

# 240<sup>th</sup> Judicial District Court Local Rules and Court Procedures

---

## Judge Surendran K. Pattel

Court Coordinator: Selena Love [240DC@fbctx.gov](mailto:240DC@fbctx.gov)

WebEx Link: Contact Court Coordinator

## Associate Judge R. O'Neil Williams

Court Coordinator: Elizabeth Adelekan [240AJ@fbctx.gov](mailto:240AJ@fbctx.gov)

WebEx Link: Contact Court Coordinator

## I. GENERAL

### A. COURT DECORUM

1. All attorneys (and their clients) are expected to dress appropriately. No attorneys will be allowed to conduct business with the Court wearing jeans.
2. No food or beverages (other than water or coffee in a closed container) are permitted in the Courtroom. No cursing is permitted in the Courtroom.
3. Cellphones are permissible; however they must be silenced. No photographs or video may be taken in the Courtroom.

### B. WEATHER CLOSURES

1. If the County Judge of Fort Bend County announces that County buildings will be closed, the Court will remain closed until the County Judge announces the reopening of the building.
2. If Fort Bend Independent School District cancels classes due to inclement weather, then all hearings and trials in the 240<sup>th</sup> District Court will be cancelled on the days classes are cancelled.
3. If the parties are *not* impacted by the school closure, the Court MAY proceed with the scheduled hearing if ALL PARTIES AGREE.

### C. CONTACTING THE COURT

1. All communication with the Court must be by email. **The Court will not set hearings or provide hearing dates by telephone.**
  - a. Matters before the Presiding Judge should be emailed to the court coordinator, Selena Love, at [240DC@fbctx.gov](mailto:240DC@fbctx.gov).
  - b. Matters before the Associate Judge should be emailed to the court coordinator, Elizabeth Adelekan, at [240AJ@fbctx.gov](mailto:240AJ@fbctx.gov).
2. If represented by an attorney, all communication with the Court must be made through your attorney. **Attorneys, do not tell your client to contact the court if unable to appear for court. It is your responsibility to contact the Court on behalf of your client.**
3. All copy requests and inquiries to the status of an order should be addressed to the District Clerk's Office.

4. The Court must be notified by email if you wish to pass a hearing. **A hearing is not passed unless you receive confirmation from the Court.**
5. 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, unless otherwise instructed by the Court. This also pertains to noticing the Court when e-filing documents.**

**D. MOTIONS**

1. Motions and Proposed Orders MUST be filed before setting a hearing.
2. 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...” Furthermore, the judge’s signature block should be included on the same page as the order, not on a separate blank page. **The order will not be signed, if the signature block is not included on the same page as the order.**
3. An attorney’s signature block on any pleading must contain the email address at which the attorney wishes to receive communications from the Court.

**E. ATTORNEY VOUCHERS**

1. Attorney Expense Claim Forms: If the defendant has multiple open cases which are disposed of at the same time, ALL CASES shall be reported on a single Attorney Expense Claim Form, (i.e. you may not bill twice for the same court setting, jail visit, etc. even if the defendant has multiple cases).

**II. INTERPRETERS**

1. It is the Counsel or Pro Se Individual’s responsibility to submit an Interpreting Services Request Form (ISR Form). Completed forms must be submitted to the Court Coordinator (240dc@fbctx.gov) and the Language Access Director (languageaccess@fbctx.gov) by email **at least 72 hours** before any appearance, hearing, or trial at which the Counsel or Pro Se Individual reasonably anticipates the need for language interpretation in one of the following nine languages:

Spanish	Urdu	Hindi
Vietnamese	Gujarati	Tagalog
Chinese	Malayalam	Arabic

The Counsel or Pro Se Individual should give **fourteen (14) days'** notice for the need for Language Interpretation Services in any other language. All interpreters serving in District Courts must be a Master Licensed Certified Court Interpreter unless otherwise specified by statute.

**III. CRIMINAL DOCKETS**

**A. APPEARANCES / RESETS**

1. Docket Call is at 9:00 am for the Presiding Judge unless otherwise indicated by the Court. Docket Call for the Associate Judge is at 1:00 pm on Mondays; 9:00 am on Thursdays; 9:00 am on Fridays.

2. The Court will accept electronic resets for First Appearance settings and should be emailed to [240AJ@fbctx.gov](mailto:240AJ@fbctx.gov). A blank reset can be downloaded from the Court's website. Requests for electronic resets for any other docket will be considered for approval on a case by case basis. Attorneys MUST receive an approval from the Court in writing for an electronic reset prior to emailing the reset to the Court. **THE COURT WILL NOT ACCEPT ELECTRONIC RESETS FOR DEFENDANTS WITH AN ACTIVE CAPIAS.** If the Court approves an electronic reset, the reset MUST be emailed to the Court prior to the defendant's court setting to avoid bond forfeiture. **ELECTRONIC RESETS WILL NOT BE APPROVED THE DAY OF THE DEFENDANT'S COURT SETTING.** The Court will accept the electronic reset "signed by permission". (Note: The Court will be moving to E-filed resets soon.)

#### **B. PLEAS**

1. The defendant must appear in person for all pleas. If the defendant is in custody, the Court will arrange for the defendant to be brought over from the jail.
2. All plea paperwork MUST be turned in by **10:30 AM**. If the plea paperwork is not turned in by the above deadline, the plea will be reset to the Court's next available docket. **NO EXCEPTIONS WILL BE MADE.**

#### **C. COURT SETTINGS**

1. For all retained attorneys, a written letter of representation must be on file. Furthermore, if a case has an attorney of record on file, the newly retained attorney must file a Motion/Order to Substitute.
2. Three settings are allowed with the Associate Judge before a case will be transferred to the presiding Judge. Any exceptions are to be approved by the Associate Judge or Presiding Judge. Jail cases will be placed on an expedited track and will be given priority on the Jury Trial Calendar.
3. The defendant must appear in person for a bond violation hearing, unless prior approval is received from the Court.
4. Bond forfeitures are called at the end of the morning and afternoon dockets and are set aside at the discretion of the Court.
5. The Court requires a waiver be signed prior to getting a TBC setting.
6. All revocations must be set for disposition on or before the 90th day after being appointed or retained. No setting on a revocation may be longer than 30 days without the Judge's permission.
7. Bench Trials and Motions to Revoke or Adjudicate are set anytime during a nonjury week.
8. Competency hearings are held during any week, as needed.
9. Agreed matters may go to the Associate Judge when the Court is otherwise in session.

#### **D. OFF DOCKET MATTERS**

1. All off docket matters should be brought to the Court Coordinator's attention prior to approaching the bench.

#### **D. COURT APPOINTMENTS**

1. The Court uses the rotating wheel and the Public Defender's Office at this time. Attorneys will be notified by email by the Indigent Defense Office.

## **IV. CRIMINAL TRIALS**

### **A. GENERAL**

1. Pre-trial matters are to be scheduled and heard before the trial date. Every trial will receive a pre-trial setting 1-2 weeks before trial.
2. At the final pre-trial setting, both sides will announce whether they are ready for trial.
3. On Jury Trial or Bench Trial settings, the Defendant and Attorney must appear and announce ready for trial by 9am on the day of trial.
4. Case order is set in advance by the Court after consultation with the parties with priority being given to jail cases.
5. Motions for continuance must be in writing and be presented in advance of the trial setting. A case is not continued or passed without the approval of the Court.
6. The Court will rarely accept Plea Bargains on the morning of a Jury Trial.

### **B. JURY TRIALS**

1. Voir dire begins as soon as the jury arrives. Pleas on the day of trial in most cases will NOT be accepted. Testimony will begin the next day. The Court begins trial typically at 9:00 am and ends at 5:00 pm with an hour break for lunch.
2. The Court typically allows 30 - 45 minutes per side for voir dire. After the general voir dire, individual jurors may be questioned at the bench, only if necessary, to assist the Court in deciding a for-cause challenge.
3. If you are going to use a jury questionnaire, let the Court Coordinator know 30 days before trial. Please work together to prepare a joint questionnaire that is as brief as possible. If there are any questions not agreed on, you need to present them to the Court by submission or oral hearing PRIOR to the docket call.
4. Stand each time the jury enters or exits the courtroom.
5. Please stand when addressing the Court. The Court may instruct you to remain seated in a hearing in which there will be a lot of back and forth discussion amongst the Court and Counsel. Please sit when questioning a witness. Ask to approach the witness the first time and then you may approach freely.
6. Line up your witnesses in order to avoid delay. Advise the Court if there are witness timing issues so that witnesses may be taken out of order, if necessary, or allowed to be on call so they don't have to wait a lengthy period to testify. Parties should be prepared to allow witnesses to testify out of order and be generous toward each other in this regard.
7. Identify yourself to the Judge and the Court Reporter before a hearing begins. Provide a business card with your name, correct address, phone number, fax number and e-mail address. Also include party representation.
8. Accurate exhibit lists should be furnished to The Court and to the Court Reporter. Exhibits are to be marked with exhibit stickers. Use only numbers when marking exhibits instead of letters. Parties may provide their own exhibit stickers. Exhibits with multiple pages should be stapled, bound and/or assembled so that they may be accurately preserved.

9. Redactions should be made prior to the exhibit being offered. Exhibits redacted after the exhibit is admitted (subject to redaction or without initial objection) are to be marked as an "A" exhibit and the original, unredacted exhibit is kept by the Court Reporter for the record. Once an exhibit is offered (even if not admitted), it must be tendered to the Court Reporter.
10. Once an exhibit number has been assigned, the same exhibit number may not be used for another exhibit, even if the original exhibit is withdrawn or not used in the hearing or trial.
11. Arrangements for acquiring testimony after a hearing or during a trial may be made directly with the Court Reporter.

## **V. CIVIL DOCKETS**

### **A. AGREED AND UNOPPOSED MOTIONS**

1. 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. These motions are expeditiously presented to The Court without the necessity of a hearing (this includes unopposed motions for continuance).
2. 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.). A case is not continued or passed without the approval of the Court. **Failure to appear at a hearing, without the approval of the Court, may result in dismissal for want of prosecution.**
3. Agreed motions and orders should contain signature blocks for all parties who are agreed to the relief requested and should state "AGREED AS TO SUBSTANCE AND FORM AND ENTRY REQUESTED" above the signature block.

### **B. COURT REQUESTS**

1. In certain situations, the Court will ask you to supplement your unopposed motion, request for default judgment, or expedited foreclosure with additional evidence. Please feel free to contact the Court to confirm whether the additional evidence has been brought to the Court's attention.

### **C. CERTIFICATES OF CONFERENCE**

1. The Court requires complete compliance with Texas Rules of Civil Procedure 191.2 and our local rules.
2. Motions must have certificates of conference. All certificates of conference must be explicit as to the party's efforts to resolve the motion with all other parties/counsel prior to filing. 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 and should always be supplemented as soon as possible after the parties have conferred. If the Court does not see a supplemented certificate in such circumstances, please expect a call asking for one. Please note the following:
  - a. Sending a copy of a motion, without more, is not a conference.
  - b. Sending an e-mail or leaving a telephone message, without more, is not a conference.
  - c. If opposing counsel refuses to return numerous phone calls or other messages, outline your efforts to confer in your certificate of conference.

#### E. DOCKET CONTROL AND SCHEDULING ORDERS

1. Uniform Scheduling Orders are issued by the Court upon receipt of a filed Answer. The parties can submit an Agreed Docket Control Order to be considered by the Court. If the parties cannot agree, the Court will provide a Uniform Scheduling Order. Please refer to the Court's Uniform Scheduling Order which can be found on our website. **You must obtain a pre-trial and trial setting from the Court Coordinator prior to filing the Agreed Docket Control Order.**

#### D. DISCOVERY MOTIONS

1. Always consult opposing counsel (preferably the lead attorney) before filing any motion related to discovery. Include an explicit certificate of conference as described above in the section of these procedures titled "Certificates of Conference." Be sure to submit the discovery response(s) at issue as sub-documents when e-filing, or state verbatim the request and answer in the body of your motion.
2. Proposed orders should list each discovery issue separately so that the Court may sign a specific order granting or denying the requested relief.

#### E. ORAL HEARINGS

1. Civil hearings may be held by WebEx if all parties agree to appear virtually. The Court will not conduct hybrid hearings, so if all parties do not agree to virtual, please expect to appear in person. ***(Note: Civil virtual hearings are only being conducted by the Associate Judge. All civil hearings scheduled before the Presiding Judge will be in person.)***
2. All non-agreed motions require a hearing with notice to opposing counsel. The attorney filing the motion must contact the court to request a hearing. **THE COURT WILL NOT PROVIDE HEARING DATES BY TELEPHONE.** The request should be made in writing by sending an email to the Court Coordinator. The requesting party must send a file-stamped copy of the Notice of Hearing to the above-mentioned email address in order for the Court to schedule the hearing.
3. The movant must notify the Court in writing by sending an email to the Court Coordinator to pass a hearing. A hearing is not passed until you receive confirmation from the Court. It is the responsibility of the movant to timely advise opposing counsel if he/she is passing the hearing.
4. PLEASE NOTE: Any matter that has been set by the parties for an oral hearing on a date later than the deadline in the DOCKET CONTROL ORDER will not be considered by the Court without a motion for leave explaining sufficient cause for the late filing. The Court will NOT consider substantial and potentially dispositive (or outcome determinative) motions on the eve of trial or the morning of trial. Late filing of motions will rarely be a sufficient basis for a continuance.
5. The Court encourages you to file responses, replies and objections at the earliest possible moment so that the Court can review them and promptly rule. Objections to summary judgment evidence filed on the morning of the hearing will not be considered.
6. Responses that are filed after the response deadline provided for in the rules MUST be accompanied by a separate motion for leave to late file the response with a proposed order.
7. Any replies that are filed after Friday at NOON for a Monday oral hearing are NOT LIKELY to be considered by the Court.

## F. EMERGENCY HEARINGS

1. If the need for an emergency hearing arises, parties must first consult with each other about the matter and if both sides agree to an emergency hearing, contact the Court Coordinator to set up an emergency hearing with the Court.
2. If, after conferring, only one party thinks it is an emergency, the party requesting the hearing must file a motion for emergency hearing.
3. If an emergency hearing is granted, the movant is responsible for providing proper notice of the hearing to all parties.

## G. SUBMISSION DOCKET

1. Submission docket is on Tuesdays at 8:30 am after 10 days' notice.
2. All requests for a hearing by submission must be made in writing by sending an email to [240DC@fbctx.gov](mailto:240DC@fbctx.gov). **(Note: All Motions for Summary Judgment and Motions for Default require an oral hearing, unless stated otherwise by the Court)**
3. The Court may request an oral hearing for matters placed on the submission docket. If this occurs, the Court Coordinator will contact all parties with available dates.

## H. SANCTIONS

1. Sanctions will infrequently be awarded unless the opponent has violated a previous order, or the conduct is egregious.
2. All requests for attorney's fees as sanctions MUST be established by affidavit or live testimony as to reasonableness and necessity as well as meet other legal requirements, unless the parties agree on the record, in a filed Rule 11 Agreement, or an agreed order as to the amount.

## I. SEVERANCES

1. All motions and orders for severance must contain the following:
  - a. New case number, court number, case type and new style name;
  - b. Reference the parties in the new suit;
  - c. List of original pleadings to be severed out and transferred to the new case;
  - d. List of pleadings to be transferred to the new case (together with a listing of the document type, activity date for the document, number of pages and image number);
  - e. Indicate attorney name, address and bar number to whom costs for the severance are to be assessed; and
  - f. Indicate the severance case's status, and whether the new case file is interlocutory (not a final appealable matter) or whether severance will cause the newly severed matter to be final and appealable upon severance. As an example, if a plaintiff obtains a summary judgment as to one of multiple defendants, and severs the disposed claims against that defendant into a new cause, that severance order will start the appellate timelines because all claims in the new cause will be resolved as to all claims and all parties. This should be expressly stated in the motion for severance.
2. Parties may consider, in the proper case, a request for abatement of a cause of action, or separate trials within one lawsuit, as this may be a more appropriate, and less expensive and cumbersome alternative.

## **J. SPECIAL EXCEPTIONS**

1. Please explicitly identify by page and paragraph the pleading or portion thereof to which you are specially excepting (unless the special exception is only to the maximum amount of damages sought pursuant to Texas Rules of Civil Procedure 47).
2. Parties are encouraged to restate verbatim the paragraph(s) to which your special exceptions apply in the proposed order and provide blanks in which the Court may check "sustained" or "overruled" as to each separate matter to which the movant is specially excepting.

## **K. SUBSTITUTE SERVICE (RULE 106)**

1. All motions for substituted service under Rule 106 will be heard by submission without the need of a hearing and must be accompanied by an affidavit that includes the following information:
  - a. Efforts taken to verify that defendant actually lives or works at the subject address;
  - b. Each attempt at service, with date(s) and time(s). Evidence must indicate attempted service within 3 months of filing the motion.
  - c. Identity of persons who were present at the subject address and what was said; and
  - d. A printout of a public record or Public Data.com or similar online database confirming that the person to be served actually resides at the address at which service is being attempted. This can also include a statement identifying license plates of cars in the driveway and attaching a printout of license plates registered to the person to be served. Statements by neighbors or by people residing in the abode must include the full name of the person and a description. The Court requires some assurance that the person resides at that address.

## **L. VOLUNTARY NON-SUITS/DISMISSALS**

1. All non-suits and voluntary dismissals should be titled as interlocutory or final. Interlocutory orders should expressly list which parties and claims are being dismissed and which remain (if any).
2. Final orders MUST state that the order disposes of all claims and all parties and is intended to be a final, appealable order.
3. Motions and notices of non-suit as well as orders of non-suit should expressly state that they are being filed pursuant to Rule 162 of the Texas Rules of Civil Procedure. These motions are immediately presented to the Court without the necessity of submission or oral hearing.

## **M. NONSUITS INVOLVING MINORS**

1. In non-suits and dismissals involving minors, parties must disclose to the Court whether the minor is receiving a settlement so the Court can determine whether a guardian ad litem should be appointed. The Court will not appoint a guardian ad litem where none is warranted by Texas Rules of Civil Procedure 173, however it is important that this information is furnished to the Court for proper consideration. Nonsuits and dismissals filed without providing this information will not be granted.

## **N. WITHDRAWAL AS ATTORNEY OF RECORD**

1. All motions and proposed orders to withdraw as attorney of record must contain the following:



- a. An indication that the motion to withdraw and notice of the hearing or notice of submission was provided to the client, including evidence of mailing the motion to the client;
  - b. An indication of whether the client consents to the motion;
  - c. The last known mailing address, phone and fax number of client; and
  - d. Notice to client. That client has the right to appear at the hearing to object to the motion or file a response prior to the submission of the motion
2. Please make reasonable efforts to find substitute counsel in the appropriate case so that the client's interests are protected.
  3. These motions DO require a certificate of conference, as opposing counsel has a right to be heard on these motions.

#### **O. AD LITEMS**

1. The Court maintains a list of all attorneys who are qualified to serve as Attorney Ad Litem or Guardian Ad Litem in civil cases.
2. An attorney who desires to be appointed shall apply with the Court via the application on the Court's website and forward their application and resume with the required evidence of qualifications to the Court Coordinator at [240DC@fbctx.gov](mailto:240DC@fbctx.gov). Fluency in languages other than English, should also be listed.
3. Applications must indicate that the attorney satisfies the following qualifications:
  - a. Be licensed by and in good standing with the State Bar of Texas for at least one (1) year preceding the initial application.
    - i. An attorney who has received public reprimand is disqualified from inclusion on the list for one (1) year following the reprimand.
    - ii. An attorney who received a suspension or disbarment is disqualified from inclusion on the list for one (1) year following reinstatement in good standing by the State Bar.
  - b. Exhibit proficiency and a commitment to providing quality representation to clients on civil cases;
  - c. Demonstrate professionalism and reliability when providing representation to clients in civil cases;
  - d. Complete an Attorney Ad Litem or Guardian Ad Litem Continuing Legal Education program no more than two (2) years prior to the initial application. Thereafter, attend CLE once every four years.
4. An attorney may be removed from the list if he or she fails to perform the duties as an Attorney Ad Litem or fails to satisfy the requirements herein.
5. An attorney on the list is responsible for notifying the Court when he or she no longer meets the requirements herein.
6. Inclusion on the list does not constitute an endorsement or recommendation by the Court and no attorney so listed may state or imply that they have been approved, recommended or endorsed by the 240th District Court for any reason or purpose.

## **P. MEDIATORS/ARBITRATORS**

1. The Court maintains a list of individuals qualified to serve as a Mediator or Arbitrator for appointment to rare cases where the parties are unable to agree on a mediator or arbitrator.
2. An individual who desires to be appointed shall apply with the Court via the application on the Court's website and forward their application and resume with required evidence of qualifications to the Court coordinator. Fluency in languages other than English, should also be listed.
3. Individuals who desire to be included on the list must indicate that he or she has completed training pursuant to the Texas Alternative Dispute Resolution Act.
4. An attorney may be removed from the list if he or she fails to perform the duties as a mediator or arbitrator or fails to satisfy the requirements herein.
5. An attorney on the list is responsible for notifying the Court when he or she no longer meets the requirements herein.

## **VI. CIVIL TRIALS**

### **A. GENERAL**

1. Throughout the pendency of a case, the parties, all counsel, and their agents or representatives shall obey and comply with the Texas Rules of Civil Procedure, the Texas Disciplinary Rules of Professional Conduct, and the Texas Lawyers' Creed – A Mandate for Professionalism (as applicable).
2. The Court expects counsel to act professionally at all times. Violations of these procedures (or of other orders and/or instructions of the Court) are punishable by contempt. This punishment can include up to a \$500.00 fine and/or six (6) months in jail. Violations may also be subject to sanctions pursuant to Rule 215, Texas Rules of Civil Procedure, as well as other applicable authority and the inherent power of the Court.

### **B. TRIAL SETTINGS**

1. All cases are set for trial by the Court Coordinator with input from all parties.
2. If you anticipate a challenge to an expert's qualifications, please schedule the hearing well in advance of trial (see discussion of *Daubert* Motions below). Please discuss scheduling of any anticipated *Daubert* motion with the Court at an earlier status conference. Parties must call the Court Coordinator to get docket positions.

### **C. MEDIATION**

1. The Court requires the parties to complete mediation at least 30 days before trial.
2. If you believe that your case is not appropriate for mediation, file an objection to mediation as soon as practicable and set it on the submission docket. An agreed motion will usually be granted. The Court may set an opposed motion for an oral hearing.

### **D. JURY PANELS**

1. If you need a panel of more than 40 jurors, please let the Court Coordinator know at least 4 weeks before trial.

## E. CONTINUANCES

1. Continuance motions should be filed early.
2. Motions for trial or pretrial deadline continuances MUST to be accompanied by an appropriate affidavit, unless they are agreed.
3. 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.).
4. A case is not continued or passed without the approval of the Court. **Failure to appear at a pre-trial or trial setting, without the approval of the Court, may result in a dismissal for want of prosecution.**

## F. VOIR DIRE

1. The Court typically allows 30 - 45 minutes per side for voir dire. After the general voir dire, individual jurors may be questioned at the bench, only if necessary, to assist the Court in deciding a for-cause challenge.
2. If you are going to use a jury questionnaire, let the Court Coordinator know 30 days before trial. Please work together to prepare a joint questionnaire that is as brief as possible. If there are any questions not agreed on, you need to present them to the Court by submission or oral hearing PRIOR to the docket call

## G. MOTIONS AND EXHIBITS

1. The Court requires the parties to exchange motions in limine, exhibit lists, actual exhibits, party/attorney lists, witness lists, and deposition excerpts 14 days before the trial date.
  - a. Eliminate duplicate exhibits, if possible, by agreement.
  - b. Mark an 8 x 11 size exhibit for any blowup used.
  - c. Be prepared to advise the Court of exhibit numbers for which you have no objection.
  - d. Please work diligently to hone your motion in limine to the issues in the case rather than a boilerplate "everything but the kitchen sink" motion. Then work with opposing counsel or pro se parties to narrow those issues by agreement. As you can imagine, the Court will frown on having to consider 40 different limine points while the jury panel is waiting in the hall.
  - e. When preparing video deposition excerpts to play at trial, remember that some portions may be excluded under the Texas Rules of Evidence, and be prepared to present only the admitted portions without having to stop and start the presentation repeatedly in front of the jury. This may mean being prepared to edit the video deposition quickly during the course of the trial.

## H. DAUBERT MOTIONS

1. All Daubert Motions (motions to exclude expert witness testimony) should be filed AND set for hearing WELL IN ADVANCE OF TRIAL (i.e. not on the eve 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.

## **I. DEPOSITIONS**

1. Provide page/line for any witness anticipated to testify by deposition PRIOR to the docket call.
2. Opposing counsel must promptly advise of any objections.
3. If objections remain, then the party seeking to exclude the testimony should file a motion to rule on the objections as soon as possible so that the Court can promptly rule on the objections prior to voir dire. Separately, if there are “form” objections in the deposition transcript that cannot be agreed upon, the party seeking to overrule the objection should file a motion for a ruling on these.

## **J. TIME FOR TRIAL**

1. Be prepared to advise the Court of a realistic amount of time necessary to present your case in chief and any lengthy cross-examinations.

## **K. JURY CHARGE**

1. Drafts of proposed jury charges should be exchanged PRIOR to the docket call date.
2. Once assigned trial, the parties should make arrangements with the Court Coordinator to email their proposed charge to the Court in Microsoft Word format.

## **L. FINDINGS OF FACT/ CONCLUSION OF LAW**

1. In a non-jury trial, proposed Findings of Fact and Conclusions of Law MUST be filed prior to trial to enable the Court to follow along during trial. Courtesy copies should be filed via email to the Court Coordinator in Microsoft Word format. These proposed findings and conclusions may, of course, be revised and filed subsequent to the trial as allowed by the Texas Rules of Civil Procedure.

## **M. JURY TRIALS: GENERAL INFORMATION**

1. Voir dire begins as soon as the jury arrives. Testimony will begin the next day. The Court typically begins trial at 9:00 am and ends at 5:00 pm with an hour break for lunch.
2. The Court typically allows 45 minutes per side for voir dire. After the general voir dire, individual jurors may be questioned at the bench, only if necessary, to assist the Court in deciding a for-cause challenge.
3. If you are going to use a jury questionnaire, let the Court Coordinator know 30 days before trial. Please work together to prepare a joint questionnaire that is as brief as possible. If there are any questions not agreed on, you need to present them to the Court by submission or oral hearing PRIOR to the docket call.
4. Stand each time the jury enters or exits the courtroom.
5. Please stand when addressing the Court. The Court may instruct you to remain seated in a hearing in which there will be a lot of back and forth discussion amongst the Court and Counsel. Please sit when questioning a witness. Ask to approach the witness the first time and then you may approach freely.
6. Line up your witnesses in order to avoid delay. Advise the Court if there are witness timing issues so that witnesses may be taken out of order, if necessary, or allowed to be on call so they don't have to wait a lengthy period to testify. Parties should be prepared to allow witnesses to testify out of order and be generous toward each other in this regard.

7. Identify yourself to the Judge and the Court Reporter before a hearing begins. Provide a business card with your name, correct address, phone number, fax number and e-mail address. Also include party representation.
8. Accurate exhibit lists should be furnished to the Court and to the Court Reporter. Exhibits are to be marked with exhibit stickers. Use only numbers when marking exhibits instead of letters. Parties may provide their own exhibit stickers. Exhibits with multiple pages should be stapled, bound and/or assembled so that they may be accurately preserved.
9. Redactions should be made prior to the exhibit being offered. Exhibits redacted after the exhibit is admitted (subject to redaction or without initial objection) are to be marked as an "A" exhibit and the original, unredacted exhibit is kept by the Court Reporter for the record. Once an exhibit is offered (even if not admitted), it must be tendered to the Court Reporter.
10. Once an exhibit number has been assigned, the same exhibit number may not be used for another exhibit, even if the original exhibit is withdrawn or not used in the hearing or trial.
11. Page/line designations of deposition testimony, along with a non-condensed copy of the transcript, are to be furnished to the Court Reporter prior to the offer. When one person is reading from written deposition testimony, the reader must say "Question" prior to reading each question and "Answer" prior to reading each answer.
12. Arrangements for acquiring testimony after a hearing or during a trial may be made directly with the Court Reporter.