Rules of Practice in the 240th District Court

CIVIL

1. An agreed or joint motion for continuance of a trial setting must contain a certificate that each party to the case consents to the continuance. A case is not continued or passed without approval by the Court

2. All non-agreed motions require a hearing with notice to opposing counsel unless set for the Court's weekly submission docket. Any party may set a motion on the submission docket by giving adverse parties notice of the setting at least 10 days in advance of the Monday of the submission hearing.

3. Any document that a party wishes to file should be sent to the District Clerk's Office. **DO NOT SEND OR FAX DOCUMENTS TO THE COURT.**

4. Routine orders submitted to the Court for signature should contain only one date to be filled in—above the signature block. The first line of the order should begin: *On this day* **…**

5. Telephone conferences or appearances at non-testimonial hearings by telephone are **not** encouraged. The party wishing to appear by telephone must notify the Court Coordinator and other parties and set up the call. The courtroom is equipped with a speakerphone to accommodate those who wish to appear in person.

6. An attorney's signature block on any pleading must contain the email address at which the attorney wishes to receive communications from the Court. All communications to the Court should be addressed to: 240dc@fortbendcountytx.gov and contain the cause number of the case in the subject line. As with any other communication, copies shall be sent to all other parties.

7. **DO NOT TELEPHONE THE COURT COORDINATOR FOR ANSWERS TO QUESTIONS!** All communications with the Court must be by email.

8. **DO NOT CONTACT THE COURT COORDINATOR BY PHONE OR EMAIL TO DETERMINE WHETHER DOCUMENTS HAVE BEEN FILED OR RULED UPON BY THE COURT**. Information about a case is available in the case file or from the county's case information system website at: www.fortbendcountytx.gov.

9. Procedure for requesting a trial setting in the 240th District Court

    - Mediation is required prior to obtaining a trial setting
    - Scheduling orders are not issued by the Court
    - Trial settings are to be properly noticed by the setting party

Mediation:

Mediation is required prior to final trial on merits - All parties are required to attend mediation before a trial date may be requested. Mediators may be chosen by the parties. If the parties are unable to agree on a mediator or a mediation date, a motion should be filed with the Court. A certificate of mediation settlement/or inability to settle at mediation signed by the mediator must be filed with the clerk prior to a trial on the merits.

Scheduling Order/Docket Control Order:

Scheduling Orders are not issued by the Court. Scheduling orders should be prepared by and agreed to by all parties and filed with the District Clerk's Office. If the parties cannot agree to a scheduling order, a motion may be filed and a hearing date requested from the court coordinator.

The Court does not provide firm trial dates to be used in scheduling orders. The scheduling order should reflect the trial month and year, as agreed by all parties. Once mediation has taken place, the parties may contact the Court and obtain a firm trial setting.

CRIMINAL

1. The Local Rules of the Fort Bend County District Courts require that an attorney notify the Court before the appearance date and time if they will be late or have a conflict. Court appointed attorneys will not be paid for their appearance if they do not comply with this rule and repeated violations will result in the removal of the offending attorney from the appointment list.

2. The parties will approach the Court to generate plea papers. Electronic plea papers will be used if available. Pleas and hearings requiring translators need to be brought to the Court's attention quickly so that a translator can be provided.

TRIAL PROCEDURES for CIVIL & CRIMINAL CASES

VOIR DIRE

Challenges for cause will be made after all parties are completed with their voir dire examination of the panel. After all counsel have completed their voir dire examination, the attorneys will be asked to approach the Bench. Counsel will be asked in turn for the Juror Number of the jurors whom they wish to challenge for cause. If, in the opinion of the Court, sufficient evidence has been adduced to support a ruling, the challenge will be granted or denied without further questions. Otherwise, the panel member will be called to the Bench and each counsel will be allowed a few questions. The panel member will then be excused to return to their seat, and the challenge will be ruled on outside the presence of the panel member.

If any panel member responds to questions during voir dire examination in a manner which makes it clear that they possess such strong opinions that a challenge for cause will clearly be good, and there exists a possibility that further responses may "poison" the entire panel, counsel should diplomatically terminate the inquiry and avoid further inquiries in the presence of the panel. If adverse counsel has a good-faith belief that the panel member can be

rehabilitated, it will be pursued on an individual basis after the general voir dire examination.

Counsel will be allowed to tell the panel what their contentions are in order to provide a context for their voir dire examination. Detailed recitations of facts should be reserved for opening statements.

If panel members ask counsel about the existence of insurance or any other specific factual matter, counsel should direct the question to the Court.

PRESENTATION OF EVIDENCE

Counsel should have their witnesses and exhibits ready for presentation to the jury in an orderly and time-efficient manner. Members of the jury have to take time out of their lives to assist us in the disposition of your case and are sometimes subjected to economic and personal burdens as a result of their service. As a result, all of us involved in the justice system owe them a duty to waste as little of their time as possible by presenting the case to them without delays, specifically delays attendant to not having witnesses ready to testify when the preceding witness completes their testimony.

The Court **urges** counsel to **agree** on as many exhibits as possible and make demonstrative exhibits with Powerpoint to be projected on the Court's evidence presentation system. This saves the parties money and relieves counsel and the Court from having to transport and store mounted blowups. An additional advantage of Powerpoint or other image presentations is that you and the witnesses can mark on them as much as possible and retain the original and the marked up exhibit on CD or flash drive.

Any scheduling problems should be brought to the Court's attention as soon as counsel becomes aware of them.

Sidebar remarks will be rigidly repressed by the Court. This rule will be enforced by the Court, sua sponte, in the manner mandated by the rules of procedure. Any attempts to communicate facts to the jury or to suggest answers to a witness through the guise of objection will not be tolerated. If the Court feels that elaboration is necessary for a fair and intelligent ruling on the objection, it will be asked for.

NON-RESPONSIVE WITNESSES

The Court expects witnesses to be responsive to questions, particularly on cross-examination. Witnesses who persist in evasive, non-responsive answers unduly prolong trials and waste the time of both the Court and jury. Counsel should advise their witnesses that they should answer the question propounded. The Court will allow a brief explanation after the witness answers the question propounded, but redirect or re-cross is the time for detailed explanations of previous answers. A witness who persists in making non-responsive answers will be considered contumacious.

Avoiding this situation is in the best interests of your client, since jurors tell me that a witness' credibility suffers when they won't answer questions. Expert witnesses are probably the worst offenders, and it is money wasted to pay an expert to provide opinions and testify if the jury will not give their testimony the weight that it may deserve simply because they refuse to respond to questions when the answer is obvious.