

MEMO CONCERNING DISTRICT COURT PROCEDURES (5-2011)

We have made a few changes that we hope will improve our efficiency. This memo will be helpful in understanding more about the 71st District Court Procedures.

Setting Hearings:

- ☞ NaDine is responsible for helping you with settings. Kenya is responsible for preparing dockets. So, confer with NaDine as to possible dates if necessary or utilize our website calendar listed under the **Jury/Non-Jury Weeks**.
- ☞ Confer with opposing counsel to agree on a date. If no agreement can be made, call and schedule a telephone conference with the judge to set the matter. Times available for teleconferences are on Thursdays and Fridays of **NJ** weeks between 3:00 pm and 4:00 pm.
- ☞ On Notice of Hearings and Orders Setting Hearings (OSH) the court requests that you not type in a hearing date and time. Simply place the date that you are requesting in the cover letter that you send to the Court.

Canceling Hearings:

- ☞ If you need to cancel a prove-up or an uncontested matter with no opposing counsel and it is NOT on a dismissal docket, then the setting/hearing may be cancelled at will.
- ☞ You may not cancel a hearing without agreement of opposing counsel, even if you have set the matter. If there is an agreement of opposing counsel to cancel, you must send an agreement letter with signatures of all counsel to the court. You may submit such document to the court via e-mail, fax or original letter. If it is not agreed a teleconference must be scheduled.
- ☞ If the case you wish to cancel has an agreed scheduling order submitted with future dates or on a future dismissal docket, then it cannot be reset or cancelled without consent from the court.

Scheduling Orders (SO) and/or Dismissal Dockets (DD)

- ☞ *These dockets are periodically sent to Plaintiffs' (π) counsel. The π counsel is directed to set up a teleconference with Defense (Δ) counsel to schedule the case for trial and select a mediator. The dockets are **not** sent to Δ counsel.*
 - *No one is required to appear for the dismissal docket, because the cases should either be scheduled for mediation before the dismissal date or the court should have received an order to dismiss the case.*
 - *If the case is scheduled for a mediation date that falls after the dismissal docket date, then a **Motion to Retain** the case should be filed with the clerk and approved by the judge.*
 - *Therefore it is incumbent on Plaintiffs' counsel to set up a teleconference **BEFORE** the date of the dismissal docket.*

DO NOT send an Agreed SO because, although the lawyers may agree to a late November 2012 setting, the court may want to set the case earlier, say for 2011 or so. **DO NOT** send a Motion to Retain.

- ☞ If you and opposing counsel either decide to enter a scheduling order, then you are free to do so and the court will honor any reasonable agreement. As long as it is before the dismissal date.

Filings:

- ☞ **DO NOT STAPLE** your **original** pleadings, briefs, judgments or any other filings with the court. A clip will suffice to hold the document together until scanned at the clerk's office. If you wish to receive a file-marked copy of your documents, you must send copies along with a self-addressed stamped envelope for return. Copies may be stapled.

E-mail:

- ☞ Questions about procedures, policies, etc. should be directed to Kenya by e-mail at kenyar@co.harrison.tx.us or by phone at 903-935-8407. Our office will also be communicating with attorneys, bondspersons, and others via e-mail so be sure to submit an updated e-mail address and any other contact information if necessary.

Submitting Orders and Judgments:

- ☞ Send a proposed order to the court with a cover letter requesting that it be signed if no objection is entered within 10 days. The proposed order will be held in the Court's Hold Box until the retrieval date, then it will be given to the judge for signature and submitted to the Clerk's office. *(Sometimes the judge will request a longer hold date.)*

Be sure that the opposing counsel has a copy of the proposed order so that they may enter objections if needed.

- ☞ To announce an objection: counsel must submit the objection in writing to the court and set it for a hearing on entry of judgment before the expiration of the 10 day holding period. Teleconferences on settings are acceptable.
- ☞ It is **NOT** sufficient to simply call the office and announce your objection via phone. You must set a hearing on Entry of Judgment...phone conference hearings are more than acceptable.
- ☞ You are reminded that final judgments are due **within 30 days** of the hearing. Temporary Orders should be submitted within 3 days.

Presenting Temporary Restraining Orders (TRO) and Ex Parte Protective Orders (PO)

Counsel must present any Ex Parte POs or TROs to the court. Counsel must present to the Court that the respondent is NOT represented by counsel. If there is opposing counsel, then Movant must notify opposing counsel that the request will be presented to the court at a time certain so that counsel can appear either in person or by phone.

If the relief requested includes removal from the home, the petitioner must appear in person and a **detailed** affidavit must be attached to the pleadings.

Automatic Scheduling Orders:

After **60 days** have elapsed from initial filing date of a matter, the court may enter a Docket Control Order (DCO Level I, II, III) that sets the case for trial and has automatic deadlines for discovery. The parties may vary the discovery deadlines, but not the trial setting.

WEBSITE: www.co.harrison.tx.us

If there are other matters you would like us to post, please let us know. Our county did not purchase the website software that ties in with our court administration packet, so everything we post must be done so manually. This is a convenience for lawyers and their clients, but is not the official word for what is scheduled. If you do have a question about a case, email us.

I hope that the changes we have made and the changes we contemplate will make the 71st District Court more efficient. I am always open for suggestions. The computer conversion is complete. The new software is very powerful and offers us the opportunity to improve the system for you and for your clients.

William J. Hughey
71st District Judge