
Dallas County Courts at Law CIVIL

George L. Allen, Sr. Courts Building
600 Commerce St., 5th Floor
Dallas, Texas 75202
Area code (214)

1-1 Local Rules and eFiling practices

1-2	No. 1	Hon. D'Metria Benson Clerk: Tasha Hicks-Young Court Coordinator: Seth Little Court Reporter: Cathye Moreno	214-653-7556 653-6581 653-7496
	No. 2	Vacant Chief Clerk: Michael Intharansy Court Coordinator: Laura Nutting Court Reporter: Lanetta Williams	653-7366 653-7365 653-7497
1-3	No. 3	Hon. Sally L. Montgomery Chief Clerk: Daniel Yzaguirre Court Coordinator: Stefanie Evans Court Reporter: Janet Wright	653-7595 653-6394 653-7831
1-4	No. 4	Hon. Ken Tapscott Chief Clerk: Nuri Fernandez Court Coordinator: Cathy Moran Court Reporter: Coral Wahlen	653-7466 653-7345 653-7468
1-5	No. 5	Hon. Mark Greenberg Chief Clerk: Terrance Washington Court Coordinator: Sandra Humphrey Court Reporter: Vikki Ogden	653-6441 653-6503 653-6443

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**LOCAL RULES of
THE CIVIL COURTS OF DALLAS COUNTY, TEXAS—
including revisions approved by the Texas Supreme Court, 1/14/2014**

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DALLAS CIVIL COURT RULES

PART I - FILING, ASSIGNMENT AND TRANSFER

1.01. RANDOM ASSIGNMENT

All civil cases filed with the District Clerk shall be filed in the Civil District Courts in random order. (Source 1.1(a))

1.02. COLLATERAL ATTACK

Every proceeding seeking to attack, avoid, modify, or set aside any judgment, order or decree of a Civil Court of Dallas County shall be assigned to the Court in which such judgment, order or decree was rendered. (source 1.1(b); modified)

1.03. ANCILLARY PROCEEDINGS **(revised 1/14/14)**

Every proceeding ancillary to a civil action shall be assigned or transferred to the Court in which the suit to which the proceeding is ancillary is pending.

1.04. MOTION TO CONSOLIDATE

Every motion for consolidation or joint hearing of two or more cases under Texas Rules of Civil Procedure ("TRCP") Rule 174(a), shall be filed in the earliest case filed with notice to the later filed Court and all parties in each case. (source 1.1(e))

1.05. TRANSFER BY LOCAL ADMINISTRATIVE JUDGE

The Local Administrative Judge may, upon request of a Court, transfer any case from that Court to any other Court having subject matter jurisdiction of the case. The selection of the transferee Court shall be by random or serial selection. (source 1.1(f)(1); modified)

1.06. RELATED CASES

Whenever any pending case is so related to another case previously filed in or disposed of by another Court of Dallas County having subject matter jurisdiction that a transfer of the later case to such other Court would facilitate orderly and efficient disposition of the litigation, the Judge of the Court in which the earlier case is or was pending may, upon notice to all affected parties and Courts and hearing, transfer the later case to such Court. (source 1.1(f)(2))

1.07. CASES SUBJECT TO TRANSFER **(revised 1/14/14)**

The following types of cases shall be subject to transfer under Local Rule 1.06:

- a. Any case arising out of the same transaction or occurrence as an earlier case, particularly if the earlier case was dismissed by plaintiff before final judgment.
- b. Any case involving a plea that a judgment in the earlier case is conclusive of any of the issues of the later case by way of res judicata or estoppel by judgment, or any pleading that requires a construction of the earlier judgment or a determination of its effect.

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c. Any suit for declaratory judgment regarding the alleged duty of an insurer to provide a defense for a party to the earlier suit.

d. Any suit concerning which the duty of an insurer to defend was involved in the earlier suit. (source 1.1(f)(2))

e. Any application for approval of a transfer of structured settlement payment rights in which the original settlement pertained to a suit in a court of Dallas County, or in which a previous application involving the same transferor was filed in a court of Dallas County.

1.08. DISCLOSURE REGARDING CASES SUBJECT TO TRANSFER

The attorneys of record for the parties in any case within the categories of Local Rule 1.07 must notify the Judges of the respective Courts in which the earlier and later cases are assigned of the pendency of the later case. The attorney filing a case that is so related to another previously filed case shall disclose in the original pleading or in a separate simultaneous filing that the case is so related and identify by style, case number and Court the related case. If no such disclosure is made, the signature of the attorney filing the case on the original pleading shall be that attorney's certification that the case is not so related to another previously filed case. The attorney answering any filed case shall point out in the original defensive pleading or in a separate simultaneous filing any failure of the attorney filing the case to have made a proper and accurate disclosure. In the absence of any such plea, the signature of the attorney filing the original defensive pleading shall be that attorney's certificate either that the disclosure of the attorney filing the case was accurate, or, if no disclosure was made by the attorney filing the case, that the case is not so related to a prior filed or disposed of case. (source 1.1(f)(3); modified)

1.09. SEVERANCE

Whenever a motion to sever is sustained, the severed claim shall be filed as a new case in the same Court and shall be given the next number available at the filing desk in the office of the Clerk. Unless otherwise ordered, the Court assignment otherwise designated by that number shall be disregarded. Before the severed claim is assigned a new cause number, the attorney for plaintiff in the new cause shall meet the Clerk's requirement concerning deposit for costs. (source 1.4.b; modified re payment of costs)

1.10. SEVERANCE OF MULTIPLE PLAINTIFFS

If a single pending case with multiple plaintiffs includes causes of action that do not arise out of a common nucleus of operative facts, the Court may on its own motion or the motion of any party order that the claims be severed in accordance with Local Rule

1.11. TRANSFER OR APPEAL TO SPECIFIC DALLAS COURT INEFFECTIVE

Whenever a case is transferred to Dallas County by a Court of another county, or is appealed, and the order of transfer or the appeal specifies the particular Court to which the case is transferred, such specification shall be disregarded and the case shall be assigned in the manner provided in Local Rule 1.01, and shall thereafter be subject to the provisions of this Part. (source 1.1.g)

1.12. PAYBACK OF TRANSFERRED CASES

Any Court receiving a case transferred by judicial order may transfer a case of comparable age and complexity to the transferor Court. (source: NEW)

1.13. SUGGESTION OF BANKRUPTCY

Any party to a pending case shall promptly notify the Court of the filing by any other party of a petition in bankruptcy. Such notice shall be made by filing a Suggestion of Bankruptcy with the clerk of the Court and serving copies on all counsel of record. The Suggestion of Bankruptcy shall be filed as soon as practicable, but in no event more than 20 days after a party receives notice of the filing of a petition in bankruptcy by any other party.

PART II - MOTIONS AND DISCOVERY

2.01. FILING WITH THE COURT IN EMERGENCY ONLY (revised 1/14/14)

a. Except in emergencies when the Clerk's office is not open for business, no application for immediate or temporary relief shall be presented to a Judge until it has been filed and assigned to a Court as provided in Local Rule 1.01.

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b. Whenever immediate action of a Judge is required in an emergency when the Clerk's office is not open for business, the case shall nevertheless at the earliest practicable time be docketed and assigned to a Court as provided in Local Rule 1.01 and all writs and process shall be returnable to that Court. Any Judge taking such emergency action shall notify the Clerk of the Judge of the Court in which such case is docketed at the earliest convenient and practical time. (source 1.2(b); modified)

2.02. APPLICATION FOR TRO AND OTHER EX PARTE ORDERS

a) Counsel presenting any application for a temporary restraining order or other ex parte relief shall notify the opposing party's counsel, or the opposing party if unrepresented by counsel in the present controversy, and provide opposing counsel or party with a copy of the application and proposed order at least 2 hours before the application and proposed order are to be presented to the Court for decision, except as provided in subparagraph b) hereof.

b) Compliance with the provisions of subparagraph a) hereof is not required if a verified certificate of a party or a certificate of counsel is filed with the application,

1) That irreparable harm is imminent and there is insufficient time to notify the opposing party or counsel; or

2) That to notify the opposing party or counsel would impair or annul the court's power to grant relief because the subject matter of the application could be accomplished or property removed, secreted or destroyed, if notice were required.

(Source – Dallas County Local Rule 2.02 – Modified)

c) Counsel presenting any application for a temporary restraining order shall at the time the application is presented further certify that to the best of counsel's knowledge, the case in which the application is presented is not subject to transfer under Local Rule 1.06. If the case is subject to transfer, counsel shall fully advise the Court of the circumstances, particularly as to whether there has been any previous application for the same or similar relief or whether the relief sought will conflict with any other previous order, and the Judge to whom the application is presented may decline to act and refer the application or the entire case to the Judge of the Court to which the earlier related case is assigned.

(Source – Dallas County Local Rule 2.02 – former section 2.02 b) is now 2.02 c))

2.03. JUDGMENTS AND DISMISSAL ORDERS

Within 30 days after the Court has announced a verdict or judgment or the Court receives a written announcement of settlement from either party or from a mediator, counsel shall submit to the Court a proposed judgment or dismissal order, unless ordered otherwise. Failure to so furnish the Court with such a proposed judgment or dismissal order will be interpreted to mean that counsel wish the Court to enter an Order of Dismissal with prejudice with costs taxed at the Judge's discretion. (source 1.23; modified)

2.04. FILING OF PLEADINGS (revised 1/14/14)

All pleadings, motions, briefs, orders and other papers, including exhibits attached thereto, when offered for filing or entry, shall be descriptively titled. Each page of each instrument shall, in the lower margin thereof, be consecutively numbered and titled; e.g., "Plaintiffs Original Petition - Page 2." Page numbers should continue in sequential order through the last page of any attachments or exhibits (i.e. should not re-start with each succeeding document). Any reference to an attachment shall include the sequential page number where the reference can be found. Orders and Judgments shall be separate documents completely separated from all other papers. If documents not conforming to this Local Rule are offered, the Clerk before receiving them shall require the consent of a Judge.

2.05. SERVICE OF PAPERS FILED WITH THE COURT

Other than original petitions and any accompanying applications for temporary restraining order, any documents filed with the Court that relate to requests for expedited relief or to matters set for hearing within seven days of filing must be served upon all opposing parties in a manner that will ensure receipt of the papers by them on the same day the papers are filed with the Court or Clerk. (source: NEW)

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2.06. UNCONTESTED OR AGREED MATTERS (revised 1/14/14)

The Court does not require a separate motion or hearing on agreed matters, except for continuances in cases over one year old or as otherwise provided. All uncontested or agreed matters should be presented with a proposed form of order and should reflect the agreement of all parties either (a) by personal or authorized signature on the form of order, or (b) in the certificate of conference on the motion. This rule does not apply to cases involving financial settlement to minors.

2.07 CONFERENCE REQUIREMENT (revised 1/14/14)

a. No counsel for a party shall file, nor shall any clerk set for hearing, any motion unless accompanied with a 'Certificate of Conference' signed by counsel for movant in one of the forms set out in Rule 2.07(c).

b. Prior to the filing of a motion, counsel for the potential movant shall personally attempt to contact counsel for the potential respondent to hold or schedule a conference to resolve the disputed matters. Counsel for the potential movant shall make at least three attempts to contact counsel for the potential respondent. The attempts shall be made during regular business hours on at least two business days.

c. For the purpose of Rule 2.07(a), a "Certificate of Conference" shall mean the appropriate one of the following four paragraphs (verbatim):

(1)

"Counsel for movant and counsel for respondent have personally conducted a conference at which there was a substantive discussion of every item presented to the Court in this motion and despite best efforts the counsel have not been able to resolve those matters presented.

Certified to the Day of ____, 19__ by"

, or (2)

"Counsel for movant has personally attempted to contact the counsel for respondent to resolve the matters presented as follows:

(Dates, times, methods of contact, results)

Counsel for the movant has caused to be delivered to counsel for respondent and counsel for respondent has received a copy of the proposed motion. At least one attempt to contact the counsel for respondent followed the receipt by counsel for respondent of the proposed motion. Counsel for respondent has failed to respond or attempt to resolve the matters presented.

Certified to the Day ____ of ____, 19__ by"

, or (3)

"Counsel for movant has personally attempted to contact counsel for respondent, as follows:

(Dates, times, methods of contact, results)

An emergency exists of such a nature that further delay would cause irreparable harm to the movant, as follows:

(details of emergency and harm).

Certified to the Day of ____, 19__ by"

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, or (4)

I, the undersigned attorney, hereby certify to the Court that I have conferred with opposing counsel in an effort to resolve the issues contained in this motion without the necessity of Court intervention, and opposing counsel has indicated that he does not oppose this motion.

Certified to the Day of ____, 19__ by”

d. Sections (a) and (b) of this Rule do not pertain to dispositive motions, motions for summary judgment, default judgments, motions for voluntary dismissal or nonsuit, post-verdict motions and motions involving service of citation. (Source – Tarrant County Local Rule 2.02: Motion Practice - Modified and Harris County District Court Rule 3.3.6, Extension of Certificates of Conference - Modified)

2.08. SUBMISSION OF PROPOSED ORDERS BY COUNSEL (revised 1/14/14)

Counsel seeking affirmative relief shall be prepared to tender a proposed order to the court at the commencement of any hearing on any contested matter.

Should the court notify counsel of its decision at any time following the hearing on any contested matter and direct counsel to prepare one or more orders for submission to the court any such order shall be tendered to opposing counsel at least two working days before it is submitted to the court.

The opposing party must either approve the proposed order as to form or file objections in writing with the court. If an order is not approved as to form and no objections are filed within five days of the submission of the proposed order to the court, the proposed order is deemed approved as to form. Nothing herein prevents the court from making its own order at anytime after the hearing in accordance with the Texas Rules of Civil Procedure.

2.09. BRIEFS (revised 1/14/14)

Except in case of emergency, briefs, responses and replies relating to a motion (other than for summary judgment) set for hearing must be served and filed with the Clerk of the Court no later than three working days before the scheduled hearing. Briefs in support of a motion for summary judgment must be filed and served with that motion; briefs in opposition to a motion for summary judgment must be filed and served at or before the time the response is due; reply briefs in support of a motion for summary judgment must be filed and served no less than three days before the hearing. Briefs not filed and served in accordance with this paragraph likely will not be considered. Any brief that is ten or more pages long must begin with a summary of argument.

2.10. DEFAULT PROVE-UPS

Upon request by the Court, default prove-ups may be made through affidavits and without hearing. (source: NEW; similar to 1.6.b)

2.11. NOTICE OF HEARING (new 1/14/14)

A party who sets for hearing any motion or other matter must serve written notice of such setting on all parties, with a copy to the Clerk of the Court, within one business day of receipt of such setting. Nothing in this rule shall be construed to shorten any notice requirement in the Texas Rules of Civil Procedure or other rule or statute.

2.12. EFFECT OF MOTION TO QUASH DEPOSITION

a. For purposes of this rule, the date of delivery of a notice of deposition or motion to quash a notice of deposition is the date of actual delivery to counsel or a party, unless received after 5:00 p.m. in which case the date of delivery is deemed to be the next day on which the courthouse is open. Delivery by mail is presumed to be the third business day following mailing.

b. The filing of a motion to quash a deposition with the district clerk and service on opposing counsel or parties in accordance with Local Rule 2.05, if done no later than the third day the courthouse is open after delivery of the notice of deposition, is effective to stay the deposition subject to determination of the motion to quash.

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The filing of a motion to quash does not otherwise stay a deposition.

c. The parties may, by Rule 11 agreement, agree to proceed with a partial deposition while still reserving part or all of the objections made in the motion to quash.

PART III - TRIALS

3.01. REQUESTS TO CONTINUE TRIAL DATE

a. Unless otherwise permitted by Court policy, no request to pass, postpone or reset any trial shall be granted unless counsel for all parties consent, or unless all parties not joining in such request or their counsel have been notified and have had opportunity to object; provided, however, that failure to make an announcement under Local Rule 3.02 shall constitute that party's consent to pass, postpone, reset or dismiss for want of prosecution any case set for trial the following week.

b. After a case has been on file for one year, it shall not be reset for a party except upon written motion for continuance, personally approved by the client in writing, and granted by the Court. Except as provided by statute, no party is entitled of right to a "pass" of any trial setting.

3.02. ANNOUNCEMENTS FOR TRIAL

a. In all cases set for trial in a particular week, counsel are required to make announcements to the Court Administrator on the preceding Thursday and in any event, no later than 10:30 A.M. on the preceding Friday concerning their readiness for trial. Such announcement shall include confirmation of compliance with Local Rule 2.08, if such compliance is required in the case. Any unqualified announcement of "ready" or "ready subject to" another Court engagement may be made to the Court Administrator in person or by telephone.

b. If Plaintiff does not make an announcement by 10:30 A.M. on Friday preceding the week in which the case is set for trial, the Court may dismiss the case for want of prosecution.

c. If one or more Defendants do not make an announcement by 10:30 A.M. on Friday preceding the week in which the case is set for trial, the Court may deem said Defendant(s) to be ready and may proceed with the taking of testimony, with or without the presence of said Defendant or Defendants or their respective counsel.

d. Counsel shall notify all parties of their announcement.

e. An announcement of "ready" shall be taken as continuing throughout the week in which the case is set for trial except to the extent that such announcement is qualified when it is made or later by prompt advice to the Clerk.

f. Whenever a non-jury case is set for trial at a time other than Monday, counsel are required to appear and make their announcements at the day and hour specified in the notice of setting without further notification.

3.03. CONFLICTING ENGAGEMENTS OF COUNSEL

a. Where counsel has more than one trial setting in a case on call in the Courts of Dallas County in the same week, the Court in which the case is first reached for trial shall have priority. If cases are reached in more than one Court at the same time and day, any case specially set case has priority; if no case is specially set, the older case shall have priority.

b. Where counsel for either party has a conflicting trial setting in another county, the Court may, in its discretion, defer to the out of county court and hold the case until the trial in the other county is completed.

c. Where counsel has a conflicting engagement in any Court of the United States or in any Appellate Court, the case in Dallas County may be held until such engagement has been completed. (source 1.19)

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3.04. CARRYOVER CASES

If a case is not tried within the week, the Court may with prior written notice carry the case from week to week. Counsel are required to answer concerning their readiness for trial in these cases in the normal manner for the subsequent week. (source 1.20.a & d)

3.05. COUNSEL TO BE AVAILABLE

Unless released by the Court, during the week a case is set for trial counsel are required to be available upon a telephone call from the Court Administrator. Telephone notice to counsel's office or such other telephone number as counsel may provide to the Court Administrator will be deemed actual notice that a case is called for trial. Counsel shall promptly advise the Court Administrator of any matter that arises during the week that affects counsel's readiness or availability for trial. If counsel is engaged during the week in trial in another Court, whether in Dallas County or elsewhere, counsel shall advise the Court Administrator upon completion of such other trial. (source 1.21.a; modified)

PART IV - ATTORNEYS

4.01. ATTORNEY CONTACT INFORMATION (revised 1/14/14)

Every pleading of a party shall include the information required by Tex. R. Civ. P. 57. Attorneys are required to notify the District Clerk of any change in address, email address, telephone, or fax number. Any notice or communication directed to the attorney at the address, telephone, or fax number indicated in the records of the District Clerk will be deemed received.

4.02. WITHDRAWAL OF COUNSEL

No attorney of record shall be permitted to withdraw from any case without presenting a motion and obtaining from the Court an order granting leave to withdraw. When withdrawal is made at the request of or on agreement of client such motion shall be accompanied by the client's written consent to such withdrawal or a certificate by another lawyer that he has been employed to represent the client in the case. In the event the client has not consented, a copy of such motion shall be mailed by certified and regular first class mail to the client at his last known address, with a letter advising that the motion will be presented to the Court on or after a certain hour not less than ten days after mailing the letter, and that any objection to such withdrawal should be made to the Court in writing before such time. A copy of such letter shall be attached to the motion. A copy of the motion shall be served upon all counsel of record. Unless allowed in the discretion of the Court, no such motion shall be presented within 30 days of the trial date or at such time as to require delay of the trial. After leave is granted, the withdrawing attorney shall send the client a letter by regular mail with a copy of the order of the withdrawal, stating any settings for trial or other hearings and any pending discovery deadlines, and advising him to secure other counsel, and shall forward a copy of such letter to all counsel of record and to the Clerk of the Court in which the case is pending. The requirements of this Local Rule are supplemental to, and not in place of, the requirements of TRCP Rule 10. (source 1.25; modified)

4.03. APPEARANCE OF ATTORNEYS NOT LICENSED IN TEXAS

A request by an attorney not licensed to practice law in the State of Texas to appear in a pending case must comply with the requirements of Rule XIX of the Rules Governing Admission to the Bar. (source: NEW)

4.04. VACATION LETTERS

Any attorney may reserve up to three weeks in any calendar year for vacations by sending a "vacation letter" for each case (with appropriate cause number and style) to the Court Coordinator and opposing counsel, reserving weeks in which no hearings, depositions, or trials are set as of the date of the letter. Once a letter is on file, no hearings, depositions, or trials may be set during the reserved weeks except upon notice and hearing. (source: NEW)

4.05. SELF-REPRESENTED/PRO SE LITIGANTS (revised 1/14/14)

All requirements of these rules applicable to attorneys or counsel apply with equal force to self-represented litigants. Self-represented litigants are required to provide address, email, and telephone listings at which they can be reached by Court personnel and opposing counsel. Failure to accept delivery or to pick up mail addressed to the address provided by a self-represented litigant will be considered constructive receipt of the mailed or delivered document and may be established by a postal service receipt for

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certified or registered mail or comparable proof of delivery. Wherever “counsel” is used it includes a party not represented by an attorney.

4.06. GUARDIAN AD LITEM

When it is necessary or appropriate for the Court to appoint a guardian ad litem for minor or incompetent parties or an attorney ad litem for absent parties, independent counsel, not suggested by any of the parties or their counsel, will be appointed. (source 1.24)

4.07. LOCAL RULES AND DECORUM

All counsel and any self-representing person appearing in the civil courts of Dallas County shall by entering an appearance acknowledge that he or she has read and is familiar with these Local Rules, the Rules of Decorum set forth in Appendix 2, and The Texas Lawyers Creed set forth in Appendix 3.

(Source – Dallas County Local Rule 4.07)

Every attorney permitted to practice in these courts shall familiarize oneself with and comply with the standards of professional conduct required of members of the State Bar of Texas and contained in the Texas Disciplinary Rules of Professional Conduct, V.T.C.A. Government Code, Title 2, Subtitle G-Appendix and the decisions of any court applicable thereto, which are hereby adopted as standards of professional conduct of these courts.

Counsel, witnesses under their control, and parties should exercise good taste and common sense in matters concerning dress, personal appearance, and behavior when appearing in court or when interacting with court personnel. All lawyers should become familiar with their duties and obligations as defined and classified generally in the Lawyers Creed, Disciplinary Rules, common law decisions, the statutes, and the usages, customs, and practices of the bar.

4.08. PRO BONO MATTERS

The civil courts of Dallas County encourage attorneys to represent deserving clients on a pro bono basis. An attorney representing a pro bono client on a matter, set for hearing on a docket for which multiple other cases are also set, may inform the appropriate court staff of his or her pro bono representation. The court will then attempt to accommodate that attorney by moving the matter towards the beginning of the docket, subject to the other scheduling needs of the court. (Source – New)

PART V - COUNTY COURT AT LAW MODIFICATIONS

5.01. CLERK OF THE COURTS

In all matters before the County Courts at Law wherever “District Clerk” is used, “County Clerk” is substituted (Local Rules 3.09, 3.12.b., & 4.01).

5.02. RANDOM ASSIGNMENT

Except as required in Local Rule 6.03, all civil cases filed with the County Clerk shall be filed in the County Courts at Law in random order. (source 1.1 (a))

5.03. EMINENT DOMAIN CASES

The County Clerk shall assign eminent domain cases to the County Courts at Law sequentially, pursuant to statute. (Local Rule 1.01)

5.04. CONTINUANCES IN COUNTY COURTS AT LAW

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All continuances in all cases before the County Courts at Law must be made by motion explaining good cause, even if agreed. (Local Rules 3.06, 4.01).

5.05. COUNSEL TO APPEAR AT TRIAL

Notwithstanding Rule 3.05, in all cases in the County Courts at Law, all parties and counsel are expected to be present at all trial settings, unless advised otherwise by the Court Administrator or the Judge. Failure to so timely appear may result in the rendering of a default judgment or in dismissal or in other action required by justice and equity.

PART VI - FAMILY, JUVENILE, CRIMINAL, & PROBATE COURTS

6.01. RULES FOR OTHER COURTS

"Civil District Courts" as used herein shall mean the 14th, 44th, 68th, 95th, 101st, 116th, 134th, 160th, 162nd, 191st, 192nd, 193rd, 298th District Courts and any district courts created hereafter for Dallas County which are designated to give preference to the trying of civil cases.

"County Courts at Law" as used herein shall mean the County Court at Law No. 1, County Court at Law No. 2, County Court at Law No. 3, County Court at Law No. 4, County Court at Law No. 5, and any County Courts at Law created hereafter for Dallas County.

The Dallas Civil Court Rules set forth herein govern and affect the conduct of the Civil District Courts and the County Courts at Law only. Nothing in these Local Rules shall repeal, modify, or affect any currently existing or subsequently adopted rules of the FAMILY, JUVENILE, CRIMINAL, or PROBATE COURTS of Dallas County.

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Dallas County – County Clerk

Clerk Information

John Warren
509 Main Street, 2nd Floor, Suite 200
Dallas, Texas 75202
<http://www.dallascounty.org/countyclerk/countyclerk.php>

General Information

- Amex is **NOT** accepted.
- Court is integrated.
- Court is **NOT** charging \$2 cost recovery fee.
- Attachments **are** allowed.
- Multiple lead documents per filing **are** allowed.

Initial Filings

- **Case Information Sheet** should be submitted as a **separate filing**.
- **Exhibits** should be submitted as a **separate filing**.
- **Citation Requests, Copies and the like** are under **Optional Services**.
- The filer **can** request copies as an optional service to be attached to the citation.
- The addresses of the plaintiff **is** required. The address of the defendant **is** required.
- In preparing an Original Petition **all parties** should be listed.
- All exhibits should be **merged into a single document**.

Subsequent Filings

- Items not needing a filestamp (proposed orders, notices, etc) **should** have a cover letter as the lead document.
- Non indexed case filings **are not** accepted.
- Proposed orders should be filed **with a cover as the lead document and the proposed order as an attachment**.
- Motions should be filed **as the lead document, with an order and letter as attachments**.
- Exhibits should be filed **merged into a single document numbered with bookmarks**.
- If Exhibits exceed the 35Mb filing limit, they can be split into separate filings.

1 DALLAS COUNTY COURTS AT LAW — CIVIL

1-1 Dallas Civil Court Local Rules and eFiling practices

Dallas County – District Clerk

Clerk Information

Gary Fitzsimmons
600 Commerce Street, Suite 103
Dallas, Texas 75202

http://www.dallascounty.org/districtclerk/districtclerk_index.html

General Information

- Amex is **NOT** accepted.
- Court is integrated.
- Court is **NOT** charging \$2 cost recovery fee.
- Attachments are allowed as **separate documents**.
- Multiple lead documents per filing are allowed.

Initial Filings

- **Case Information Sheet** should be submitted as a **separate filing**.
- **Exhibits** should be submitted as **an attachment or as a separate filing (filer's choice)**.
- **Citation Requests, Copies and the like** are under **Optional Services and as Filing Codes as a separate filing**.
- If the **Citation Request** is required, it can be downloaded from <http://www.dallascounty.org/department/districtclerk/downloadableforms.html>
- The filer **can** request copies as an optional service to be attached to the citation.
- The addresses of the plaintiff **is** required. The address of the defendant **is** required.
- In preparing an Original Petition **all parties** should be listed.
- All exhibits should be **merged into a single document**.

Subsequent Filings

- Items not needing a file stamp (proposed orders, notices, etc) **should** have a cover letter as the lead document.
- Non indexed case filings **are not** accepted.
- Proposed orders should be filed as **an attachment with a cover letter as the lead document**.
- Motions should be filed as **a lead document**.
- Exhibits should be filed as **an attachment to an appropriate lead document**.

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1-1 Dallas Civil Court Local Rules and eFiling practices

Dallas County- Probate

Clerk Information

John Warren

509 Main Street, 2nd Floor, Suite 200

Dallas, Texas 75202

<http://www.dallascounty.org/countyclerk/countyclerk.php>

General Information

- Amex is **NOT** accepted.
- Court is integrated.
- Court is **NOT** charging \$2 cost recovery fee.
- Attachments **are** allowed as **separate documents**.
- Multiple lead documents per filing **are** allowed.

Initial Filings

- **Case Information Sheet** should be submitted as a **separate filing**.
- **Exhibits** should be submitted as an **attachment**.
- **Citation Requests, Copies and the like** are under **Filing Codes** as a **separate filing**.
- If the **Citation Request** is required, it can be as a **cover letter to request**. **All party information including addresses must be provided**.
- The filer **can** request copies as an optional service to be attached to the citation.
- The addresses of the plaintiff **is** required. The address of the defendant **is** required.
- In preparing an Original Petition **all parties** should be listed.
- All exhibits should be **uploaded separately**.

Subsequent Filings

- Items not needing a file stamp (proposed orders, notices, etc) **should** have a cover letter as the lead document.
- Non indexed case filings **are not** accepted.
- Proposed orders should be filed **with a cover letter as the lead document and the proposed order as an attachment**.
- Motions should be filed **as an attachment with the lead document**.
- Exhibits should be filed **as an attachment with the lead document**.

1 DALLAS COUNTY COURTS AT LAW — CIVIL

1-1 Dallas Civil Court Local Rules and eFiling practices

APPENDIX 1 TO THE LOCAL RULES FOR THE COURTS OF DALLAS COUNTY, TEXAS

191.4 Filing of Discovery Materials.

(a) *Discovery materials not to be filed.* The following discovery materials must not be filed:

- (1) discovery requests, deposition notices, and subpoenas required to be served only on parties;
- (2) responses and objections to discovery requests and deposition notices, regardless on whom the requests or notices were served;
- (3) documents and tangible things produced in discovery; and
- (4) statements prepared in compliance with Rule 193.3(b) or (d).

(b) *Discovery materials to be filed.* The following discovery materials must be filed:

- (1) discovery requests, deposition notices, and subpoenas required to be served on nonparties;
- (2) motions and responses to motions pertaining to discovery matters; and
- (3) agreements concerning discovery matters, to the extent necessary to comply with Rule 11.

(c) *Exceptions.* Notwithstanding paragraph (a) --

- (1) the court may order discovery materials to be filed;
- (2) a person may file discovery materials in support of or in opposition to a motion or for other use in a court proceeding; and
- (3) a person may file discovery materials necessary for a proceeding in an appellate court.

(d) *Retention requirement for persons.* Any person required to serve discovery materials not required to be filed must retain the original or exact copy of the materials during the pendency of the case and any related appellate proceedings begun within six months after judgment is signed, unless otherwise provided by the trial court.

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1-2 County Court at Law No. 1
Hon. D'Metria Benson

County Court at Law No. 1
Hon. D'Metria Benson



DALLAS COUNTY COURTS
AT LAW — CIVIL

Date Licensed: **November 2, 1984**

Year Elected/Appointed: **2006**

Previous legal experience/area of practice before becoming a judge & with whom: **Labor & Employment**

Clerk's Name and Phone No.: **Tasha Hicks-Young; 214-653-7556**

Court Coordinator's Name and Phone No.: **Seth Little; 214-653-6581**

Bailiff's Name and Phone No.: **Dan Moore; 214-653-4719**

Court Reporter's Name and Phone No.: **Cathye Moreno; 214-653-7496**

SCHEDULING ORDERS/COURT'S SETTINGS

Does the Court use a specific scheduling order? What specific dates are included in the scheduling order and are there specific time periods used (e.g. mediation set at 6 months from filing, trial date set at 10 months from filing). Is the scheduling order used in all cases or just in level 3 cases?

Level I debt collection cases are automatically assigned to low cost mediation and set for trial about 5-6 months from the date of the defendant's answer.

Any other level case is sent a request for a scheduling order. The Court lets parties draft their own scheduling order with deadlines that adhere to the discovery level and the parties' schedules, however once signed the parties are held to the deadlines within that order. A specific form is not used by the Court; instead attorneys/individuals are directed to draft their own as long as they follow the guidelines published on the Court's Web site. The guidelines state that the scheduling order must include:

1. Original signatures from all parties. Copied/faxed signatures are okay, stamped signatures are not acceptable.

2. A proposed trial date. Trial dates should be set according to the level of the case (6-8 months level one, 9-12 months level two, 12-15 months level three). Jury trials are held Monday-Wednesday. A short, non-jury docket takes place on Thursday, there are no trials on Friday. If your case will take several days, even if it is a bench trial, pick a Monday or Tuesday and let the coordinator know the case will need multiple days.

3. Pick a mediator and a proposed mediation date. Mediation is not optional and must take place at least 45 days before trial. Motions for summary judgment will not be set or considered until mediation has taken place. Once a mediator is selected by the parties, they

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may not change mediators later on without Court permission. If no mediator is selected, the Court will appoint one they may not object to later.

4. Include any discovery or deposition dates.
5. All deadlines must be date specific (not x days before trial or “according to TRCP”).

Does the Court have any settings such as DWOP, mediation, trial dates, others that are set and noticed automatically upon filing suit or some other triggering date?

When a new lawsuit is filed, a dismissal letter is automatically sent. This gives the plaintiff roughly 120 days to get the defendant served and for either the defendant to answer or take default judgment against them.

After a defendant has answered, a request is mailed to all parties giving them 30 days to provide an agreed scheduling order so trial can be set. For level one debt cases, the case is set for trial and mediation with either Dispute Mediation Services or SMU Legacy.

Once the plaintiff or mediator notifies the Court that a case has settled, it is placed on a 30 day disposition docket to provide time for a final order or judgment to be filed.

EMERGENCY RELIEF/CONTACTING THE COURT

What is your preferred procedure for contacting the court in a true emergency? What if the emergency occurs after hours?

Contact either the court coordinator or the court clerks. If the emergency is after hours, leave a voice message with the court coordinator and he will contact you the next morning during business hours.

Can the court be contacted by e-mail or fax? If so, what is the number or address?

Contact by e-mail and fax is limited, it is best to call by telephone.

DISCOVERY

Describe your expectations or specific requirements of parties bringing discovery disputes before the Court. How does the Court handle discovery disputes that arise during a deposition? Can the attorneys contact the Court directly? If the Court is not available can the attorneys contact the master and, if so, who? Does the Court refer all discovery disputes to the master initially?

No response.

PLEADINGS & MOTIONS

Describe any specific requirements of the Court regarding filing pleadings or motions with the Court? Is there any specific time or other requirement for filing responsive or reply motions prior to the hearing (other than summary judgment motions)? How soon before a hearing should all responses be filed for the Court to have the opportunity to review the response?

Any motion or pleading not on the list of pleadings which are automatically submitted for review will require a hearing and therefore require a certificate of conference and a blank fiat/notice of hearing so the court clerk can set the document for oral hearing.

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How do you like briefs to be organized?

No response.

Does the court accept filings by fax or e-mail? If available, is this filing limited to the District Clerk or can fax filings be made directly with the Court's clerk?

All Dallas County filings are now done by e-filing. The Court cannot accept filings by fax, e-mail or in person.

What is your preferred procedure for contacting the court or court staff regarding the status of motions (e.g. rulings on motions taken under advisement)?

Parties may check the online dockets at the Dallas County website. Any signed orders will be posted there within 24 hours of signature. Copies of dispositive orders will be mailed to all parties. Parties may also call occasionally to check status if they wish.

PRE-TRIAL HEARINGS/HEARING DOCKET

Describe any specific policies of the Court relating to hearings, scheduling hearings, days of the week set aside for hearings, certain types of hearing on certain days or at certain times of the day (e.g. default judgment, discovery disputes, special exceptions, sanctions, severance/ consolidation, summary judgment, others).

The Court hears motions every day. The Monday-Thursday motion docket is from 9:00-9:30 am while the Friday motion docket last from 9:00 am-12:00 noon and is reserved for more time-extensive motions. Motions for summary judgment, new trials or anything requiring 15 minutes or more are only set on Fridays. The motion docket is usually booked at least one month in advance.

Default prove-ups are scheduled for Friday afternoons at 2:30pm. You cannot call and ask to be set on this docket, instead submit your default paperwork and the Judge will direct our clerks to contact you and set you for a prove-up if necessary.

All motions should include certificates of conference with opposing counsel or clients where appropriate. Any motion that may need an oral hearing should include a blank fiat or notice setting hearing for our clerks to fill out.

When and how should motions be set for submission or oral hearing? (i.e., does the Court automatically set hearings and notify the parties or should the movant contact the coordinator to set the hearing?)

Motions are not "set" for submission; motions for substitute service, withdraw of counsel, default judgment or dismissal/nonsuit are automatically submitted for review. Motions requiring a hearing will automatically be set once the motion is received. A hearing will not be set unless a motion is on file and there is a blank fiat/notice of hearing to use. Check with the court clerk's office if they can set your motion for you.

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Does the Court automatically allow oral hearings if requested? What procedures should be followed to obtain an expedited hearing?

Oral hearings are not automatically given; they must be based off a filed pleading with the opposing side given proper notice. Expedited hearings are not usually granted unless there is dire need and require the Judge's permission to overbook our docket to accommodate. Contact the court clerk if your request is a true emergency.

Do you allow telephone conferences for the resolution of motions? If so, who arranges them and when and how are they scheduled?

Telephone conferences usually are not an option.

What is your preference on cases attached to briefs or motions? Do you prefer pertinent provisions of the cases to be highlighted?

Yes.

How are attorneys or parties notified of rulings on motions not made during the hearing?

They are either contacted by phone once the ruling is made or copies of the rulings are mailed to their office. They should also check the online docket.

MASTERS & VISITING JUDGES

Describe the Court's policy on the use of masters, visiting judges, visiting judges and masters the Court uses, for what purposes or types of matters, and the Court's policy on the parties objecting to the use of masters or visiting judges.

The county courts do not use masters. A visiting judge may be used if a sitting judge becomes ill or is otherwise away from the bench. If this is scheduled in advance, the trial or hearing notice will state that a visiting judge will be presiding that day and parties are expected to object well before that day.

ALTERNATIVE DISPUTE RESOLUTION

What is the Court's policy on appointing mediators and setting mediation deadlines? What is the Court's policy on referring cases to alternative dispute resolution? Under what circumstances do you order mediation, when is it ordered, and how is the mediator chosen? Is the Court amicable to the parties agreeing on and using a mediator other than the one appointed by the Court? Is a motion to substitute mediators required before the Court will allow the use of an alternate mediator or may the parties simply agree on and use another mediator? What if the Court has already appointed a mediator?

Mediators and deadlines are set by Court order for each case. For debt collection cases this is automatic, for all other cases the parties themselves are given the choice as to which mediator they wish to use when they draft and agree to the scheduling order. If the parties do not select a mediator, the Court selects one for them. All cases are expected to attempt mediation in good faith with the mediator assigned to them. If the parties wish to use another

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mediator, they must file an agreed motion to change mediator and provide good reason for the change. Simply agreeing to use another mediator will be seen as a violation of Court order. Motions to substitute mediators are not looked upon favorably.

TRIALS

What is the Court's procedure for setting a trial? How are cases that are not reached reset? Do you grant special trial settings, and, if so, under what circumstances (e.g. lengthy trials, witnesses or parties with handicaps or serious health conditions, out of town parties or witnesses). How should they be requested?

Trials are set by the date requested in the parties' agreed scheduling order. The coordinator will usually be able to use the exact date requested, sometimes the date may be adjusted for another day the same week or the week before/after if the parties requested a jury trial during a non-jury week/holiday. All cases set for a day are expected to appear for docket call at 9:00 am; if they are not selected for trial that day they will be reset. This may be later that week or the next available trial docket. Special settings are designated by the Judge for older cases that need priority settings or for other cases that may have lengthy trials or special requirements. These concerns should be addressed to the coordinator/Judge as far in advance as possible.

When and in what form do you want proposed jury charges or findings of fact and conclusions of law presented (e.g., prior to trial, first day of trial, charge conference)?

Depending on the case, these may be filed the week prior to trial, at the pre-trial conference (if scheduled) or the day of trial. For complex cases or cases with complex issues these matters should be filed sufficiently in advance of trial to allow hearing at a pretrial conference.

What is your procedure for continuing trials? How early or late will you grant/deny a request and how early do you want the request made? Is a first motion for continuance usually granted if requested at a reasonable time prior to trial? Are agreed motions for continuance usually granted?

All motions for continuance, whether agreed or opposed, will be considered by the Judge. First motions for continuance are not automatically granted. Parties are expected to have followed the agreed scheduling orders they signed when trial was first set. If a continuance is necessary, a motion should be filed as soon as possible before trial along with a proposed scheduling order (from all parties if possible). The scheduling order should state deadlines for whatever remains to be completed before trial, as well as a new proposed trial date where all parties would be available.

Trial Motions

When should parties present motions for continuance, motions to exclude, motions in limine, Robinson/Daubert motions, or any other specific trial motion? What is the Court's policy on hearing

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such motions? Do you have any particular rules governing pre-trial exhibits, motions, or orders (i.e. witness lists, draft jury charges, etc.)? Is a form available? When is it presented?

No response.

Voir Dire

Describe the Court's specific policies on conducting voir dire. Does the Court conduct any portion of the voir dire and, if so, describe what the Court does. What is the Court's policy on setting time limits on voir dire? Does the Court have specific time limits for certain types of cases and, if so, what are they? (e.g. MISTI cases) What are the Court's procedures for striking jurors (peremptory, for cause – i.e. during voir dire outside the presence of the panel, en masse after completion of voir dire, other matters)?

Generally the Court allows the attorneys to conduct voir dire. However, if the circumstances require, the Court will conduct all or part of the examination as necessary. The Court generally sets time limits on voir dire that are appropriate to the case type and complexity. Jury strikes are made outside of the presence of the panel after the completion of voir dire. If necessary, individuals may be brought into the court to address specific or sensitive issues.

Opening

Describe any specific requirements the Court has regarding opening statements. Does the Court impose specific time limits? What are they? Do they vary by type of case? Give examples of typical time limits, if any, for common cases.

The Court generally sets time limits on opening statements that are appropriate to the case type and complexity.

Direct Examination

Describe any specific policies on direct examination. For example - do you require attorneys to stand, sit, use a podium, or use microphones.

Attorneys conduct witness examinations from a seated position and stand for objections or when addressing the Court.

Cross Examination

Describe any specific policies on direct examination.

Attorneys conduct witness examinations from a seated position and stand for objections or when addressing the Court.

Closing

Describe any specific requirements the Court has regarding closing statements. Does the Court impose specific time limits? What are they? Do they vary by type of case? Give examples of typical time limits for common cases.

The Court generally sets time limits on closing statements that are appropriate to the case type and complexity.

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Hon. D'Metria Benson

Audio/Visual Equipment

Does the Court provide its own blackboard, easel, Elmo, overhead projector, video equipment, or other presentation equipment? What arrangements must be made to use them? What arrangements can be made to become familiar with them or prepare them before trial?

The Court has available for attorney use an easel, whiteboard, overhead projector, ELMO and video equipment (DVD/VCR). The Court is also equipped for computer generated presentations. Call the court coordinator if you have questions.

TRIAL DOCKET

What is the Court's procedure for notifying parties of assignment to trial? Describe any specific policies of the Court relating to its trial docket, scheduling trials, continuances, days of the week set aside for trials versus hearings. Does the Court set aside certain days, weeks, or months for certain types of cases (e.g. MISTI cases, complex commercial litigation, others).

Please reference the answers to the earlier questions regarding scheduling orders, motion settings and continuances. Once a trial date is assigned based from the parties' scheduling order, the coordinator mails trial notices to all parties of record. The parties are expected to follow the scheduling order and attend mediation. If the case still proceeds to trial, the parties will announce on Thursday & Friday the week prior to their trial setting. The coordinator will ask if they are ready, how many witnesses they are bringing and how long they expect to need for trial. For cases that may require three or more days of trial, large parties or translator requirements, advance notice is greatly appreciated so we can accommodate everyone. If parties mention these types of needs when initially scheduling their cases, the Court may be able to provide special settings or adapt trial schedules as necessary.

OTHER

What are the Court's procedures and criteria for court appointments of ad litem?

Ad litem are appointed by the Court.

Anything the Court would like attorneys practicing before it to know that is not covered above. For example: Do you have any special rules governing courtroom decorum? (e.g., addressing the court, opposing counsel or witnesses, requirement that counsel use only podium, approach the witness, talking or passing notes at the counsel table, beverages allowed at the counsel table).

Please remember to silence all mobile devices while in the courtroom and/or court is in session. However, having your mobile device is useful if you need to call your office or check your calendar when resetting motions or trials.

1 DALLAS COUNTY COURTS AT LAW — CIVIL

1-3 County Court at Law No. 3

Hon. Sally L. Montgomery

County Court at Law No. 3

Hon. Sally L. Montgomery



Date Licensed: **1980**

Year Elected/Appointed: **2003**

Previous legal experience/area of practice before becoming a judge and with whom:

Visiting District Judge '01-'02, 95th District Court '97-'00, Law Offices of Sally L. Montgomery'82-'96, Dalton, Moore, Forde, Joiner & Stollenwerck, P.C. '80-'81; Trial and mediation of civil and family cases and energy and corporate law.

Clerk's Name and Phone No.: **Danny Yzaguirre: 214-653-7595**

Court Coordinator's Name and Phone No.: **Stefanie Evans: 214-653-6394**

Bailiff's Name and Phone No.: **John Allen: 214-653-7595**

Court Reporter's Name and Phone No.: **Janet Wright; 214-653-7831**

SCHEDULING ORDERS/COURT'S SETTINGS

Does the Court use a specific scheduling order? What specific dates are included in the scheduling order and are there specific time periods used (e.g. mediation set at 6 months from filing, trial date set at 10 months from filing). Is the scheduling order used in all cases or just in level 3 cases?

Yes, we use a scheduling order in all cases. We use Specific time periods in conjunction with incorporating the discovery period established by the Texas Rules of Civil Procedure 190.2 for Level 1 and 190.3 for Level 2 cases. The time periods established by the Scheduling Orders affect the time of filing of *Daubert* Motions, Motions to Compel, amended pleadings, and addition of parties. The Scheduling Orders also set up time periods affecting the management of trials, which time periods include deadlines for the exchange of lists of exhibits, including demonstrative aids and affidavits, exhibits, deadlines for designation of deposition testimony and filing of motions in limine, conferences to establish any stipulations as to facts, exhibits, and motions in limine, and the filing of an estimate of the length of trial. There is a different Scheduling Order required in Level III cases. The Scheduling Order for Level III cases includes the above deadlines and conferences for Level I and II cases as well as other deadlines and agreements concerning discovery. A form order is available upon request.

1 DALLAS COUNTY COURTS AT LAW — CIVIL

1-3 County Court at Law No. 3

Hon. Sally L. Montgomery

Does the Court have any settings such as DWOP, mediation, trial dates, others that are set and noticed automatically upon filing suit or some other triggering date?

Only as to DWOP.

EMERGENCY RELIEF/CONTACTING THE COURT

What is your preferred procedure for contacting the court in a true emergency? What if the emergency occurs after hours?

After hours not applicable. Contact the Court Administrator in a true emergency.

Can the court be contacted by e-mail or fax? If so, what is the number or address?

Yes, but it is only given out as needed to attorneys in process of conducting a trial.

DISCOVERY

Describe your expectations or specific requirements of parties bringing discovery disputes before the Court. How does the Court handle discovery disputes that arise during a deposition? Can the attorneys contact the Court directly? If the Court is not available can the attorneys contact the master and, if so, who? Does the Court refer all discovery disputes to the master initially?

In case of discovery disputes just call the Court. The County Courts-at-Law have no master. As far as discovery disputes going to the master as earlier stated we have no master.

PLEADINGS & MOTIONS

Describe any specific requirements of the Court regarding filing pleadings or motions with the Court? Is there any specific time or other requirement for filing responsive or reply motions prior to the hearing (other than summary judgment motions)? How soon before a hearing should all responses be filed for the Court to have the opportunity to review the response?

No requirements, unless the motion involves a special appearance, or motion for new trial. Then the filing should be filed at least the morning before the hearing at the desk of the clerk assigned to the court.

How do you like briefs to be organized?

Your most favorable issues should be briefed first. Subheadings are encouraged. If deposition testimony is required, attach only the relevant parts of the deposition. The language needing to be emphasized should be quoted in the body of the brief. If you are relying heavily on a case, the case should be provided to the Court with the relevant provisions highlighted. Opposing Counsel should receive a copy reflecting the highlighted provisions.

Does the court accept filings by fax or e-mail? If available, is this filing limited to the County Clerk or can fax filings be made directly with the Court's clerk?

The court rarely accepts filing by fax, as e-filing is now required by the Texas Supreme Court. Copies of Summary Judgment Motions, Responses and Replies contained in one

1 DALLAS COUNTY COURTS AT LAW — CIVIL

1-3 County Court at Law No. 3

Hon. Sally L. Montgomery

binder and presented jointly by the parties should be delivered to my Court Coordinator the morning of the day before a scheduled hearing. An extra copy of any last minute e-mail filing should be brought to the Court at the time of hearing. Exceptions for fax filing are made in unusual circumstances if approval of the coordinator has been obtained.

What is your preferred procedure for contacting the court or court staff regarding the status of motions (e.g. rulings on motions taken under advisement)?

Call the Clerk regarding the status of motions. For an expedited hearing, file the motion and talk to the Clerk regarding an appropriate time for a hearing. Should this be inadequate to meet your needs, contact the Court Coordinator who will discuss the hearing with you and if necessary request the Court Coordinator talk with the Judge to find out if any other solution may be available. If I am not in trial I can hear emergency matters by telephone conference immediately. The Coordinator will call you with rulings on motions which have been taken under advisement or you can find them on www.JudgeSallyMontgomery.com. However, if you feel the need to check on the status of pending motions, the Coordinator is aware of the status of cases under advisement.

PRE-TRIAL HEARINGS/HEARING DOCKET

Describe any specific policies of the Court relating to hearings, scheduling hearings, days of the week set aside for hearings, certain types of hearing on certain days or at certain times of the day (e.g. default judgment, discovery disputes, special exceptions, sanctions, severance/ consolidation, summary judgment, others).

Motions must contain a certificate of conference, including Motions to Designate a Third Party. If the motion is opposed, attach a fiat, an extra copy of the motion and a self-addressed, stamped envelope for the Clerk to return. The movant is to notify opposing counsel for the date and time set for the hearing. Agreed orders should be signed by all counsel or the certificate of conference must state that the other side agrees. Orders reflecting rulings should indicate the other side's approval as to form or request the Court to hold number of days (a minimum of 5 days) in order for the other side to have time to notify the Court of any objections.

- a. Discovery motions: **No response.**
- b. Motions for summary judgment: **Exhibits attached as evidence should be tabbed. Both counsel should see that a book with the Motion, Response and any Reply as well as both sides cases be delivered to the Court Coordinator the morning of the day before the scheduled hearing. Cases submitted with briefs should be underlined and submitted to not only the Court, but also opposing counsel.**
- c. Motions to dismiss/nonsuit (D.W.O.P.): **Orders should be simultaneously presented with the motions and reflect within the title of the order if the order is either a partial or final order.**
- d. Motions in limine (i.e., when presented-day of voir dire or before): **At the Court's option either the day prior to the trial date or the day of voir dire. Attorneys must confer and reach agreements where possible prior to case being called to trial.**

1 DALLAS COUNTY COURTS AT LAW — CIVIL

1-3 County Court at Law No. 3

Hon. Sally L. Montgomery

e. Other motions (special exceptions, sanctions, severance/consolidation, default judgment, etc.):

Default judgment need only be heard if damages are unliquidated. No hearing is necessary if damages are liquidated. I require an affidavit of attorneys' fees, Certificate Of Last Known Address for the defendant(s), and an affidavit of an individual defendant's non-military status to be filed at the time of the filing of the motion for default judgment. Also included in the file must be an affidavit of amount due, including interest rate calculations and a copy of the underlying note or credit card account where applicable.

Generally, prior to a hearing on a Motion for Temporary Injunction, mediation is required.

When and how should motions be set for submission or oral hearing? (i.e., does the Court automatically set hearings and notify the parties or should the movant contact the coordinator to set the hearing?)

When a motion is filed if it has a fiat or notice of hearing attached, the Clerks automatically set the case for a hearing. They send it back to whomever submitted it and then they are required to notice all parties involved. If counsel is from out-of-town, telephone conferences will be allowed when requested. If only the Movant appears, a copy of the notice to the other party must be shown to the Court. If the hearing is to be conducted by telephone conference, as a precaution against the Respondent not appearing, a copy of the notice should be filed in the case jacket prior to the hearing.

Does the Court automatically allow oral hearings if requested?

Yes, except for prove-ups of Default Judgment involving only liquidated damages, which Motions for Default Judgments are only taken by submission.

What procedures should be followed to obtain an expedited hearing?

Call the Clerk or the Court Coordinator for an expedited hearing.

Do you allow telephone conferences for the resolution of motions? If so, who arranges them and when and how are they scheduled?

If a case is on the Motion docket, Court Call is required. However, telephone conferences are allowed for Motions for Continuance and for the resolution of the wording of an Order after a hearing when the parties cannot agree.

What is your preference on cases attached to briefs or motions? Do you prefer pertinent provisions of the cases to be highlighted?

Yes, I prefer pertinent provisions of the cases to be highlighted.

How are attorneys or parties notified of rulings on motions not made during the hearing?

The Court Coordinator calls them or they can check the Court's Web site: www.JudgeSallyMontgomery.com.

1 DALLAS COUNTY COURTS AT LAW — CIVIL

1-3 County Court at Law No. 3

Hon. Sally L. Montgomery

MASTERS & VISITING JUDGES

Describe the Court's policy on the use of masters, visiting judges, visiting judges and masters the Court uses, for what purposes or types of matters, and the Court's policy on the parties objecting to the use of masters or visiting judges.

There are no masters or visiting judges allowed in our budget.

ALTERNATIVE DISPUTE RESOLUTION

What is the Court's policy on appointing mediators and setting mediation deadlines? What is the Court's policy on referring cases to alternative dispute resolution? Under what circumstances do you order mediation, when is it ordered, and how is the mediator chosen? Is the Court amicable to the parties agreeing on and using a mediator other than the one appointed by the Court? Is a motion to substitute mediators required before the Court will allow the use of an alternate mediator or may the parties simply agree on and use another mediator? What if the Court has already appointed a mediator?

Every case that is set for trial is automatically sent to mediation. The Court Coordinator assigns a mediator on a random basis unless the parties submit a Motion Requesting A Mediator to whom they have already agreed. If a mediator has already been appointed and the parties want to agree to another mediator, a Motion To Substitute Mediator is required within 30 days after appointment of the first mediator. Approval is automatic. If the Motion to Substitute Mediator is filed after 30 days, a hearing will be required.

TRIALS

What is the Court's procedure for setting a trial? How are cases that are not reached reset? Do you grant special trial settings, and, if so, under what circumstances (e.g. lengthy trials, witnesses or parties with handicaps or serious health conditions, out of town parties or witnesses). How should they be requested?

Whenever an answer is filed, the Court sets the case for trial. Yes, we will grant special trial settings. They are to be requested through the Court Coordinator.

When and in what form do you want proposed jury charges or findings of fact and conclusions of law presented (e.g., prior to trial, first day of trial, charge conference)?

Jury charges proposed to the Court should be filed prior to trial. Findings of fact and conclusions of law are provided to the Court by the winning party of a bench trial after requested by the unsuccessful party.

What is your procedure for continuing trials? How early or late will you grant/deny a request and how early do you want the request made? Is a first motion for continuance usually granted if requested at a reasonable time prior to trial? Are agreed motions for continuance usually granted?

Cases on file for less than one year may be reset by having a written motion and order for continuance. The Motion should include the reason for the continuance and a time frame agreed upon for the reset. Cases on file for more than a year, even if agreed to, require a formal motion

1 DALLAS COUNTY COURTS AT LAW — CIVIL

1-3 County Court at Law No. 3

Hon. Sally L. Montgomery

for continuance with signatures of all parties and all attorneys with a form order granting same. An agreed scheduling order with signatures must be submitted contemporaneously or else the deadlines will not be extended. Opposed motions must contain a Certificate Of Conference with opposing counsel stating that the motion is opposed and a fiat for the Clerk to set a hearing. If the hearing cannot be set prior to the trial date, it will be heard by telephone conference arranged through the Court Coordinator upon request.

Trial Motions

When should parties present motions for continuance, motions to exclude, motions in limine, Robinson/Daubert motions, or any other specific trial motion? What is the Court's policy on hearing such motions? Do you have any particular rules governing pre-trial exhibits, motions, or orders (i.e. witness lists, draft jury charges, etc.)? Is a form available? When is it presented?

Please see the responses above.

Voir Dire

Describe the Court's specific policies on conducting voir dire. Does the Court conduct any portion of the voir dire and, if so, describe what the Court does. What is the Court's policy on setting time limits on voir dire? Does the Court have specific time limits for certain types of cases and, if so, what are they? (e.g. MISTI cases) What are the Court's procedures for striking jurors (peremptory, for cause)? i.e. during voir dire outside the presence of the panel, en masse after completion of voir dire, other matters)?

Time for voir dire will vary depending on the complexity and sensitivity of the case.

Jury questionnaires are always allowed upon the submission of the questionnaires to the Court for pre-approval.

Opening

Describe any specific requirements the Court has regarding opening statements. Does the Court impose specific time limits? What are they? Do they vary by type of case? Give examples of typical time limits, if any, for common cases.

The Court does have specific time limits on opening statements depending on the complexity of the case.

Direct Examination

Describe any specific policies on direct examination. For example - do you require attorneys to stand, sit, use a podium, or use microphones?

I require the attorneys to use a podium and use microphones.

Cross Examination

Describe any specific policies on cross examination.

Use podium. Depositions are only referred to for the purpose of recall or impeachment. The proper predicate must be used, and then the page and line references announced, prior to

1 DALLAS COUNTY COURTS AT LAW — CIVIL

1-3 County Court at Law No. 3

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the attorney being allowed to approach the witness. The witness then gets to read the specified portion of the deposition before being required to answer follow-up questions. **BE CAREFUL IF THE PURPOSE OF THE DEPOSITION IS FOR IMPEACHMENT TO HAVE ASKED THE SAME OR VERY SIMILAR QUESTION BEFORE ATTEMPTING IMPEACHMENT.**

Closing

Describe any specific requirements the Court has regarding closing statements. Does the Court impose specific time limits? What are they? Do they vary by type of case? Give examples of typical time limits for common cases.

Time for closing will vary depending on the complexity and sensitivity of the case.

Audio/Visual Equipment Audio/Visual Equipment

Does the Court provide its own blackboard, easel, Elmo, overhead projector, video equipment, or other presentation equipment? What arrangements must be made to use them? What arrangements can be made to become familiar with them or prepare them before trial?

Yes, we provide the above mentioned equipment. You can not change internal settings.

TRIAL DOCKET

What is the Court's procedure for notifying parties of assignment to trial? Describe any specific policies of the Court relating to its trial docket, scheduling trials, continuances, days of the week set aside for trials versus hearings. Does the Court set aside certain days, weeks, or months for certain types of cases (e.g. MISTI cases, complex commercial litigation, others).

We send notices out of trial settings by regular mail. Starting in June 2014, we will have a Motions docket on Mondays, jury cases set on Tuesdays and Wednesdays, non-jury cases and appeals from Justice Court set on Thursday's and eviction cases appealed from Justice of the Peace Court set on Fridays. However, if you are set non-jury on a Thursday and you pay the jury fee your date does not change unless we are unable to get jurors.

OTHER

What are the Court's procedures and criteria for court appointments of ad litem?

I interview the potential ad litem.

Anything the Court would like attorneys practicing before it to know that is not covered above. For example: Do you have any special rules governing courtroom decorum? (e.g., addressing the court, opposing counsel or witnesses, requirement that counsel use only podium, approach the witness, talking or passing notes at the counsel table, beverages allowed at the counsel table, attire.)

For additional information on Court procedures and administration, please review the Procedure section on my Web site: www.Judgesallymontgomery.com. My dockets are also currently posted on this Web site.

1 DALLAS COUNTY COURTS AT LAW — CIVIL

1-3 County Court at Law No. 3

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The Court requires that opposing counsel refers to each other as opposing counsel to the jury instead of by name unless there are multiple parties.

DALLAS COUNTY COURTS
AT LAW — CIVIL

1 DALLAS COUNTY COURTS AT LAW — CIVIL

1-4 County Court at Law No. 4

Hon. Ken Tapscott

County Court at Law No. 4

Hon. Ken Tapscott



Date Licensed: **November 7, 1997 in Texas**

Year Elected: **2006**

Previous Legal Experience: **Office of Hearings and Appeals, Social Security Administration 1996; Baron & Budd, P.C. 1997-2006**

Clerk's Name and Phone Number: **Nuri Fernandez ; 214-653-7466**

Court Coordinator's Name and Phone Number: **Cathy Moran; 214-653-7345**

Bailiff's Name and Phone Number: **David Bonner and Hollis Edwards; 214-653-7345**

Court Reporter's Name and Phone Number: **Coral Wahlen; 214-653-7468**

SCHEDULING ORDERS/COURT'S SETTINGS

The Court does not send out scheduling orders. The Court will sign agreed scheduling orders if submitted by counsel. The Court assigns trial dates of its choosing unless counsel send an agreed trial setting order to the Court. The Court does set cases for dismissal normally 120-150 days after filing. The dismissal notice is normally sent to Plaintiff's counsel within one week of a case's filing. The Court's trial docket for all trial settings the following 4-6 weeks is published on the Court's Web site: judgekentapscott.com. The Court sets jury trials Tues-Thur. The Court sets non-jury trials on Fridays at 10 a.m. Default prove-ups should be scheduled on Mondays for hearing through the Court's Clerk. The Court will normally set Forcible Entry and Detainer (FED) trials on Fridays at 8 a.m.

EMERGENCY RELIEF/CONTACTING THE COURT

The Court has no general emergency contact information. The Court will, upon request of counsel, set up an emergency protocol on a case-by-case basis if the situation demands the Court be available after hours. The Court's coordinator be contacted via email at Jodi.deal@dallascounty.org (coordinator).

DISCOVERY

The Court expects all parties to thoroughly discuss discovery disputes before setting a motion to compel hearing. If counsel have failed to properly discuss a discovery motion, they will be sent into the Court's jury room or conference room to discuss each objection before arguing the motion to the Court. The Court will take calls during business hours to rule on discovery disputes in depositions. The Court expects such calls to be rare.

1 DALLAS COUNTY COURTS AT LAW — CIVIL

1-4 County Court at Law No. 4

Hon. Ken Tapscott

PLEADINGS/MOTIONS

The Court's motion docket is available on Dallas County's website. All hearing slots are 15 minutes maximum. If your hearing will honestly take more than 15 minutes, the Court expects you to notify the Court's clerks so a special hearing time can be given to you. All motions can be set by calling or emailing the Court's chief clerk. The Court's motion docket is heard on Mondays. The Court hears motions Tues-Fri with special permission only. The Court rarely takes matters under advisement. If, however, the Court does take something under advisement then counsel are free to inquire with the Clerk any time as to whether or not a ruling has been made in their case.

All hearings must be set by a party's request. The Court rarely will set a motion for hearing itself. Counsel are welcome to ask for rulings by submission. Hearings, however, are freely given. If counsel need an expedited hearing, please call the Court's chief clerk to make such a request. The Court will attempt to make every accommodation if the need is great. Counsel are welcome to set telephone hearings. All telephone hearings must be set up through Courtcall. Telephone hearing procedures are disclosed on the Court's Web site: judgekentapscott.com.

During motion practice, the Court appreciates it when counsel bring highlighted case law.

MASTERS AND VISITING JUDGES

The Court does not normally assign jury trial cases to a visiting judge. The Court will assign non-jury trials and FED trials to visiting judges on occasion. Advance written notice is always given to the parties well in advance when a visiting judge has been assigned to their non-jury or FED case.

ADR/MEDIATION

The Court sends nearly every case to mediation. The Court sends out a standard order setting the mediation deadline and an assigned mediator in every case. Counsel are welcome to send an agreed or unopposed order for substitution of mediator, and the Court will freely sign such orders. The Court expects the assigned mediator to be used unless a substitution order has been signed by the Court.

TRIALS

Trial notices are automatically sent by the Court's coordinator once parties answer in a lawsuit. Counsel are welcome to submit an agreed order setting a different trial date with scheduling deadlines. The Court will grant requests on a case-by-case basis for a preferential setting. The Court will also set cases preferentially without a special request from counsel if the Court feels the case is complex or will require a lengthy trial.

Once in trial, the Court wants counsel to bring jury charges and proposed instructions in hard copy and on CDs or a flash drive in Word format. If later necessary, findings of fact and conclusions of law should be submitted in the same manner.

Continuance motions should be submitted as far in advance of trial as possible. Last minute motions for continuance, whether agreed to or not, are often denied unless the Court finds an emergency warranted such a late filing. Complicated Robinson/Daubert motions should be heard prior to trial, if possible. Set such motions on the Court's Monday motion docket, but in the afternoon.

1 DALLAS COUNTY COURTS AT LAW — CIVIL

1-4 County Court at Law No. 4

Hon. Ken Tapscott

The Court normally conducts a pre-trial hearing for the purposes of hearing motions in limine and admission of exhibits at 9:00 a.m.-10:00 a.m. the day of trial. If counsel need more time than 1 hour to address motions in limine and exhibits, they should schedule a Monday afternoon pretrial.

Voir dire is set by the parties. The Court normally allows 30 minutes per side in simpler, 1-day trials, but the Court will grant more time if counsel feel they need it. The Court does not normally conduct the voir dire, unless an individual juror is called back in for follow up questioning, and then the Court will take the lead before allowing counsel to ask more follow up questioning. All motions to strike for cause are heard after completion of voir dire.

The Court normally gives 10 minutes per side for opening statement, but the Court will allow more time if counsel request it pre-trial. The Court has no specific guidelines for direct or cross examination. For closing, the Court normally allows 20 minutes per side, but the Court will allow more time if counsel request it pre-trial.

County Court at Law #4 has an easel, Elmo, overhead projector, CD/DVD/VCR player, wireless microphones, and computer hook ups for Powerpoint presentations.

AD LITEM AND MEDIATION APPOINTMENTS

The Court freely entertains adding mediators and ad litem to its appointment list. Counsel are welcome to visit the Court personally with a resume in hand, or they can mail a resume with a cover letter to the Court's attention.

OTHER

To know all the Court's policies and procedures, please visit the Court's Web site at judgekentapscott.com.

1 DALLAS COUNTY COURTS AT LAW — CIVIL

1-5 County Court at Law No. 5

Hon. Mark Greenberg

County Court at Law No. 5

Hon. Mark Greenberg



DALLAS COUNTY COURTS
AT LAW — CIVIL

Date Licensed: **1988**

Year Elected/Appointed: **Elected 2002**

Previous legal experience/area of practice before becoming a judge and with whom:

(1) Associate Judge, Dallas County State District Courts, 1998 to 2002; (2) Staff Attorney, Fifth District Court of Appeals at Dallas, 1996 to 1998; (3) Attorney, Payne & Blanchard, L.L.P., formerly known as DeHay & Blanchard, L.L.P. 1989 to 1996; (4) Briefing Attorney, Fifth District Court of Appeals at Dallas, 1988 to 1989; (5) Intern, Texas Supreme Court, 1987.

Clerk's Name and Phone No.: **Terrance Washington; 214-653-6441**

Court Coordinator's Name and Phone No.: **Sandra Humphrey; 214-653-6503**

Bailiff's Name and Phone No.: **Rick Wilson**

Court Reporter's Name and Phone No.: **Vikki Ogden; 214-653-6443**

SCHEDULING ORDERS / COURT'S SETTINGS

The Court does not send out scheduling orders. For level 1 and 2 cases, the Court follows the time periods in the Texas Rules of Civil Procedure. For level 3 cases, the Court expects the parties to submit an agreed scheduling order. If agreement cannot be reached, counsel should file and set for hearing a motion for entry of scheduling order.

The coordinator sets cases on the DWOP docket four months after the filing date. The Court orders most cases to mediation and orders the mediation to take place no later than thirty days before trial. The Court sets most cases for an initial trial setting six months after the filing date.

EMERGENCY RELIEF / CONTACTING THE COURT

In a true emergency, counsel may contact either the coordinator or the clerks and explain the nature of the emergency and ask that their message be relayed to the judge.

DISCOVERY

Discovery motions are set on the Court's regular motion docket. If a dispute arises during a deposition, counsel may telephone the Court clerk to determine if the judge is available.

1 DALLAS COUNTY COURTS AT LAW — CIVIL

1-5 County Court at Law No. 5

Hon. Mark Greenberg

PLEADINGS & MOTIONS

The Court does not have any specific requirements apart from those set forth in the Texas Rules of Civil Procedure and the Dallas County Local Rules. For complex motions, the Court greatly appreciates a bench book delivered at least one day before the hearing.

The Court does not have any specific requirements for the organization of briefs.

When the Court takes a matter under advisement, it usually gives counsel a rough estimate of when to expect a ruling. If counsel have not heard from the Court within a few days of the estimate given, they should contact the Court clerk and ask for a status report.

PRE-TRIAL HEARINGS / HEARING DOCKET

The Court hears motions Monday through Thursday from 8:30 a.m. to 9:00 a.m. These times are reserved for non-evidentiary motions that do not require a Court reporter. The Court hears motions all day on Fridays. The Court considers most default judgments and agreed motions by submission. If a hearing is required, the Court will notify counsel.

Hearings may be set through the Court clerk.

The Court allows oral hearings when requested. If an expedited hearing is required, counsel should deliver a letter addressed to the Court explaining the reasons and ask the clerk to place the letter on the judge's desk.

The Court allows telephone conferences for most hearings if requested. If one or two parties are participating by telephone, the Court will initiate the teleconference. If more than two parties are participating, counsel must make arrangements for the teleconference.

Counsel are encouraged to bring highlighted copies of cases to the hearing.

The Court clerk will either fax an order to counsel or notify counsel of the ruling by telephone.

MASTERS & VISITING JUDGES

The County Courts do not have Court masters. The Court occasionally uses a visiting judge.

ALTERNATIVE DISPUTE RESOLUTION

The Court sends most cases to mediation. The Court assigns a mediator that it believes is appropriate for the case. If the parties agree on a different mediator, they may submit an agreed order to substitute mediators or a Rule 11 agreement. No motion is required.

TRIALS

The Court coordinator sets cases for trial once an answer is filed and notifies counsel by letter. Cases that are not reached are reset. The Court rarely grants special settings. If counsel anticipate that a trial will last more than four days, they should request a pretrial conference at least a week in advance of the setting. Proposed jury charges should be provided to the Court on the first day of trial and counsel should be prepared to discuss them throughout the trial. The Court usually prepares the charge and provides copies to counsel before the close of evidence. The charge conference is likely to be brief. Be prepared. Counsel should give careful consideration to their proposed charge. The Court will not submit improperly worded questions, instructions or definitions. For bench trials, findings of fact and conclusions of law need not be filed unless the Court requests them.

1 DALLAS COUNTY COURTS AT LAW — CIVIL

1-5 County Court at Law No. 5

Hon. Mark Greenberg

Trial Motions

Most agreed motions to continue the trial setting are granted without a hearing. If the case is old, the Court may request that counsel come in for a hearing or the Court may conduct a telephone hearing. Contested motions for continuance, motions to exclude, and *Robinson/Daubert* motions should be set for hearing on the Court's regular motion docket. For most cases, motions in limine are heard the morning of trial, and the Court expects counsel to confer and present to the Court only contested issues. The Court does not require an exhibit or witness list unless counsel have agreed to exchange such lists in a level 3 scheduling order. The Court greatly appreciates counsel agreeing on the admissibility of documents during pretrial.

Voir Dire

The amount of time the Court allocates for voir dire varies depending on the nature of the case. In general, the Court allows more time for more complex cases. The Court will give brief introductory remarks and will question jurors who seek to be excused because of hardship. The attorneys conduct the remainder of the voir dire. Strikes for cause are made after the close of voir dire outside the presence of the panel.

Opening

The Court does not have any specific requirements for opening statements. The time the Court allows varies depending on the complexity of the case.

Direct Examination

Counsel may examine the witness from counsel table or standing. Counsel need not ask permission to approach their own witnesses, but should ask permission to approach adverse or neutral witnesses.

Cross Examination

The Court's policies for cross examination are the same as for direct examination.

Closing

The Court does not have any specific requirements for closing statements, and, as with opening statements, the time allowed varies depending on the complexity of the case.

Audio/Visual Equipment

The Court provides an easel and chart-size paper for diagrams. The Court has an Elmo and video equipment. Counsel who anticipate using the Elmo or video equipment should familiarize themselves with the equipment outside the presence of the jury. Counsel are welcome to try out the equipment the morning of trial before the jury arrives or any other time the Court is not in session.

1 DALLAS COUNTY COURTS AT LAW — CIVIL

1-5 County Court at Law No. 5

Hon. Mark Greenberg

TRIAL DOCKET

The Court coordinator notifies counsel of trial settings by mail. Generally, jury trials are set on Mondays and Tuesdays, non-jury trials on Wednesdays, and Justice Court appeals on Thursdays.

OTHER

When necessary, the Court appoints an ad litem whose experience is appropriate to the case.

The Court insists that counsel respect the time of jurors. The Court starts on time and limits breaks to the amount of time announced to the jury. Video depositions or depositions read to the jury must be edited.