

1 HARRIS COUNTY
COUNTY COURTS AT LAW — CIVIL
CHAPTER CONTENTS

**COUNTY COURTS
AT LAW — CIVIL**

| | | |
|-------|--|----|
| 1-1 | Court Directory..... | 2 |
| 1-2 | Local Rules | 3 |
| 1-3:1 | Harris County Civil Court at Law No. 2, Hon. Jim F. Kovach | 8 |
| 1-3:2 | Harris County Civil Court at Law No. 3, Hon. LaShawn A. Williams | 14 |
| 1-3:3 | Harris County Civil Court at Law No. 4, Hon. Lesley Briones..... | 23 |

HARRIS COUNTY COURTS AT LAW — CIVIL

1-1 COURT DIRECTORY

| | | |
|--------------|--|---------------------|
| No. 1 | George Barnstone | 713-368-6610 |
| | Harris County Civil Courthouse, 5th Floor | |
| | 201 Caroline, Suite 740 | |
| | Houston, Texas 77002 | |
| | Trial Coordinator: Melissa Hammond..... | 832-927-1711 |
| | Bailiff: Kenneth Henderson..... | 832-927-1701 |
| | Court Reporter: Lettie Witter..... | 832-927-1713 |
| | Clerk: Kelli Ramirez..... | 713-274-1345 |
| | Clerk: Kayla Meyers..... | 713-274-1345 |
| No. 2 | Jim F. Kovach | 832-927-1702 |
| | Harris County Civil Courthouse, 5th Floor | |
| | 201 Caroline, Suite 740 | |
| | Houston, Texas 77002-1900 | |
| | Clerk: Janice Gonzales..... | 713-274-1349 |
| | Clerk: Maria De La Rosa..... | 713-274-1349 |
| | Trial Coordinator: Grace Cantada..... | 832-927-1722 |
| | Bailiff: Anthony Hemmitt..... | 832-927-1724 |
| | Court Reporter: Kevin Bruzewski..... | 832-927-1723 |
| No. 3 | LaShawn A. Williams | 713-274-1353 |
| | Harris County Civil Courthouse, 5th Floor | |
| | 201 Caroline, Suite 740 | |
| | Houston, Texas 77002-1900 | |
| | Clerk: Kimberly Rojas..... | 713-274-1353 |
| | Clerk: Elizabeth Lopez..... | 713-274-1353 |
| | Trial Coordinator: Vanessa Richardson..... | 832-927-1732 |
| | Bailiff: Edmundo Ojeda..... | 832-927-1734 |
| | Court Reporter: Laura Cutherell..... | 832-927-1733 |
| No. 4 | Lesley Briones | 713-368-6680 |
| | Harris County Civil Courthouse, 5th Floor | |
| | 201 Caroline, Suite 740 | |
| | Houston, Texas 77002-1900 | |
| | Clerk: Tonya Garza..... | 713-274-1358 |
| | Clerk: Ashley Shapiro..... | 713-274-1358 |
| | Trial Coordinator: Kirina McNamara..... | 832-927-1742 |
| | Bailiff: Valerie Jenkins..... | 832-927-1744 |
| | Court Reporter: Alex McDaniel..... | 832-927-1743 |

HARRIS COUNTY COURTS AT LAW — CIVIL

1-2 Local Rules

(Current as of May 2020)

LOCAL RULES OF THE HARRIS COUNTY CIVIL COURTS AT LAW

RULE 1. OBJECTIVE

Purpose of Rules. The objective of the rules of the county civil courts at law of Harris County is to obtain a just, fair, equitable and impartial adjudication of the rights of litigants under established principles of substantive law and established rules of procedural law. To the end that this objective may be attained with greatest dispatch and, as may be practicable, with the least expense to litigants and the county, these rules shall be applied to ensure that, so far as reasonably possible, all matters are brought to trial or final disposition in conformity with this objective.

RULE 2. REPORTS

Reports to the Harris County Judge. The county clerk shall supply to all Harris County Civil Court at Law Judges, on a monthly basis, information concerning the number of filings, dispositions, trials and other judicial activities in each county civil court at law.

RULE 3. FLOW OF CASES

3.1.1 Filing and Assignment. Upon being filed, a case in the county civil courts at law shall be assigned randomly to the docket of one of the courts. Once assigned to a court, a case will remain on the docket of that court for all purposes unless transferred as provided in Rule 3.2.

3.2 Transfer

3.2.1 Prior Judgment. Any claim for relief based upon a prior judgment shall be assigned to the court of original judgment.

3.2.2 Nonsuit. If a case is filed in which there is a substantial identity of parties and causes of action as in a nonsuited case, the later case shall be assigned to the court where the prior case was pending.

3.2.3 Consolidation. A motion to consolidate cases shall be heard in the court where the lowest numbered case is pending. If the motion is granted, the consolidated case will be given the number of the lowest number case and assigned to that court.

3.2.4 Severance. If a severance is granted, the new case will be assigned to the court where the original case pends, bearing the same file date and the same number as the original case with a numeric suffix designation; provided, however, that when a severed case has previously been consolidated from another court, the case shall upon severance be assigned to the court from which it was consolidated.



HARRIS COUNTY COURTS AT LAW — CIVIL

1-2 Local Rules

(Current as of May 2020)

3.2.5 Agreement. Any case may be transferred from court to another court by written order of the Administrative Judge of the County Civil Courts at Law division or by written order of the judge of the court from which the case is transferred; provided, however, that in the latter instance the transfer must be with the written consent of the court to which the case is transferred.

3.2.6 Presiding for Another. In cases where a court presides for another court, the case shall remain pending in the original court, except as follows: 1) in any hearing on a motion for contempt, the judge who issued the order which is claimed to have been disobeyed must preside over the motion for contempt, except as otherwise provided in Sec. 21.002, Tex.Gov.Code. and 2) in any hearing on a temporary restraining order, temporary injunction or writs of mandamus and certiorari, the judge who issues the order thereby consents pursuant to 3.2.5 for the case to be transferred from the original court.

3.2.7 Improper Court. If a case is on the docket of a county civil court at law by any manner other than as prescribed by these rules, the Administrative Judge of the County Civil Courts at Law or Administrative Judge of Harris County shall transfer the case to the proper court.

3.3 Motions

3.3.1 Form. Motions shall be in writing and shall be accompanied by a proposed order granting the relief sought. The proposed order shall be a separate instrument, unless the entire motion, order, signature lines and certificate of service are all on one page.

3.3.2 Submission. In the discretion of the court, motions shall state a date of submission which shall be at least 10 days from filing, except on leave of court. The motion will be submitted to the court for filing on that date or later.

3.3.3 Response. Responses shall be in writing, and shall be filed at least three (3) working days before the date of submission, except on leave of court. Failure to file a response may be considered a representation of no opposition.

3.3.4 Oral argument. If a party views it as necessary, a request for oral argument must accompany the motion or response. The court may grant that request or order oral argument on its own motion. A request for an oral argument is not a response under Rule 3.3.3.

3.4 Trials

3.4.1 Manner of Setting. Cases shall be set for by order of the court.

3.4.2 Date of Setting. Cases shall be set for trial for a date certain. If a case is not assigned to trial by the Friday after the date it was set, whether because of a



HARRIS COUNTY COURTS AT LAW — CIVIL

1-2 Local Rules

(Current as of May 2020)

continuance or because it was not reached, the court shall reset the case to a date certain. Unless all parties agree otherwise, the new setting must comply with all requisites of T.R.C.P. 245.

3.4.3 Preference for ADR. In the discretion of the court, preference in setting cases for trial shall be given to matters in which the parties have participated in alternate dispute resolution procedures.

3.4.4 Assignment to Trial. A case is assigned to trial when counsel are called to the court to commence the jury or non-jury on the merits. For purposes of engaged counsel, no court may have more than one case assigned to trial at any one time.

3.4.5 Dead Weeks. Except with the consent of all parties, no cases will be assigned to trial on the merits during:

- 1) The week of the Second Administrative Judicial Conference (February or March);
- 2) The week of the State Bar Convention (June);
- 3) The week of the Conference of the Judicial Section (September); and
- 4) The last week of December.

3.6 Dismissal Dockets.

The following cases are eligible for dismissal for want of prosecution pursuant to T.R.C.P. 165a:

- 1) Cases on file for more than 180 days in which no answer has been filed or is required by law;
- 2) Cases which have been on file for more than eighteen months and are not set for trial;
- 3) Cases in which a party or his attorney has failed to take any action specified by the court.

3.7 Repealed.

3.8 Administrative Judge of the County Civil Courts at Law.

3.8.1 The Administrative Judge of the County Civil Courts at Law shall be elected for a term on one calendar year by the judges of the county civil courts at law in the regular December meeting of the judges of the county civil courts at law.

HARRIS COUNTY COURTS AT LAW — CIVIL

1-2 Local Rules

(Current as of May 2020)

3.8.2 The Administrative Judge of the County Civil Courts at Law may by written order designate any other judge of the division to act in his/her place if he/she is absent or unable to act. The judge so designated shall have all the duties and authority granted by these Rules to the Administrative Judge of the County Civil Courts at Law during the period of the designation.

RULE 7. CONFLICTING ENGAGEMENTS

7.1 Inter-County. The rules of the Second Administrative Judicial Region control conflicts in settings of all cases between a Harris County court and a court not in Harris County.

7.2 Intra-County. Among the trial courts sitting in Harris County:

1. Trial/Trial. A trial setting that is assigned takes precedence over a conflicting trial setting not yet assigned.

2. Trial/Non-Trial. Trial settings take precedence over conflicting non-trial settings except as provided herein;

3. Non-Trial/Pre-Trial. The matter which was first filed, regardless of cause number, shall take precedence over non-trial settings, non-court ordered alternate dispute resolution and non-court ordered depositions.

7.3 Waiver. The court with precedence may yield.

7.4 Lead Counsel. This rule operates only where lead counsel, as defined by T.R.C.P. 8, is affected, unless the court expands coverage to other counsel.

7.5 Reporting of Conflicting Engagements. It is the duty of counsel to report promptly to a court immediately upon learning of a conflicting engagement that might preclude that counsel's availability for trial.

RULE 8. VACATIONS OF COUNSEL

8.1 The County Civil Courts will honor the written designations for Summer vacation weeks and/or non-Summer vacation weeks filed with the district clerk pursuant to the Local Rules of the Civil Trial Division of the Judicial District Courts of Harris County, except for cases preferentially set for trial prior to the vacation designation. An attorney may designate not more than four weeks of vacation during a calendar year as vacation, during which that attorney will not be assigned to trial or required to engage in any pretrial proceedings. This rule operates only where lead counsel, as defined by T.R.C.P. 8, is affected, unless the trial court expands coverage to other counsel.

HARRIS COUNTY COURTS AT LAW — CIVIL

1-2 Local Rules

(Current as of May 2020)

8.2 Summer vacations. Summer vacation weeks so designated will protect the attorney from trials during those summer weeks, even if an order setting the case for trial was signed before the vacation designation was filed, except in cases preferentially set for trial prior to the vacation designation.

8.3 Non-summer vacations. Non-summer vacation weeks may not run consecutively for more than two weeks at a time. Non-summer vacation weeks so designated will not protect an attorney from a trial by an order signed before the date the designation is filed.

RULE 10. MEETINGS

The judges of the County Civil Courts at Law shall meet regularly each month at such times and places as the Administrative Judge of the County Civil Courts at Law may direct by a written notice distributed at least 72 hours in advance of the meeting, except in the case of an emergency.

RULE 15. EFFECTIVE DATE AND AMENDMENTS

15.1 Effective Date. These rules shall become effective on April 29, 1998.

15.2 Cross-Reference. Any reference in these rules to a statute or a court rule shall also apply to any successor statute or court rule, whether by recodification, revision or amendment.

15.3 Applicability. The foregoing rules are applicable to both jury and non-jury cases..

HARRIS COUNTY COURTS AT LAW — CIVIL

1-3:1 Harris County Civil Court at Law No. 2

Hon. Jim F. Kovach

COURT:

County Civil Court at Law No. 2

JUDGE'S NAME:

Jim F. Kovach

COURT ADDRESS:

Harris County Civil Courthouse, 5th Floor
201 Caroline Street
Houston, Texas 77002



STAFF:

Clerk: Janice Gonzales 713-274-1349
 Clerk: Maria De La Rosa 713-274-1349
 Court Coordinator: Grace Cantada..... 832-927-1722
 Bailiff: Anthony Hemmitt..... 832-927-1724
 Court Reporter: Kevin Bruzewski..... 832-927-1723

JUDGE'S PROFILE:

Date Licensed:

11/01/1991

Year Elected/Appointed:

November 2018

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

| | YEAR |
|---|-----------|
| Managing Member - Kovach Law Firm, PLLC | 2014-2018 |
| Managing Partner - McElvaney & Kovach, LLP | 2002-2014 |
| Managing Partner - Dillard, McElvaney & Kovach, LLP | 1993-2002 |
| Primary Practice Area: Commercial Litigation | |

1. Can the court be contacted by e-mail or fax? If so, what is the number or address? Does the court accept filings by fax or e-mail?

The court can be contacted by telephone at 832-927-1702 or 713-274-1349 for information on motions and general case information. For trial settings or other special settings you may contact the trial coordinator, Grace Cantada, at Grace_Cantada@ccl.hctx.net or by phone at 832-927-1722 or 832-927-1702. The court does not accept filings by fax or e-mail. Visit County Clerk’s website for proper filing procedures at www.cclerk.hctx.net

2. What is your preferred procedure for contacting the court in a true emergency?

By telephone — 832-927-1702 or by calling the clerks 713-274-1349.

HARRIS COUNTY COURTS AT LAW — CIVIL

1-3:1 Harris County Civil Court at Law No. 2

Hon. Jim F. Kovach

PRETRIAL

3. What are the court's procedures for level 3 cases controlled by Rule 190.4?

Parties need to file motion to remove case from the expedited trial docket as soon as they receive the court's trial notice and are encouraged to submit an agreed scheduling order for the court to consider.

4. Do you have any particular rules governing motions and orders? When should proposed orders be submitted with the court?

- Oral hearings are held on Tuesdays and Wednesdays at 9:15 a.m. Submission dockets are Fridays at 8:30 a.m.
- All motions must be accompanied by an order. E-FILE ALL PROPOSED ORDER AND JUDGMENTS WITH YOU ON THE DAY OF HEARING
- Unopposed motions may be filed with the Court for ruling without the necessity of either a hearing or a submission date. You must indicate in writing to court clerks that your motion is unopposed and have signatures from all interested parties

a. Discovery Motions:

Motions are heard on Tuesdays and Wednesdays at 9:15 a.m. or by submission on Fridays at 8:30 a.m.

b. Motions for Summary Judgment:

Summary Judgment should first be set on the court's submission docket. Any request for oral hearing will be considered on the submission date. If request for oral hearing is granted, or if oral hearing is requested by the Judge, the clerks will contact movant for an oral setting.

c. Motions to Dismiss/Nonsuit (D.W.O.P.):

Non-suits or joint dismissals with orders are to be filed with the clerk for immediate consideration by the judge. All dismissal orders must state with or without prejudice and statement of costs.

d. Motions in Limine (i.e., when presented — day of pretrial conference or before):

Motions in limine should be presented and discussed between parties before the pretrial conference. Any disagreements will be ruled upon at the pre-trial conference. (See #16, #18; see also Standing Order in Limine in court's website)

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

Any motion may be set on motions docket on Tuesdays or Wednesdays at 9:15am or by submission on Fridays at 8:30am upon filing notice of hearing with the clerk with the exception of those requiring an oral hearing such as: Motion for Sanction and Motion for Default on homeowner association cases.

5. When and how should motions be set for submission/oral hearing? (i.e., set on a particular date or time, amount of notice to opposing parties for oral hearing other than summary judgments, etc.)? Do you automatically allow oral hearings if requested?

Motion Docket: A notice of hearing along with the motion and proposed order must be filed at 5 business days prior to the hearing date.

HARRIS COUNTY COURTS AT LAW — CIVIL

1-3:1 Harris County Civil Court at Law No. 2

Hon. Jim F. Kovach

Submission Docket: A notice of submission along with the motion and proposed order must be filed at least five days prior to the Friday submission docket date. Responses and requests for oral hearings must be filed at least three days prior to the Friday submission docket date. If a party wants a conformed copy of the court's order, a copy of the proposed order and self-addressed, stamped envelope must be submitted.

6. What is your preferred procedure for contacting the court or court staff regarding the status of motions? What procedures should be followed to obtain an expedited hearing?

The court encourages counsel and their staff to obtain information about the status of motions, entry of orders, docket entries or court and trial settings from County Clerk's website at: www.cclerk.hctx.net. For information not available on the website, please contact the court clerks on matters not related to trial settings. For expedited hearings, call the court clerks.

7. What requirements do you have concerning the dismissal docket and motions to retain?

Any defendant upon whom service has not been perfected within 180 days of the filing of the complaint will be subject to dismissal for want of prosecution in accordance with Tex. R. Civ. P. 165a.

Cases subject to dismissal will be set on the court's status conference docket. These cases will be dismissed for want of prosecution unless one of the following occurs before the status conference date:

- A non-suit or motion to dismiss is filed;
- An answer is filed;
- A verified motion to retain showing good cause must be filed 10 days prior to the status conference date. All motions to retain must be heard on the status conference date unless notified not to appear by the Court.

8. What are your procedures and requirements for court appointments of ad litem? What criteria do you use in choosing a guardian ad litem and granting guardian ad litem fees?

I prefer attorneys to: 1) have had a continuing legal education course relating to duties of guardians/ad litem; 2) carry malpractice insurance; and 3) in the event an agreement has NOT been reached by the parties regarding compensation, present a written fees statement at the time of the settlement hearing identifying time expended and services performed.

9. Do you prefer copies of cases attached to briefs/motions? If so, do you prefer pertinent provisions of the cases to be highlighted?

Yes, to both questions.

10. Is notice of rulings given by the court in writing? By telephone? On party inquiry only?

In almost all instances, rulings will be made at the time of the hearing. All parties may obtain information about entry of orders from County Clerk's website at www.cclerk.hctx.net or call the clerks.

11. Do you allow telephone conferences for the resolution of motions or any other matters? If so, who arranges them and when are they scheduled?

No, with the exception of an "emergency" and has to be approved by the Court. Call the clerks to get approval.

HARRIS COUNTY COURTS AT LAW — CIVIL

1-3:1 Harris County Civil Court at Law No. 2

Hon. Jim F. Kovach

ALTERNATIVE DISPUTE RESOLUTION

12. What are your procedures for referring cases to alternative dispute resolution? Under what circumstances do you order mediation, when is it ordered, and how is the mediator chosen?

Parties may mediate their case through alternate dispute resolution without court order and by agreement. Mediators may be suggested; however, the court reserves the right to make the actual appointment by using the Court's rotating list of Mediators.

13. What is your preference regarding mediation or other ADR prior to trial or to get a trial setting? If an objection to ADR is required, when should it be filed?

Parties may file motion to compel mediation and other ADR and set it either on submission docket or for an oral hearing. The motion will be considered by the court on a case to case basis. Motion in opposition to referral to mediation may be filed and must be set and heard prior to trial date.

Mediation and other ADR should be completed 14 days prior to trial date.

TRIAL

14. What is your procedure for setting a trial? How are cases that are not reached reset?

Non-Jury Trials – new filings are given trial dates as soon as they are filed 4-6 months out.
Mondays at 9:00 a.m.

Cases are tried the day they are set. There are no docket positions. Cases are heard according to the length of trial estimated by the parties.

If you need more than 30 minutes to present your case, please notify the trial coordinator upon check-in. Your case will be reset for either 1:00 p.m. the same afternoon or for an agreed upon date in the near future.

Jury Trials – new filings are given trial dates as soon as they are filed 4-6 months out.
First and third Monday of each month; two-week trial docket.

Appearance at pretrial conference is required which is set on Friday at 9:30 a.m. preceding the jury trial date. Docket positions will be determined and a specific date and time will be assigned.

The court will also rule on pretrial documents at the pretrial conference.

Cases not reached during this 2-week docket will be reset to the next available jury trial docket.

15. Do you give preferential trial settings, and, if so, under what circumstances?

The court considers preferential trial docket position for cases that have out-of town parties/witnesses and trials lasting more than three days. Contact the Trial Coordinator, Grace Cantada at 832-927-1722 or Grace_Cantada@ccl.hctx.net if you need a preferential trial setting. The court may request a hearing to set preferential dates. The parties requesting preferential setting must be ready for trial. If parties who received a preferential date need continuance, it must be set for a hearing 10 days prior to the preferential trial date. Otherwise, no more preferential trial dates will be given.

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

Cases must be mediated prior to appearing at pretrial.

HARRIS COUNTY COURTS AT LAW — CIVIL

1-3:1 Harris County Civil Court at Law No. 2

Hon. Jim F. Kovach

Appearance at pretrial conference is required on Friday at 9:30 a.m. preceding JURY TRIAL DATE. The following must be exchanged and discussed among parties prior to pretrial hearing:

Exhibits - Agreed upon exhibits will be pre-admitted. A copy of your exhibit list is required for the judge, the court reporter and opposing counsel. *All exhibits must be pre-marked with inadmissible information redacted* (e.g., Social Security Nos., account numbers, insurance information, etc.).

Any exhibit with multiple pages must be stapled or bound in some way. If you have more than 20 exhibits, please put them in a binder with tabs separating each exhibit. Should you have any questions regarding exhibits, you may contact the Court Reporter.

Motions in limine - please do not include the Texas Rules in your *motions in limine*. (Also see #4d, #18)

Jury Charges - the parties are responsible for editing their jury charge during trial. You may email your proposed jury charge to Grace_Cantada@ccl.hctx.net prior to your assigned trial date. You may also bring it on a CD or flash drive, in Word format only. (See the Jury Charge Template.)

17. What is your procedure for notifying parties of assignment to trial?

Trial notices are sent out 4-6 months out from date of filing. (See #14)

18. When should Motions in Limine be filed?

Exchanged and discussed among parties prior to pretrial hearing (See #16)

19. What is your procedure regarding challenges to experts (e.g. qualifications, *Robinson*, etc.)?

Preferably set and heard 30 days prior to trial date.

20. What are your procedures for jury voir dire (time periods per side, procedures for striking jurors)?

The court will be flexible with attorneys' requests for additional time; however, attorneys are generally given 15-20 minutes per side for voir dire. Challenges for cause are handled at the bench on an individual basis, outside the presence of the other jurors. Attorneys are then given 5-10 minutes to exercise strikes.

21. When and in what form do you want proposed jury questions and/or findings of facts and conclusions of law presented (e.g. prior to trial, first day of trial, etc.)?

All parties are to bring their proposed jury charges to trial either in Word format or on a CD, or e-mail them to the trial coordinator at Grace_Cantada@ccl.hctx.net prior to or at time of trial. Use the Court's jury charge template. See Court's website to download the form. If jury charge is not agreed to by parties, the court will conduct jury charge conference at time of trial.

If request of findings of facts and conclusions of law is filed, the court will notify the parties to file proposed findings of facts and conclusions of law.

HARRIS COUNTY COURTS AT LAW — CIVIL

1-3:1 Harris County Civil Court at Law No. 2

Hon. Jim F. Kovach

22. What is your procedure for continuing trials? How early will you grant/deny a request and how early do you want the request made?

Agreements or joint motions among counsel for continuance are not binding on the court. Motions for continuance will be granted only at the court's discretion and are to be filed no later than noon on the Wednesday preceding your trial date. Opposed continuances, other than the first, are to be set for oral hearing on Tuesdays at 9:00 a.m. The court may request an oral hearing on opposed continuances. Vacation requests will be respected if they are made at least 2 weeks in advance of a trial setting.

GENERAL

23. Does the court provide its own blackboard? Chart stand? Overhead projector? Video equipment? What arrangements must be made to use them?

The court does not provide a chart stand or blackboard. The court is equipped with podium, an ELMO, VCR, TV, projection screen and document camera in the courtroom as well as appropriate connections, hook-ups and cabling to allow the presentation of any media on an attorney's laptop through either component or analog video/audio connections. Attorneys are invited to use that equipment during trial. Attorneys who seek to test the equipment prior to trial shall contact the bailiff, Anthony Hemmitt at 832-927-1724 to make arrangements. Parties also may provide their own equipment, but special arrangements must be made with the bailiff PRIOR to the day of trial. Instructions on how to operate the courtroom equipment are available online by visiting www.justex.net (under FAQ).

24. 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)?

Be courteous and respectful to all. Appropriate business attire is to be worn by all counsel and their clients. Beverages are allowed at the counsel table, but are not furnished by the court. Attorneys need to stand up when addressing the court.

25. When, if ever, do you want a court (courtesy) copy of a pleading?

The Court prefers to have a courtesy copy if the pleading is e-filed one or two days prior to hearing or trial date.

26. Are there special practices or procedures lawyers appearing before you should know about?

Check in on time even if you have a hearing elsewhere. Be respectful to and considerate of the court's staff and be sensitive to the jurors' time.

27. Any pet peeves? What are they?

- lawyers and parties showing up unprepared
- failure to pre-mark exhibits prior to trial
- failure to provide court with its own copy of ALL evidence proffered in a bench trial
- asking for a continuance orally on the day of trial
- last minute e-filing and not bringing courtesy copy for the court on the day of hearing/trial

28. Any special suggestions, admonitions or recommendations you would make to lawyers appearing before you?

Be considerate of the court's staff and be sensitive to the jurors' time.

HARRIS COUNTY COURTS AT LAW — CIVIL

1-3:2 Harris County Civil Court at Law No. 3

Hon. LaShawn A. Williams

COURT:

Harris County Civil Court at Law #3

JUDGE'S NAME:

Judge LaShawn A. Williams



COURT ADDRESS:

Harris County Civil Court House, 5th Floor
201 Caroline Street
Houston, TX 77002

STAFF:

| | |
|---|--------------|
| Clerk: Kimberly Rojas | 713-274-1353 |
| Clerk: Elizabeth Lopez..... | 713-274-1353 |
| Court Coordinator: Vanessa Richardson | 832-927-1732 |
| Bailiff: Edmundo Ojeda..... | 832-927-1734 |
| Court Reporter: Laura Cutherell..... | 832-927-1733 |

JUDGE'S PROFILE:

1. Can the court be contacted by e-mail or fax? If so, what is the number or address? Does the court accept filings by fax or e-mail?

The court can be contacted by telephone at 713-274-1353 for information on motions and general case information. For trial settings or other special settings you may contact the trial coordinator, Vanessa Richardson, at Vanessa_Richardson@ccl.hctx.net or by phone at 832-927-1732. The court does not accept filings by fax or e-mail. Visit County Clerk's website for proper filing procedures at www.cclerk.hctx.net

2. What is your preferred procedure for contacting the court in a true emergency?

By telephone 713-274-1353 or via email to the coordinator Vanessa_Richardson@ccl.hctx.net.

PRE-TRIAL

3. What are the court's procedures for level 3 cases controlled by Rule 190.4?

Parties need to file motion to remove case from the expedited trial docket as soon as they receive the court's trial notice and are encouraged to submit an agreed scheduling order for the court to consider.

4. Do you have any particular rules governing motions and orders?

- Any motion may be set on motions docket on Mondays or Wednesdays at 9:00 a.m. (five business days' notice required) or,
- By submission on Thursdays at 9:30 a.m. upon filing notice of hearing with the clerk (10 business days' notice required).

HARRIS COUNTY COURTS AT LAW — CIVIL

1-3:2 Harris County Civil Court at Law No. 3

Hon. LaShawn A. Williams

BRING ALL PROPOSED ORDER AND JUDGMENTS WITH YOU ON THE DAY OF HEARING

- Unopposed motions may be filed with the Court for ruling without the necessity of either a hearing or a submission date. You must indicate in writing to court clerks that your motion is unopposed and have signatures from all interested parties

5. When should proposed orders be submitted with the court?

a. Discovery motions:

Motions are heard on Mondays and Wednesdays at 9:00 a.m. or by submission on Thursday at 9:30 a.m.

b. Motions for Summary Judgment:

Summary Judgment should first be set on the court's submission docket if there is not a pro se party, otherwise this MUST be set with the clerks for oral hearing on Tuesdays at 9:00 a.m. If request for oral hearing is granted, or if oral hearing is requested by the Judge, the clerks will contact movant for an oral setting.

c. Motions to dismiss/nonsuit (D.W.O.P.)

Failure to perfect service within 180 days of the filing of a lawsuit subjects the case to dismissal for want of prosecution, in accordance with TRCP 165(a).

Non-suits or joint dismissals with orders are to be filed with the clerk for immediate consideration by the judge. All dismissal orders must state with or without prejudice and statement of costs.

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

Any motion (except for continuances) may be set on the motions docket or by submission with the exception of those requiring an oral hearing such as: Motion for Sanction and Motion for Default on homeowner association cases.

6. When and how should motions be set for submission/oral hearing? (i.e., set on a particular date or time, amount of notice to opposing parties for oral hearing other than summary judgments, etc.)? Do you automatically allow oral hearings if requested?

Oral hearings:

- Mondays and Wednesdays at 9:00 a.m.
- Minimum of five business days' notice is required.
- Any party requesting an oral hearing should file a written notice of oral hearing with certificate of service and serve all counsel and pro se parties with same.
- Any motion to be heard on the Oral Hearing Docket must be filed prior to or along with the Notice of Oral Hearing.

Submission docket:

- Thursdays at 9:30 a.m. (10 business days' written notice to the clerk is required)
- Any motion may be set on the Submission Docket with the exception of those requiring an oral hearing such as: Motion for Sanction and Default on homeowner association cases.
- Motions for Summary Judgment require 21 days' written notice. The Court will consider requests for oral hearing on the date of submission. If Oral Hearing is requested by a party, request must be made in writing, and must be filed on or before the date of submission. If the Court grants a request for Oral Hearing, parties will receive notice from the Clerk.

HARRIS COUNTY COURTS AT LAW — CIVIL

1-3:2 Harris County Civil Court at Law No. 3

Hon. LaShawn A. Williams

7. What is your preferred procedure for contacting the court or court staff regarding the status of motions? What procedures should be followed to obtain an expedited hearing?

The court encourages counsel and their staff to obtain information about the status of motions, entry of orders, docket entries or court and trial settings from County Clerk’s website at: www.cclerk.hctx.net. For information not available on the website, please contact the court clerks on matters not related to trial settings. For expedited hearings, call the court clerks.

8. What requirements do you have concerning the dismissal docket and motions to retain?

Any defendant upon whom service has not been perfected within 180 days of the filing of the complaint will be subject to dismissal for want of prosecution in accordance with Tex. R. Civ. P. 165a.

These cases will be dismissed for want of prosecution unless one of the following occurs before the trial date:

- A non-suit or motion to dismiss is filed;
- An answer is filed;
- A verified motion to retain showing good cause must be filed five business days prior to the trial date. All motions to retain must be heard on the entry date unless notified not to appear by the Court.

9. What are your procedures and requirements for court appointments of ad litem? What criteria do you use in choosing a guardian *ad litem*, an attorney *ad litem* and granting *ad litem* fees?

I prefer attorneys to: 1) have had a continuing legal education course relating to duties of guardians/attorneys ad litem; 2) carry malpractice insurance; and 3) in the event an agreement has NOT been reached by the parties regarding compensation, present a written fees statement at the time of the settlement hearing identifying time expended and services performed.

Resumes may be submitted by email to the trial coordinator for appointment request.

10. Do you prefer copies of cases attached to briefs/motions? If so, do you prefer pertinent provisions of the cases to be highlighted?

Yes, to both questions.

11. Is notice of rulings given by the court in writing? By telephone? Or party inquiry only?

In almost all instances, rulings will be made at the time of the hearing. All parties may obtain information about entry of orders from County Clerk’s website at www.cclerk.hctx.net or call the clerks.

12. Do you allow telephone conferences for the resolution of motions or any other matters? If so, who arranges them and when are they scheduled?

No, with the exception of an “emergency” and has to be approved by the Court. Please efile your request for a telephone hearing five business days ahead of the hearing date. Call the clerks or Trial Coordinator to confirm approval after checking the county webpage for a signed order.

ALTERNATIVE DISPUTE RESOLUTION

13. What are your procedures for referring cases to alternative dispute resolution? Under what circumstances do you order mediation, when is it ordered, and how is the mediator chosen?

Parties may mediate their case through alternate dispute resolution without court order and by agreement. Mediators are appointed by using the Court’s rotating list of Mediators, usually when a Jury fee has been paid or has been requested by the parties.

HARRIS COUNTY COURTS AT LAW — CIVIL

1-3:2 Harris County Civil Court at Law No. 3

Hon. LaShawn A. Williams

14. What is your preference regarding mediation or other ADR prior to trial or to get a trial setting? If an objection to ADR is required, when should it be filed?

Parties may file motion to compel mediation and other ADR and set it either on submission docket or for an oral hearing. The motion will be considered by the court on a case to case basis. Motion in opposition to referral to mediation may be filed and must be set and heard prior to trial date.

Mediation and other ADR should be completed 14 days prior to trial date.

TRIAL

15. What is your procedure for setting a trial? How are cases that are not reached reset?

- *Non-Jury Trials* – Are set on Mondays, Tuesdays or Wednesdays at 10:00 a.m. Cases are tried the day they are set. There are no docket positions. Cases are heard according to the length of trial estimated by the parties. If you need more than 30 minutes to present your case, please notify the trial coordinator five business days prior to your Trial date. Your case will be reset for either 1:00 p.m. the same afternoon or for an agreed upon date in the near future.
- *Jury Trials* – Are set once a Jury Fee has been paid, and a Jury Demand has been filed. Mondays at 9:00 a.m.; this is a two-week trial docket. Appearance at pretrial conference is required which is set on Friday @ 10:00 a.m. preceding the jury trial the date. Docket positions will be determined and a specific date and time will be assigned. The court will also rule on pretrial documents at the pretrial conference.

16. Do you give preferential trial settings, and, if so, under what circumstances?

Yes, for Jury Trials, and for Non-Jury Trials lasting longer than 30 mins. Contact the Trial Coordinator, Vanessa Richardson at 832-927-1732 or Vanessa_Richardson@ccl.hctx.net if you need a preferential trial setting. The parties requesting preferential setting must be ready for trial. Preferential settings will not be continued.

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

Appearance is required at pretrial conference which is held at 10:00 AM on the Friday preceding trial date. Prior to the pretrial conference, each party is ordered to exchange with all parties their Witness Lists, their pre-numbered Exhibits, their Motion in Limine, their edited page and line excerpts of deposition testimony, their proposed Jury Charge, and any relevant case law that they are relying upon.

The Court appreciates all efforts to expedite trial; attorneys to provide copies of the following:

- Exhibit list – original plus 3 copies
- Exhibits – original plus 3 copies - at time of trial: original exhibits must be marked “in numbers”, if admitted – will be retained by court reporter)
- witness list – original plus 3 copies
- motion in limine (if any) – original plus 3 copies
(do not include the Texas Rules in your *motions in limine*)
- Joint Jury charge (in Word format to be emailed to the Trial Coordinator)
Joint Jury Charge - the parties are responsible for editing their jury charge prior to trial. You may email your proposed jury charge to Vanessa_Richardson@ccl.hctx.net prior to your assigned trial date.. Use Jury Charge Template (see court’s website)

HARRIS COUNTY COURTS AT LAW — CIVIL

1-3:2 Harris County Civil Court at Law No. 3

Hon. LaShawn A. Williams

The judge will also estimate the length of trial; as to:

- Voir dire
- Opening statements
- Time for each witness' testimony/rebuttal
- Closing arguments

18. What is your procedure for notifying parties of assignment to trial?

Trial dates are set at time of filing of a case. The court will send notices to all attorneys of record who has made an appearance in the case.

19. When should Motions in Limine be filed?

Prior to pretrial conference.

20. What is your procedure regarding challenges to experts (e.g., qualifications, Robinson, etc.)

Preferably set and heard 30 days prior to trial date.

21. What are your procedures for jury voir dire (time periods per side, procedures for striking jurors)?

The court will be flexible with attorneys' requests for additional time; however, attorneys are generally given 15-20 minutes per side for voir dire. Challenges for cause are handled at the bench on an individual basis, outside the presence of the other jurors. Attorneys are then given 5-10 minutes to exercise strikes.

22. When and in what form do you want proposed jury questions and/or findings of facts and conclusions of law presented (e.g., prior to trial, first day of trial, etc.)?

All parties are to bring their proposed jury charges to the pre-trial conference in Word format or on a CD, or e-mail them to the trial coordinator at Grace_Cantada@ccl.hctx.net prior to or at time of trial. Use the Court's jury charge template. See Court's website to download the form. If jury charge is not agreed to by parties, the court will conduct jury charge conference at time of trial.

If request of findings of facts and conclusions of law is filed, the court will notify the parties to file proposed findings of facts and conclusions of law.

23. What is your procedure for continuing trials? How early will you grant/deny a request and how early do you want the request made?

Agreements or joint motions among counsel for continuance are not binding on the court. Motions for continuance will be granted only at the court's discretion and are to be filed no later than five business days ahead of the trial setting. Opposed continuances, other than the first, are to be set for oral hearing. The court may set oral hearing on opposed continuances. Vacation requests need to be filed into each case, in order for the court to consider them and must be filed timely.

GENERAL

24. Does the court provide its own blackboard? Chart stand? Overhead projector? Video equipment? What arrangements must be made to use them?

The court provides a chart stand and a whiteboard. The court is equipped with podium, an ELMO, VCR, TV, projection screen and document camera in the courtroom. Attorneys need to provide their own appropriate connections, hook-ups and cabling to allow the presentation of any media on an

HARRIS COUNTY COURTS AT LAW — CIVIL

1-3:2 Harris County Civil Court at Law No. 3

Hon. LaShawn A. Williams

attorney's laptop through either component or analog video/audio connections. Attorneys are invited to use that equipment during trial. Attorneys who seek to test the equipment prior to trial shall contact the bailiff, Edmundo Ojeda at 832-927-1734 to make arrangements. Parties also may provide their own equipment, but special arrangements must be made with the bailiff PRIOR to the day of trial. Instructions on how to operate the courtroom equipment are available online by visiting www.justex.net (under FAQ).

25. 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 at the counsel table, attire)?

Be courteous and respectful to all. Appropriate business attire is to be worn by all counsel and their clients. Beverages are allowed at the counsel table, but are not furnished by the court.

Attorneys need to stand up when addressing the court.

26. When, if ever, do you want a court (courtesy) copy of a pleading?

The Court prefers to have a courtesy copy if the pleading is e-filed one or two days prior to hearing or trial date.

27. Are there special practices or procedures lawyers appearing before you should know about?

Check in on time even if you have a hearing elsewhere. The clerks will start checking in approximately 15 mins prior to the setting. Be respectful and considerate of the court's staff and be sensitive to the jurors' time.

If your case has settled, please announce settlement at least three days prior to the preferential trial setting, or at the pretrial conference so that we do not waste any Jurors time.

28. Any pet peeves? What are they?

- lawyers and parties showing up unprepared
- failure to pre-mark exhibits prior to trial
- failure to provide court with its own copy of ALL evidence proffered in a bench trial
- asking for a continuance orally on the day of trial
- last minute e-filing and not bringing courtesy copy for the court on the day of hearing/trial

29. Any special suggestions, admonitions or recommendations you would make to lawyers appearing before you?

Be considerate of the court's staff and be sensitive to the jurors' time.

ADDITIONAL COURT PROCEDURES:

ORAL HEARING AND SUBMISSION DOCKET

ORAL HEARINGS – All motions can be set for oral hearing on Mondays, or Wednesdays, at 9:00 a.m. Attorneys or parties will only be allowed to appear by telephone upon receiving special permission from the Court in advance of the hearing. All motions should include a proposed order.

HARRIS COUNTY COURTS AT LAW — CIVIL

1-3:2 Harris County Civil Court at Law No. 3

Hon. LaShawn A. Williams

All notices of hearing must be filed with the clerk's office at least five (5) business days prior to your hearing date. A motion must be filed in order to set a hearing on the oral hearing docket.

SUMMARY JUDGMENTS – Submission docket is held every Thursday at 9:30 a.m. with a 21 day notice. A request for oral hearing can be submitted and will be ruled on when the case is set for submission. You will be contacted by the court if the request for oral hearing is granted. Alternatively, you may request an oral hearing for Summary Judgments.

SUBMISSION DOCKET – Motions can be set for submission docket held every Thursday (except for holidays) at 9:30 a.m. with a **ten** (10) business day written notice. All motions should include a proposed order. You **MUST** also file proof of service of the Notice of Submission sent to the other party via RRR or U.S Certified Mail.

IF YOU E-FILE, PLEASE ALLOW AN EXTRA TWO (2) DAYS TO PROCESS YOUR FILINGS.

Motions to appoint an umpire or Application for Turnover must be set for hearing. They can no longer be placed on submission.

TRIAL SETTINGS

NON-JURY – Attorneys and parties must appear ready for trial on the morning you are set. All non-jury trials will be heard on the day they are set beginning at 10:00 a.m. There are *NO* docket positions for these cases.

JURY – Jury trials are set for a two (2) week docket. The Court shall notify each party or attorney of his or her specific trial date on the day of your pre-trial conference. All parties **MUST** appear for the pre-trial conference which will take place on the Friday prior to your trial date at 10:00am. If you do not appear for your pretrial conference, your case is subject to dismissal for want of prosecution or default.

All pre-trial documents must be exchanged by the parties before the date of your pre-trial conference. Parties are required to submit to the court a **JOINT JURY CHARGE** in word format to the Trial Coordinator the Friday before the Preferential Trial Setting.

There are **NO** docket positions for these cases.

*Should the case settle prior to trial, please call or email Vanessa Richardson - Trial Coordinator, at 832-927-1732 at your earliest convenience.

HARRIS COUNTY COURTS AT LAW — CIVIL

1-3:2 Harris County Civil Court at Law No. 3

Hon. LaShawn A. Williams

TRIAL CONTINUANCES

The Court will honor a timely-filed vacation letter, provided the case has not already been preferentially set for trial. To assert a vacation letter, please file a motion for continuance with a copy of your vacation letter attached to your motion and a proposed order.

All continuances must be filed five business days prior to your trial date. The court will allow any agreed or unopposed (please include a certificate of conference) Continuances to be heard without a hearing. Any other continuance will require a showing of good cause and an oral hearing. Any continuances not submitted prior to being filed five days before the trial date will not be considered by the Judge.

Please DO NOT set any Motion for Continuances on the Motions docket with the clerks!

DEFAULT JUDGMENTS

All motions for default judgment must be on file at least seven (7) days before your trial date and can be submitted to the Court without the need for an oral hearing. An oral hearing is only required to prove- up un-liquidated damages.

Homeowners' Associations seeking a judicial foreclosure must set their motion for an oral hearing, plus show proof of notice to the defendant of that default hearing.

VACATION LETTERS

To assert vacation, you must comply with the following:

- Vacation letters must be timely filed with the District Clerk's office.
- Motions for continuance due to vacation must be filed with the County Clerk's office and served on all parties.
- Include in your motion a copy of your file-marked vacation letter and your case number, and serve all parties with same. If you have multiple cases, a separate motion for each case is required.

Please refer to Trial Continuances.

The Court will honor vacation requests that are timely filed.

RULE 106 MOTIONS

Rule 106 motions can be submitted to the Court without the need for an oral hearing.

HARRIS COUNTY COURTS AT LAW — CIVIL

1-3:2 Harris County Civil Court at Law No. 3

Hon. LaShawn A. Williams

PLAINTIFFS' NONSUITS AND AGREED JUDGEMENTS

Plaintiffs' non-suits and agreed judgments can be submitted to the Court for signature without the need for an oral hearing. If your case is currently set for trial or entry, please submit any non-suits or agreed judgments one (1) week in advance.

PETITIONS FOR OCCUPATIONAL LICENSES

Petitions for occupational licenses are heard ONLY on Mondays at 9:00 a.m. with proper notice to the Court and to the County Attorney. Before sending in your notice of hearing, please contact the court clerk to check for availability. Bring your proof of insurance and your SR-22 with you on the day of your hearing.

COURTROOM AUDIO/VIDEO EQUIPMENT

All courtrooms have state-of-the-art audio/VIDEO equipment, including an ELMO (document camera), computer inputs, projectors, TV screens, AND VCR & DVD players. Attorneys are encouraged to use the ELMO to present exhibits to the jury. If you are unfamiliar with its use, arrange with the bailiff to come to the courtroom early and learn. Please refer to the attached Web link for detailed instructions on use of the audiovisual equipment:

<http://www.justex.net/Courts/Civil/CivilTechnology.aspx>

USEFUL LINKS

For proper filing procedures, please visit the County Clerk's Web site: <http://www.cclerk.hctx.net/Home.aspx>

Court Holidays and Dead Weeks: <http://www.justex.net/FAQ.aspx>

Downloadable Forms http://www.cclerk.hctx.net/Civil/Downloadable_Forms.aspx

Ordering copies <http://www.cclerk.hctx.net/Civil/Ordering.aspx>

HARRIS COUNTY COURTS AT LAW — CIVIL

1-3:3 Harris County Civil Court at Law No. 4

Hon. Lesley Briones

COUNTY COURTS
AT LAW — CIVIL

COURT:

County Civil Court at Law No. 4



JUDGE'S NAME:

Lesley Briones

COURT ADDRESS:

Harris County Civil Courthouse, 5th Floor
201 Caroline, Suite 740
Houston, Texas 77002-1900

STAFF:

Clerk: Tonya Garza..... 713-274-1358
Clerk: Ashley Shapiro 713-274-1358
Trial Coordinator: Rick Wilson..... 832-927-1742
Bailiff: Valerie Jenkins..... 832-927-1744
Court Reporter: Alex McDaniel..... 832-927-1743

JUDGE'S PROFILE:

Date Licensed:

November 2007

Year Elected/Appointed:

2019

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

| NAME OF EMPLOYER | YEAR |
|---|-----------|
| Laura & John Arnold Foundation, General Counsel & Chief Operating Officer | 2011-2018 |
| Vinson & Elkins, LLP, Litigation & Tax | 2007-2011 |

1. Can the court be contacted by e-mail or fax? If so, what is the number or address? Does the court accept filings by fax or e-mail?

Contact Harris County Civil Court at Law No. 4 by emailing its Trial Coordinator, Rick Wilson at Rick_Wilson@ccl.hctx.net. Please be sure to include all parties to the litigation in any email communications with the Court.

The Court does not accept filings by email or by fax. The Harris County Clerk's office can provide information on proper filing procedures at www.cclerk.hctx.net.

2. What is your preferred procedure for contacting the court in a true emergency?

In case of emergency, please email the Trial Coordinator at Rick_Wilson@ccl.hctx.net. In addition, you may call the Trial Coordinator at 832-927-1742 or call 713-274-1358 for the Court Clerks.

HARRIS COUNTY COURTS AT LAW — CIVIL

1-3:3 Harris County Civil Court at Law No. 4

Hon. Lesley Briones

PRE-TRIAL

3. What are the court's procedures for level 3 cases controlled by Rule 190.4?

Parties are requested to e-file an agreed scheduling order in accordance with the Rule.

4. Do you have any particular rules governing motions and orders?

Motions may be placed on the Oral Hearing Dockets that are held on: (1) Tuesdays at 9:00 a.m. for motions that require 1-10 minutes of time or (2) 10:00 a.m. for motions that require 10-30 minutes of time. Five-business days' notice to the Court and opposing parties is required. If your motion will require a hearing longer than 30 minutes, please contact the Court Clerks for scheduling.

Motions may also be placed on the Submission Docket, which is held on Fridays at 9:00 a.m., with 10-business days' notice to the Court and opposing parties.

The Court may also require that certain motions be placed on the submission docket prior to being set for an oral hearing. If you are requesting an oral hearing on a case that is being heard on the submission docket, please file a request for an oral hearing, and the Judge will consider the request at the time of the submission docket.

5. When should proposed orders be submitted with the court?

a. **Discovery Motions:**

b. **Motions for Summary Judgment:**

c. **Motions to Dismiss/Nonsuit (D.W.O.P.):**

d. **Other Motions (special exceptions, sanctions, severance/consolidation, default judgment, etc.):**

Proposed orders should be e-filed with the corresponding motion to ensure the Judge has the orders at the time of the hearing or submission docket.

6. When and how should motions be set for submission/oral hearing? (*i.e.*, set on a particular date or time, amount of notice to opposing parties for oral hearing other than summary judgments, etc.)? Do you automatically allow oral hearings if requested?

Oral hearings require a notice of oral hearing be sent to the Court and opposing parties. The date and the time of the hearing must be included in the notice of hearing. Please contact the Court Clerks prior to filing your notice.

The Oral Hearing Docket is held on Tuesdays at 9:00 a.m. for motions that require 1-10 minutes of time or 10:00 a.m. for motions that require 10-30 minutes of time. The Court requires notice at least 5-business days in advance. Should your motion require a hearing longer than 30 minutes, please contact the Clerks. Please be aware that certain motions such as Motions for Summary Judgment and Motions for Transfer of Venue require more than 5-business days' notice and should be set in accordance with all applicable rules.

Motions may also be place on the Submission Docket, which is held Fridays at 9:00 a.m., with 10-business days' notice to the Court. The Court may also require that certain motions be placed on the submission docket prior to being set for an oral hearing.

HARRIS COUNTY COURTS AT LAW — CIVIL

1-3:3 Harris County Civil Court at Law No. 4

Hon. Lesley Briones

7. What is your preferred procedure for contacting the court or court staff regarding the status of motions? What procedures should be followed to obtain an expedited hearing?

Please first check the County Clerk's website, www.cclerk.hctx.net, to see if the information is available. If the information is not available on the website, please contact the Court Clerks.

If you are requesting an expedited hearing, please contact the Clerks.

8. What requirements do you have concerning the dismissal docket and motions to retain?

Motions to retain and proposed orders should be e-filed at least 10 days prior to the date of the dismissal docket.

9. What are your procedures and requirements for court appointments of ad litem? What criteria do you use in choosing a guardian *ad litem*, an attorney *ad litem* and granting *ad litem* fees?

The Court requires that a motion and proposed order be e-filed in cases that require a guardian ad litem or attorney ad litem. The Court will appoint qualified, experienced guardian ad litem and attorney ad litem and will grant reasonably and necessary fees.

10. Do you prefer copies of cases attached to briefs/motions? If so, do you prefer pertinent provisions of the cases to be highlighted?

Yes, the Court prefers copies of cases to be attached and that relevant provisions are highlighted.

11. Is notice of rulings given by the court in writing? By telephone? Or party inquiry only?

The County Clerk's Office sends notices of Judgments and Nonsuits by regular mail. Information for other rulings may be obtained from the County Clerk's website www.cclerk.hctx.net.

12. Do you allow telephone conferences for the resolution of motions or any other matters? If so, who arranges them and when are they scheduled?

Yes, the Court allows telephone conferences in certain instances. Please contact the Court Clerks to request a telephone conference and e-file a written request.

ALTERNATIVE DISPUTE RESOLUTION

13. What are your procedures for referring cases to alternative dispute resolution? Under what circumstances do you order mediation, when is it ordered, and how is the mediator chosen?

Parties may mediate their case without Court order and by agreement. Moreover, the Court will order mediation, although the Court may allow parties to opt out of mediation upon e-filing a Motion in Opposition to Mediation. Parties may suggest a mediator. However, the Court reserves the right to appoint a qualified, experienced mediator of its choice.

14. What is your preference regarding mediation or other ADR prior to trial or to get a trial setting? If an objection to ADR is required, when should it be filed?

PARTIES WILL BE ASSIGNED A TRIAL SETTING AS SOON AS THE CASE IS FILED IN THE COURT; SUCH SETTING IS USUALLY 5-6 MONTHS FROM THE DATE OF FILING. ORDERS OF REFERRAL TO MEDIATION ARE TYPICALLY SENT TO PARTIES ONCE AN ANSWER IS FILED WITH THE COURT. PARTIES MAY ALSO FILE A MOTION TO COMPEL MEDIATION AND OTHER ADR AND SET IT ON THE SUBMISSION DOCKET OR FOR AN ORAL HEARING.

HARRIS COUNTY COURTS AT LAW — CIVIL

1-3:3 Harris County Civil Court at Law No. 4

Hon. Lesley Briones

MEDIATION AND OTHER ADR SHOULD BE COMPLETED AT LEAST 14 DAYS PRIOR TO THE TRIAL DATE. IF A PARTY IS OBJECTING TO MEDIATION, A MOTION AND ORDER MUST BE FILED WITH THE COURT. IF THE OBJECTION TO MEDIATION IS AGREED UPON AND SIGNED BY ALL PARTIES, THE COURT WILL GENERALLY SIGN THE ORDER. IF THE OBJECTION TO MEDIATION IS CONTESTED, PLEASE SET AN ORAL HEARING OR PLACE IT ON THE SUBMISSION DOCKET.

TRIAL

15. What is your procedure for setting a trial? How are cases that are not reached reset?

New cases are usually given a trial date 5-6 months out from the date of filing.

Non-Jury Trials are held on Mondays at 9:00 a.m. and are set for the day that is in the notice of trial.

Please note that if Monday is a Harris County Holiday, the Non-Jury Docket will be held on Tuesday at 9:00 a.m.

Jury Trials are set on a two-week trial docket. Cases are assigned for trial at the pre-trial conference that occurs at 9:00 a.m. on the Friday before the Monday, on which the two-week docket will commence. Please be ready to discuss pre-trial matters with the Judge at the pre-trial conference. Moreover, parties are strongly encouraged to discuss the pre-trial matters with the opposing party before the pre-trial conference with the Judge.

Cases not reached or assigned during the two-week trial docket period will be reset to the next available docket.

16. Do you give preferential trial settings, and, if so, under what circumstances?

Yes, the Court may assign cases a preferential trial setting, upon request by the parties. The Court will consider various factors in deciding whether to grant a preferential trial setting including: the length of the trial, whether parties/witnesses will be traveling to Harris County for the trial, etc.

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

All witness lists, exhibit lists, motions in limine, and proposed jury charges should be on file and exchanged with opposing counsel prior to the pre-trial conference. Attorneys should have the technological capability to edit the proposed jury charge and to email an updated version to the Court during the trial.

The Court also requests that any motions to exclude be taken up before the pre-trial conferences.

18. What is your procedure for notifying parties of assignment to trial?

The Court sends a notice of a trial to all parties by regular mail.

19. When should Motions in Limine be filed?

The Court requests that Motions in Limine be filed at least 3 days prior to the pre-trial conference.

20. What is your procedure regarding challenges to experts (e.g., qualifications, Robinson, etc.)

These challenges should be set for an oral hearing prior to the pre-trial conference.

21. What are your procedures for jury *voir dire* (time periods per side, procedures for striking jurors)?

The Court will ask parties for their preferred amount of time for *voir dire* prior to the start of trial and will consult with parties after *voir dire* regarding juror strikes.

HARRIS COUNTY COURTS AT LAW — CIVIL

1-3:3 Harris County Civil Court at Law No. 4

Hon. Lesley Briones

22. When and in what form do you want proposed jury questions and/or findings of facts and conclusions of law presented (e.g., prior to trial, first day of trial, etc.)?

These are handled on a case-by-case basis.

23. What is your procedure for continuing trials? How early will you grant/deny a request and how early do you want the request made?

A motion and proposed order for continuance must be e-filed. The motion must contain a certificate of service with the opposing party and be sent to the opposing party. The certificate of conference must indicate if the opposing party is unopposed, opposed, or in agreement with the motion. If the movant does not confirm agreement or non-opposition to the motion, an oral hearing will be required, or if time permits, the motion may be placed on the submission docket. Motions for continuance need to be e-filed at least 7 days prior to the trial setting.

GENERAL

24. Does the court provide its own blackboard? Chart stand? Overhead projector? Video equipment? What arrangements must be made to use them?

There is overhead and video equipment available in the Courtroom. There is also a tripod stand available upon request. If you require any special accommodations or need instructions on how to use the equipment, please contact the Court staff.

25. 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 at the counsel table, attire)?

The Court expects respect and professionalism from all, is willing to be accommodating, and will answer any specific questions attorneys or parties may have when they appear before the Court.

26. When, if ever, do you want a court (courtesy) copy of a pleading?

Please bring a courtesy copy to the Court if the document has not yet been e-filed, or has been e-filed within 48 hours of the setting.

27. Are there special practices or procedures lawyers appearing before you should know about?

N/A.

28. Any pet peeves? What are they?

N/A.

29. Any special suggestions, admonitions or recommendations you would make to lawyers appearing before you?

Please be punctual, prepared, and respectful to all.



HARRIS COUNTY COURTS AT LAW — CIVIL

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