accomplished, along with a proposed Order to Amend Citation.

3.5 MOTIONS FOR SUMMARY JUDGMENT:

Motions may be set for the first available hearing 21 days after the motion is filed, please obtain a hearing date through the clerk. Generally, Motions for summary judgment are heard on Mondays at 11:00 AM. Motions may also be set on the **submission** docket at 8:00 a.m. on the first Monday following 21 days following filing the motion. **Plan ahead and do not wait until the last minute to file a MSJ or request a hearing.**

File motions sufficiently in advance of the trial setting to be heard before the case is called to trial. Summary judgments must be set for hearing **at least** one month before trial. Late-filed summary judgments **will not** delay a trial setting and will be set at the Court's discretion.

"No evidence" summary judgment motions should not be set for hearing more than 30 days before the first trial setting; unless the non-moving party does not contest that an adequate time for discovery has passed.

3.6 MOTIONS TO SEVER:

Motions for Severance should be set on the **submission** docket, any Monday at 8:00am with ten days' notice. The motion **must** obtain the basis for the severance information. You can find an Orders in a word format, on the Judges' web page under **form orders for the 234th**

The order of the severance must contain the following information:

14. Style of the case;
15. Case number, i.e. 2006-32041-A;
16. Parties to be included in the severed case;
17. Documents to be included in the severed case;
18. Whether the severed order disposes of the severed case or if the case shall remain active; and
19. The party paying for the costs of court and severance.

Special note regarding bankruptcies. Severance are not granted merely because of bankruptcy filings. In such cases, the opposing party should either dismiss the bankrupt party in this Court and proceed in Bankruptcy Court, or move for relief from the bankruptcy stay in Bankruptcy Court and proceed in this Court.

20. **Trial Settings**

All cases are automatically scheduled for trial pursuant to a docket control order. If your case is a Level 3 case and you need special scheduling consideration (e.g., a longer discovery period, a shorter trial setting), prepare an agreed scheduling order and submit it to the Court. If you need to amend any deadline in the docket control order (except joinder, pre-trial conference, or trial setting), you may do so either by Rule 11 agreement or by moving for leave of Court. Preferential settings will be granted only upon a showing of good cause (e.g., parties or witnesses reside outside the United States) and, absent other considerations, should be set for trial during the summer months with all parties waiving any vacation letters on file.

1. **Pre-trial Conferences**

A pre-trial conference is typically held before trial begins. The Court Coordinator will telephone counsel with the day and time to appear for the pre-trial conference. The Court will entertain requests to hold

the pre-trial conference farther in advance. Cases generally will have at least one day's notice before being called in for trial. Docket positions are available by contacting the Court Coordinator.

1. **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. In addition, prepare a proposed form of judgment.

If you need more information on Bench or Jury Trials, Continuances, and DWOP please contact Lawanda Cornett.

Settlements

You do need not appear in court to announce a settlement; a phone call to the court coordinator is sufficient or email from parties. Cases are dismissed for want of prosecution if no judgment is filed within time given after the court is notified of settlement (this time may be extended where necessary).

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.

COURTESY COPIES

~~The Court accepts courtesy copies only on thumb drives, unless over 200 pages.~~

~~The Court no longer accepts paper courtesy copies or e-mails of courtesy copies. Instead, if a party wishes to bring a particular filing to the Court's attention, the party may (1) file the document electronically with the clerk's office as it normally does and then (2) call the Court to bring the document to the Court's attention, and ask the Court to view and consider the document that is already in the Court's electronic file system. Alternatively, if you absolutely must file a courtesy copy of the document (which is discouraged) then you must do so on a flash drive or disc.~~

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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