











COVID-19 Safety Information >



District Courts of Harris County



JUDGE CHRISTINE WEEMS

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COURT PROCEDURES

281ST JUDICIAL DISTRICT COURT PROCEDURES

(Updated 06/08/2020)

I. MOTIONS

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- A. All motions and responses must include a proposed order.
- B. Agreed and unopposed motions do not require an oral hearing. If an agreed motion is denied, you may request an oral hearing on the motion.
- C. Oral Hearings
 - a. Oral hearings can occur on three (3) days notice to all parties, unless the rules provide otherwise (i.e. motions for summary judgment require 21 days notice).
 - b. The Court conducts oral hearings Tuesday – Friday at 8:30 a.m.
 - c. Please contact the Court Clerk for an assignment of date and time.
 - d. All responses should be filed at least 24 hours before the hearing in order to give the Court adequate opportunity to review the filing. Failure to file a response 24 hours before the hearing could subject the result in the Court not taking the pleadings into consideration.
 - e. Appearance by phone is permitted in certain circumstances. Please contact the Court Clerk for permission to appear by phone.
 - f. The 281st Court is sharing courtroom space with the 334th Court and can conduct hearings in either courtrooms or the jury rooms or the judge's chambers. Please look at signs outside the door of the 281st courtroom or check with the clerk of the 281st to ensure you are in the right location for your hearing.
- D. Submission Docket
 - a. The Court's submission docket is every Monday at 8:00 a.m. Motions set on the submission docket must be noticed at least ten (10) days from the date of filing, except with leave of the Court.
 - b. If a movant places a matter on the submission docket, the non-movant may object to the consideration of the motion by

submission and may request to have the matter heard by oral hearing.

- c. Motions involving a pro se party will not be heard on the submission docket. All motions involving pro se parties are required to be set on the oral hearing docket.

E. Emergency or Expedited Hearing

- a. If both sides agree to an emergency/expedited hearing, call the Clerk to be put on the next oral hearing docket or to set up a phone conference with the Court.
- b. If only one side feels that it is an emergency, they should e-file a motion for emergency/expedited hearing and email a courtesy copy directly to the Clerk who will then give it to the Court for review and to set an expedited hearing or provide further guidance. They should still contact the Clerk in order to attempt to get it placed on the next oral hearing docket.
- c. As a reminder, the Court has hearings almost every morning except on Mondays.

F. Certificate of Conference

- a. You are required to confer with opposing counsel prior to filing all motions except for motions for summary judgment, motions to dismiss, pleas to the jurisdiction, motions to transfer venue, motions for voluntary dismissal/nonsuit, post-verdict motions, motions involving service of process or default judgments.
- b. The Certificate of Conference must contain the dates and methods by which contact was made. If a party was unable to reach the other side prior to filing the motion, the certificate should state the efforts to communicate with that party including the date and means.

G. Discovery Motions

- a. Attach a copy of the discovery response at issue or state verbatim the request and answer in the body of your motion.
- b. The proposed order should list each discovery issue separately so that the court may deny or grant each issue.

H. Motions for Substituted Service

- a. All Motions for Substituted Service under Rule 106 must be accompanied by an affidavit that:
 - i. Describes the efforts taken to verify that the Defendant actually lives or works at the subject address;
 - ii. Shows at least four attempts of service at different times of day with the specific dates and times;
 - iii. Details regarding the identity of the person/people present at the subject address and state what was said;
 - iv. Provide the identity of the owners of any vehicles in the driveway; and
 - v. Include any other information or indications that the Defendant resides at the subject address.
- b. The Order granting the substituted service should comport with this form to be found here. [/JustexDocuments/22/Substituted Service Order 2.doc](#)

I. Motions to Reconsider

- a. All motions to reconsider are heard by submission only.
- b. Please be advised that if there is not a change in facts or a change in the law, the Court most likely will not grant a motion to reconsider.
- c. The Court will request an oral hearing if it deems necessary.

J. Motions for Severance

- a. Motions for severance will be considered by submission or by oral hearing.
- b. The order for severance must include the documents to be included in the severed case.

K. Default Judgments

- a. Default judgments can be placed on the submission or oral hearing docket, however default judgments seeking unliquidated damages require an oral hearing.

- b. Movant must serve all defaulting parties with the motion, proposed judgment, and notice of the hearing/submission pursuant to TRCP 21(a).

L. Motions to Withdraw

- a. Motions to withdraw as attorney of record where it would leave the party unrepresented require strict compliance with Rule 10 of the Texas Rules of Civil Procedure. Motions in which party will be pro se after the attorney withdraws must include:
 - i. the party's telephone number;
 - ii. the party's address;
 - iii. the party's email address;
 - iv. a statement regarding consultation with the party regarding the motion; and
 - v. current deadlines and trial settings.
- b. Orders on motions to withdraw must include contact information for the pro se party.
- c. The Court generally does not grant motions to withdraw that are filed within 30 days of a dispositive event, such as a trial setting or a hearing on a motion for summary judgment.
- d. If the withdrawing attorney represents a corporation, she/he must notify the corporation that:
 - i. Corporations cannot proceed pro se in Texas courts; and
 - ii. That if the corporation has not obtained counsel within 30 days of the order of withdrawal, either its claims may be dismissed if it is the plaintiff or their pleadings may be struck and a default judgment may be entered if it is the defendant.
- e. Motion to substitute counsel must indicate whether the attorney being replaced has agreed to the substitution and must have the appropriate certificates of conference and service.

M. Request for Attorneys Fees

a. Motions that request attorneys fees will require, in addition to the attorney affidavit, an itemization of the work done including:

- i. the date the work was performed;
- ii. the work that was performed;
- iii. the amount of time expended for each task; and
- iv. the billable rate for that attorney.

I. TRIALS

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A. The Court does not have a docket call.

- a. Do not appear unless until you are assigned to trial.
- b. Counsel for the cases on each trial docket will be contacted by Rick Torres, the Trial Coordinator, requesting information regarding the status of the case (ready or need a continuance), the number of days it will take to try the case, and to provide any information that may affect the trial setting (vacation letters, need for a larger jury panel etc.). Mr. Torres will then assign the cases for trial.
- c. All cases are on call the entire two (2) week docket.
- d. Please note that the Court maintains a list of the top ten cases scheduled for trial. The cases on that list can be assigned in any order. That list can be found here:
<https://www.justex.net/courts/Civil/CivilCourt.aspx?crt=22>.

B. Pre-Trial Conference

- a. The Court typically conducts the pre-trial conference on the day of trial for approximately an hour.
 - i. The parties should exchange and file with the Court exhibit lists, motions in limine, depositions offers and proposed jury charges or proposed findings of facts and conclusion at least three (3) days before trial or the Friday before a

Monday trial setting. Proposed jury charges should also be emailed directly to Rick Torres, the trial coordinator.

- ii. The parties should review the exhibit lists, motions in limine and deposition offers in advance of the pre-trial conference. At the pre-trial conference the Court will rule on motions in limine, objections to deposition offers and pre-admit exhibits that have been agreed upon.
- b. Should a party anticipated needing more than hour for pre-trial conference, they must schedule a separate pre-trial conference with the Court by reaching out to the Court Coordinator and request a separate pre-trial conference at the time they are assigned for trial.

C. Expert Challenges

- a. Expert challenges should be filed by the date set out in the Court's docket control order.
- b. Parties should set all motions to challenge experts for hearing at least seven (7) days before trial.

D. Preferential Settings

- a. The Court does grant preferential settings, but it is on a case by case basis. A request does not guarantee a preferential setting.
- b. Both parties must agree to the request and file a motion with the court.
 - i. The Motion to Request a Preferential Setting must include the basis for the preferential setting (i.e. out of town witnesses, will take two (2) weeks or longer to try).
 - ii. Counsel understands that by requesting a preferential setting, they agree to the following:
 - 1. To waive all vacations letters for that time period;
 - 2. That they understand that there will be no continuances granted to move from the preferential setting except for the death or serious illness of a party/lead counsel or an immediate member of her/his family (unavailability of a witness at the time of trial will not be grounds to continue a preferential setting); and

3. Any motion to continue a preferentially set case will require an oral hearing.

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

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