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COURT PROCEDURES

Pre-trial Procedures and Motion Practice

Trial Settings: All cases are automatically scheduled for trial pursuant to a docket control order. If your case is a Level 3 case or 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 the pre-trial conference or trial setting), you may do so either by Rule 11 agreement or by moving for leave of Court.

Continuances: First continuances may be granted for good cause and must demonstrate substantial need for a delay of the trial setting. **Agreed continuances may be submitted immediately for ruling without oral hearing.**

Opposed continuance requests may be set for oral hearing or submission docket.

You can **agree to any Monday of your choice**, if you choose a Monday in the **summer months of June, July or August**, you must include the language on the order, **that everyone agrees to waive their vacation for that two week period, the order needs to be signed by all counsel and prose parties if any in your case.**

If the parties would like a new docket control order in addition to continuing the trial date, **please note your request in the proposed signed order and include the statement that a new scheduling order shall be issued by the court.**

Preferential trial setting request, you must file a motion and set for an oral hearing, please contact the court clerks at (832) 927-1825 or you can email at simone.mills@hcdistrictclerk.com .

Pre-trial Conferences: A pre-trial conference will be held before trial begins. The Court Coordinator will contact counsel with the day and time to appear during the two week docket. Cases generally will have at least one day's notice before being called in for trial. Docket positions are available by going to www.justex.net and look under **case information inquiry** and press the button under **trials**. You can also contact the Court Coordinator.

ZOOM HEARINGS

All zoom hearings will be heard in 15 minute increments--total. Movants are to include this in the Notice of Oral Hearing.

IN-PERSON HEARINGS

Any hearings that requires more than 15 minutes will be held in person. The 334th will hold in-person law day dockets for hearings requiring more than 15 minutes. Please contact Simone Mills at (832) 927-1825 or email her at simone.mills@hcdistrictclerk.com to schedule an in-person hearing.

EMERGENCY HEARINGS

Parties must submit correspondence to the court as to why an emergency hearing is needed. Once the Court has reviewed the correspondence, a decision will be made as to (1) whether it is granted and (2) whether the hearing will be held in-person or via zoom.

NOTICE: Following up on rulings

If an order for a motion that has been heard or set on the submission docket has not been signed after fourteen (14) days, simply call or email the clerk of court with a gentle reminder. Please call Simone Mills at (832) 927-1825 or send her an email at simone.mills@hcdistrictclerk.com

STATUS CONFERENCES

Status conferences are limited to 15 minutes. If a status conference will take longer than 15 mins, parties will need to schedule an oral in-person conference.

DISCOVERY MOTIONS

Discovery motions are to be heard by submission only. If you believe an oral hearing (via zoom or in person) is required, please submit a request to the court and a decision will be made.

With all discovery motions, parties MUST submit a proposed Order, enumerating each discovery request/response in dispute.

Next to each discovery request/dispute should be the words:

“ ___ Sustained ___ Overruled”.

For example:

**Objections to Plaintiff’s RFP No. 4 ___ Sustained
___ Overruled**

This allows the court to rule on each specified discovery item in dispute. Failure to submit an order in this format may result in a delayed ruling.

PROPOSED ORDERS ARE REQUIRED FOR ALL MOTIONS

You must file a proposed order with your motion at least 48 hours prior to your submission or oral hearing. If an order is not timely filed, the court will pass your submission/oral hearing. You will receive notification from the clerk of court that your hearing has been passed and must reset your motion for a future setting.

TEMPORARY INJUNCTIONS

TI hearings are held in person. All exhibits must be printed, indexed, and placed in a notebook for the Judge. The court reporter will accept exhibits from each party on flash drive.

Submission docket: Is every Monday at 8:00 am giving proper notice.

Please note when selecting the Submission Docket

1. Motions placed on a **submission** docket without the requisite 10-day notice will be automatically passed by the Clerk of the Court.
2. If a non-movant prefers an oral hearing (either via zoom or in person), the non-movant must confer with the movant on a date/time for an oral hearing that is agreeable to both of them. If no agreement can be made, the non-movant must submit correspondence to the Court explaining why an oral hearing is preferred and that parties were unable to reach an agreement.

Motions: Parties may set motions for oral hearing or for **submission** according to The T.R.C.P. and Local Rules, except that motions for rehearing or reconsideration shall be placed on the **submission** docket unless otherwise ordered by the Court. Please call the court clerk for an oral hearing.

Emergency Motions: May be scheduled through the court clerk with good cause shown.

[Rule 106 Order.doc](#)**Motion for Severance Requirements**

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, (need exact title of document, image number and exact date filed).**
 - **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. The proposed order must have all of the above information before the Judge grants the motion.

Default Judgments: Can be set on the **Submission Docket or on the **Law Day Docket.****

The federal Servicemembers' Civil Relief Act (50 U.S.C. App. 521, § 201) requires that before granting a default judgment, state courts first obtain an affidavit that sets forth facts (*i.e.*, not hearsay, and not matters asserted "on information and belief," etc.) sufficient to show that the defendant against whom a default judgment is sought is not currently active and serving in the United States Armed Forces

The Court finds that Motions for Default Judgment submitted to it for ruling frequently fail to meet this heightened requirement. In the hope of minimizing the expense to lawyers and litigants from repeated denials of default judgment motions, the Court hereby refers parties to the following information source that can assist in submitting acceptable, fact-based non-military affidavits:

Department of Defense – Manpower Data Center
1600 Wilson Blvd., Suite 400, Arlington, VA 22209-2505
website: <https://www.dmdc.osd.mil/appj/scra>

Trial Procedures

Jury Trials: Before trial, parties should exchange exhibit lists, motions in limine, and proposed charge issues. Have a copy ready for the judge as well. All exhibits should be available before trial for inspection and copying on request. All exhibits should be pre-marked, and an 8 1/2 x 11 size duplicate exhibit should be provided for any blowup exhibit.

Review the exhibit list and motion in limine filed by opposing counsel before trial and be prepared to advise the judge as to which exhibits and limine requests you have no objection. Deposition excerpts must 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. Be prepared to advise the Court of your witness list and anticipated schedule. 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 allowed to take notes during the trial and use their notes during deliberations.

Motions in Limine : Attorneys should exchange motions prior to trial. Attorneys will be expected to abide by rulings and approach the bench

prior to exploring a subject covered by an order in limine. This court has adopted a standing order in Limine applicable to all cases. Do not duplicate these items in your motions in limine. Rather, your motion should be limited to other items, and specifically to limine issues that are peculiar to the facts of your case.

[Standing order in limine_.doc](#)

BENCH TRIALS

Bench trials are held in person. Follow the above guidelines for jury trial, All exhibits must be printed, indexed, and placed in a notebook for the Judge. The court reporter will accept exhibits from each party on flash drive.

Be 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.

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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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