

## Motion Practice Policy 71<sup>st</sup> Judicial District Court (Effective 2-15-10)

The following procedures have been prepared to assure a uniform and efficient handling of Motions filed by parties for matter pending in the 71<sup>st</sup> Judicial District Court. The Procedures do not impact nor change any timeframes for Notices, manner of Service or any provisions of the Texas Rule or Civil Procedures governing the areas relating to Motions.

### Section A: Place of Filing

1. All Motions should be filed with the Harrison County District Clerk's Office located on the 2<sup>nd</sup> floor of the Harrison County Courthouse, 200 W Houston St, Rm. 234, Marshall, Texas.
2. Motions that are **Mailed** for filing should be addressed:  
**Attn:** Harrison County District Clerk Office  
Harrison Count Courthouse  
200 W. Houston St, Rm. 234  
Marshall, TX 75670

### Section B: Motion Contents

1. Every Motion should contain the following items separate from the Body of the Motion:
  - a. A Blank Order or Fiat Setting Hearing (*not incorporated in the body of the motion.*)
  - b. A Proposed Order addressing the relief requested in the Motion (*not incorporated in the body of the motion.*)
2. The Certificate of Service should contain the following information for all individuals served with Notice of the Motion:

Name \_\_\_\_\_  
Add: \_\_\_\_\_  
Fax # \_\_\_\_\_  
E-Mail (Option): \_\_\_\_\_

### Section C: Courtesy of Motions for Court

1. The Court will not accept any "Hard Copy" Courtesy Copies of Motions; if a party or parties desires to provide the Court with Courtesy Copies of Motions and related Responses/Replies please call the Court at **903-935-8407** and

information will be provided for the item(s) to be transmitted to the Court by e-mail or by disk based on the size of the document.

**[NOTICE: The Harrison County District Clerk's Office at this time DOES NOT ACCEPT ELECTRONIC FILINGS, any item(s) submitted to the Court under this Section WILL NOT BE CONSIDERED FILED]**

**[NOTICE: Documents submitted to the Court under this section must be identical in "Substance and Form" to the Hard Copy of the document(s) filed with the Harrison County District Clerk's Office]**

#### **Section D: Setting Motions for Hearings**

*The Policy in this Section is not applicable for Hearings, which are set and covered by a signed Trial Scheduling Order, or any Motions associated with Emergency/Special Circumstances.*

- 1. Direct Filing with District Clerk's Office:** Individuals filing a Motion or Motions directly with the District Clerk's Office located on the 2<sup>nd</sup> floor in Rm. 234 of the Harrison County Courthouse 200 W. Houston St., Marshall, TX, 75670 can, after filing of the Motion(s), come to the District Court Office across the hall in Rm. 219. The Order or Fiat Setting Hearing will be signed and the matter will be set. *(See Setting Policy in Item 3 of this Section)*
- 2. Mail Filing with District Clerk's Office:** All Motions filed by Mail with the Harrison County Dist. Clerk, after being file marked, are given to the District Judge's Office, with the file, Motion and Blank Order or Fiat Setting Hearing. A hearing Date and Time will be entered on the blank Order or Fiat; the Order or Fiat will be signed by the Judge and returned to the Dist. Clerk's Office to be returned via mail to the filing party in the prepaid, self addressed envelope provided to the District Clerk Officer by the filing party. *(See Setting Policy in Item 3 of this Section.)*
- 3. Hearing Dates/Times:** Motion Hearing for Civil Non-Family Law matters are set on Monday, Tuesday and Thursday of Non-Jury Weeks at 10:30 am. A calendar listing Jury and Non-Jury Weeks is located on the Court website at [www.co.harrison.tx.us](http://www.co.harrison.tx.us). Following any Wednesday of a Non-Jury Week the Court Coordinator can be contacted to obtain the availability of Hearing Setting for the following Jury Week if "No Jury" is seated for cases set that particular Jury Week. All Family Law matters are set at 8:30 am. Monday, Tuesday and Thursday of Non-Jury Weeks.

4. **Hearing Duration:** Please inform the Court Coordinator if the expected duration of a Hearing is in excess of **One Hour**, the Hearing will be **Special Set** in a time slot, which should not delay the Motion being heard in a timely manner.
  
5. **Setting Hearing by Phone:** The Court Coordinator can be contacted by phone at 903-935-8407 to discuss setting a motion for hearing. The Coordinator will provide **tentative** setting time(s) and hearing date(s) by phone; however no formal setting will be placed on the Court's Calendar until said Motion(s) is/are filed with the District Clerk's Office and the Blank Order or Fiat Setting Hearing is provided to the Court's Signature.
  
6. **Telephone Hearings:** The Court Coordinator can be contacted by phone at 903-935-8407 to discuss setting a Motion for a Telephone Hearing. Telephone Hearings will be the exception and not the norm for the Court but will be considered upon request.