

INSTRUCTIONS: Please complete this questionnaire for the 2024 North Texas Bench Book. Feel free to use additional sheets of paper. If there are questions that do not apply to your court, just leave the question blank. When complete, please e-mail your responses and a judicial photo to Judi Smalling at jsmalling@dallasbar.org. Thank you for your time.

Court: 192nd Civil District Court

Judge's Name: Judge Maria Aceves

Date Licensed: 2013

Year Elected/Appointed: 2022

Previous legal experience/area of practice before becoming a judge and with whom: Civil litigator focused on personal injury plaintiff and defense work.

Clerk's Name and Phone No.: Martin Reyes, 214-653-7748

Court Coordinator's Name and Phone No.: Veronica Vaughn, 214-653-7709

Bailiff's Name and Phone No.: John Harris, 214-653-7709

Court Reporter's Name and Phone No.: Tenesa Shaw, 214-653-7766

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?

The Court uses a standard uniform scheduling order for Level 1 or Level 2 cases. This scheduling order includes the jury trial setting, deadlines for objections and motions to exclude or limit expert testimony, amended pleadings asserting new causes of actions or affirmative defenses, joinder of additional parties, mediation, and pre-trial documents with specific time periods. I allow the parties to file their own Level 3 scheduling order.

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?

The Court automatically sets the case for the DWOP docket, mediation and a trial date.

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?

The preference is to contact the Court coordinator via email.

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

The Court can be contacted via email at veronica.vaughn@dallascounty.org.

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?

The Court expects the parties to diligently confer prior to bringing discovery disputes before the Court. During the deposition, the Court will hear disputes if the Court is available. Otherwise, the disputes may be heard by Associate Judge Rachel Craig.

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?

The Court will accept electronic or courtesy binders prior to the hearing with sufficient time prior to the hearing to allow the Court to review. The Court further requests that the parties have an proposed order filed prior to the hearing.

How do you like briefs to be organized?

The Court prefers briefs to be organized and concise addressing the most pressing issues first.

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?

The Court only accepts filings via the E-Filing system.

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)?

The Court would ask the parties to contact the Court coordinator to request a status update on a ruling or pre-trial/trial matter.

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 schedules in-person hearings on Mondays, trials on Tuesdays and Wednesdays, and Zoom hearings on Thursdays and Fridays.

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?)

If the Motions are agreed, they are typically set for submission. If the Motions are not agreed, they are set for oral hearing.

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

Yes, the Court allows oral hearings. If the parties need an expedited hearing, they should contact the Court Coordinator.

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

Yes, the Court allows telephone conferences and Zoom conferences.

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

The Court prefers either hard copies or will look up the case on Westlaw in real time.

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

The Court coordinator or Court reporter will send out copies orders that have been taken under advisement.

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 Court mainly utilizes Associate Judge Rachel Craig if she is out or if she is in trial.

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?

The Court includes a mediation deadline in her Level 1 and Level 2 scheduling orders; however, the Court allows the parties to select their own mediator. The Court will appoint mediators upon request by the parties.

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?

The Court calls jury trials on Tuesdays and bench trials on Wednesdays. If the cases are not reached, they are re-set. The Court will grant special settings for complex cases. The Court will further work with the parties on accommodations including using Zoom for out-of-state witnesses.

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)?

The Court prefers proposed jury charges to be sent to the Court reporter via email (Tenesa.Shaw@dallascounty.org) prior to jury trial. If the case is complex, the Court will ask the parties to submit and blue line/red line jury charge. Additionally, the Court requires that the parties provide their findings of fact and conclusions of law prior to the bench trial and will allow parties to amend their findings of facts and conclusions of law after the evidence is presented.

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?

The Court will grant the first continuance for cases that are one year or younger. The Court will only grant continuances on case by case basis thereafter.

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?

The parties should present the trial motions pursuant to the scheduling order and during the pre-trial hearing.

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)?

The Court allows the parties to conduct voir dire with the requested time within reason. The amount of time will vary depending on the complexity of the case.

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 will allow the parties to present their opening statement with a requested time within reason. The amount of time will vary 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.

The attorneys are permitted to sit or stand and use the microphones during direct examination. They may approach the witness upon acquiring permission from the Court.

Cross Examination

Describe any specific policies on direct examination.

The attorneys are permitted to sit or stand and use the microphones during direct examination. They may approach the witness upon acquiring permission from 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 will allow the parties to present their opening statement with a requested time within reason. The amount of time will vary depending on the complexity of the case.

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 provides its own blackboard, easel, Elmo, overhead projector, video equipment and Zoom capacities. The parties may come in prior to their trial setting to test the equipment.

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).

The Court calls jury trials on Tuesdays and bench trials on Wednesdays. The Court requires that the parties announce for trial on the Thursday prior to their trial setting. Based on the announcements, the Court will call specific cases to trial. Failure to announce will result in the case getting dismissed.

OTHER:

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

The Court requires that the ad litem reach out to the Court Coordinator and attach a CV and bio regarding their qualification to serve as an ad litem in civil cases.

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).

The Court maintains decorum in her courtroom and requests that the attorneys do not speak over one another and treat all parties with respect.