

Procedures & Rules of Practice in the 502nd District Court

Judge Mark H. Hanna

Court Coordinator: Sheila Shifferly: Sheila.ShifferlyDC502@fbctx.gov

GENERAL

1. Court Decorum
 - a. All attorneys and litigants are expected to dress appropriately. No tank tops, halter tops, flip-flops, clothing with offensive graphics or inappropriate language will be allowed. No hat, caps or sunglasses (unless for a legitimate religious or medical purpose).
 - b. No food or beverages is permitted in the courtroom. Attorneys and litigants involved in a trial or hearing are permitted to have beverages in a closed container with a secure lid.
 - c. Cell phones are permitted but must be placed on silence. Any cell phone determined to be a distraction will be removed from the courtroom.
 - d. No photographs or recordings (audio and video) may be taken in the courtroom.

CIVIL

1. 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 Friday of the submission hearing. Submission dockets are every Friday at 8:00am, excluding holidays. Attorneys are required to e-file a notice of submission without the necessity of an appearance and serve on parties.
2. ALL requests for trial continuances (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" etc.) and provide the basis for why the continuance is being sought. The Court requests: i) the movant also provide the amount of time being

- sought on the trial continuance; ii) the movant contact opposing counsel (or pro se party) and state opposing counsel/party's position on the continuance if not agreed or unopposed; iii) indicate the status of discovery (what has been done, what still needs to be done, and how much time is needed to complete such discovery); and iv) represent whether any pending discovery and/or anticipated mediation will be completed by the new trial setting date sought in the trial continuance. If a continuance is granted, the Court will provide new dates for both the trial setting as well as a pretrial/docket call.
3. 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.**
 4. Any document that a party wishes to file should be e-filed with the District Clerk's Office. **DO NOT SEND OR FAX DOCUMENTS TO THE COURT.**
 5. Routine orders submitted to the Court for signature should contain only one date to be filled in—above the signature block. For example, "Signed on _____."
 6. Agreed or Unopposed Motions (other than trial continuances) 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 and signed by all concerned parties. These motions are expeditiously presented to the Court without the necessity of a hearing. However, it is still incumbent upon the parties/counsel to notify the Court Coordinator about the filing of such Agreed or Unopposed Orders to ensure that they are presented to the Judge timely. Additionally, if the Court should have a question or concern about the relief presented in an unopposed or agreed motion, the Court may set an expedited hearing on the matter. Under those situations, the Court Coordinator will reach out to all counsel or pro se parties requesting availability for such an expedited hearing. The Court requests that counsel / pro se parties respond promptly to such requests. If necessary, the Court may also consider such expedited matters via virtual hearing.
 7. Telephone conferences or appearances at non-testimonial hearings by telephone are permitted. 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 via telephone.

8. Virtual hearings are permitted when circumstances allow. Attorneys requesting the virtual hearing must notify the court two weeks in advance of the setting to have the links prepared and emailed to parties. A notice of virtual hearing is required to be e-filed and served on parties. Any objection to a virtual hearing must be made within a reasonable time to allow opposing parties to make arrangements to appear in person.
9. 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 Sheila.ShifferlyDC502@fbctx.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.
10. **DO NOT TELEPHONE THE COURT COORDINATOR FOR ANSWERS TO QUESTIONS!** All communications with the Court must be by email.
11. **DO NOT CONTACT THE COURT COORDINATOR BY PHONE OR EMAIL TO DETERMINE WHETHER DOCUMENTS HAVE BEEN E-FILED OR RULED UPON BY THE COURT.** Information about a case is available in the on the county's case information system website at: www.fortbendcountytexas.gov.

Mediation:

Mediation is required prior to final trial on merits - All parties are required to attend mediation before a final trial on the merits. 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 and a mediator will be appointed by 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:

Trial dates will be set by the court after an answer has been filed. Once notified of the trial date a scheduling order should be prepared by and agreed to by all parties and filed with the District Clerk's Office within thirty (30) days of being notified of the trial date (see scheduling order on Courts web page). If the parties cannot agree to a scheduling order, a motion may be filed and a hearing date requested from the court coordinator.

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. Pleas and hearings requiring translators need to be brought to the Court's attention quickly so that a translator can be provided. Please fill out the language access form to request an interpreter in advance of your setting/trial date. The form can be found on the county website: www.fbctx.gov under the FBC Courts Language Access Tab.
3. Do not E-FILE resets for 502ND criminal dockets without prior permission from the Court. Appearances are required at the docket to avoid any bond forfeitures or revocations. Email the court coordinator with any questions at Sheila.ShifferlyDC502@fbctx.gov.

TRIAL PROCEDURES

VOIR DIRE

Challenges for cause will be made after all parties have completed their voir dire examination of the panel. Counsel will be asked to identify 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 be successful, and there exists a possibility that further responses may frustrate the jury selection process, 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. 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. 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. Additionally, the Court **urges** counsel to provide evidence list to both the court and the court reporter prior to trial.

Any trial scheduling problems/issues 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.