

Judge Bridgett N. Whitmore
193rd District Court Policies and Procedures
Updated 2/5/24

Dallas County Local Rules

The Local Rules adopted for use in the District Courts of Dallas, County, including this Court, may be located through the link on the District Clerks web site. The 193rd has adopted the Dallas County local rules for Civil courts, the policy regarding page limits and the emergency standing order.

Scheduling Orders/Trial Settings

After the first answer is filed, the Court sends out the Uniform Scheduling Orders for Level 1, 2 and 3 cases. Some cases designated as Level 1 or 2 may receive a one (1) page trial setting (e.g., sworn accounts, TWCC appeals, Dallas Central Appraisal District cases, etc.).

The Courts Trial Docket is on every Tuesday. The Trial Docket is a 1-week docket. Any cases not reached the week of trial will be reset to a future date.

The Court will not grant **Special Trial Settings**.

Pre-Trial

If the parties anticipate outstanding Pre-Trial issues will require a hearing, the parties are to request a Pre-Trial hearing the month before Trial with the Court Coordinators office. The Court will not conduct a Pre-Trial conference on matters the parties have not discussed and made a meaningful attempt to resolve. Unless otherwise ordered, parties should exchange all Pre-Trial materials no later than ten (10) days before Trial. Parties shall meet and confer so as to maximize agreement, on Pre-Trial issues no later than seven (7) days before Trial.

Unless otherwise allowed for in the Court's Uniform Scheduling Order, expert challenges must be heard no later than forty-five (45) days before Trial.

Trial Announcements

Trial Announcements are to made according to Local Rules 3.02 Announcements for Trial. (Starting on Thursday and through Friday at 10:30 a.m. the week prior to the Tuesday trial date.) If no announcement is made, the case shall be dismissed.

Conflicting Engagements of Counsel

Follow Local Rules 3.03. Parties are to announce any and all trial conflicts at the time of their Trial announcements so that the Court may confirm with other courts.

Voir dire

The Court does not conduct its own Voir dire, just the normal rules, qualifications and admonishments that are standard practice. As for time limits, the Court will impose limits that are commensurate with the issues in the case. Challenges to the panel will be done outside the presence of the panel, after the completion of the Voir dire. The Court does permit the use of a Jury Questionnaire. If the Parties agree, the Court will submit the agreed questionnaire. If there is a disagreement as to specific questions or

regarding whether to submit the questionnaire, the court will resolve the dispute. The dispute needs to be brought to the Court's attention promptly and clearly before the morning of Trial.

Jury Charges

Proposed jury charges should be submitted to the Court in compliance with the Uniform Scheduling Order. **Please also provide a word-formatted copy to the court reporter at vdobbins@dallascounty.org.**

Continuances

The Court will consider all motions for continuance and will generally grant a continuance of the first trial setting. If there have been multiple trial settings, the court will not grant the continuance, even with the agreement of all parties. However, the parties may set the continuance motion for hearing to explain to the court the extenuating circumstances.

Orders

The 193rd attempts to be paperless as much as possible. All orders must be e-filed along with the motion and/or response.

All agreed Orders should be signed off by all parties.

Motions

Counsel should have pleadings on file before calling the District Clerks office to request a hearing. On all contested motions over 50 pages, counsel must provide a courtesy copy of the motion, response, and reply, if any, to the Court no later than two (2) business days prior to the hearing.

Motions Docket

The parties may set **in-person hearings** at the following times:

- **Monday morning Motions docket *only*.**

In-Person Motions hearings should be limited to only those hearings that are evidentiary based. The following specifically *should not* be set for in-person hearings and the Court strongly encourages the parties to set the following hearings on the virtual hearing docket:

- Agreed Motions (**agreed order by submission preferred**)
- Motions for Continuance
- Status Conferences (set by the Court, counsel may not set a Status Conference)
- Motions for Leave
- Motions to Strike
- Motion to Withdraw
- Motion to Reinstate
- Motion for Turnover
- Motion to Vacate
- Motion to Release Funds from the Registry of the Court
- Motion to Compel

- Motion to Quash
- Motion to Transfer
- Motion to Sever

Emergency Motion Docket

Hearings may be set outside the normal hearing docket in cases when a hearing is needed sooner than the next available setting. This will be determined on a case-by-case basis as approved by Judge Whitmore.

Motions to Compel

All Motions to Compel MUST contain a Certificate Conference. The Movant must show and attach attempts to conference with opposing counsel. If nonmovant does not respond to said attempts to conference, then the Motion to Compel will be GRANTED as requested. Nonmovant may rebut said evidence by showing responses to and/or any evidence of attempts to have substantive conferences. The Court will determine if such attempts are made in good faith.

Certificates of Conference

Motions require Certificates of Conference as stated in Local Rules 2.07. Motions without Certificates of Conference in compliance with Local Rule 2.07 will NOT be set for hearing by the District Clerks office. Certificates of Conference must be attached to all motions, except those excluded by Local Rules, (i.e. Motions for Summary Judgment).

Motions for Summary Judgment

All Motions for Summary Judgment must be heard no later than thirty (45) days before trial. A party may move for leave to allow such hearing based upon good cause. All motions for summary judgment are heard via submission.

TRO's

Judge Whitmore hears her own TRO's for the 193rd District Court if she is available. Upon filing of the Application and the Order, counsel will email the court coordinator requesting a hearing on the TRO. Please provide the coordinator with a time-frame by which the TRO should be heard. The coordinator, will then respond back with a date and time for the TRO to be heard via Zoom. If Judge Whitmore is unavailable, Counsel MUST have permission from Judge Whitmore before "shopping" the order to other courts. Again, Attorneys are not to "shop" a TRO without Judge Whitmore's permission. TRO's from other courts will be considered by Judge Whitmore ONLY with permission from that court pursuant to the established procedure. All Civil District Judges require compliance with Local Rule 2.02 on ex parte requests.

If the TRO is granted, the Clerks will set a TI hearing 14 days later that will be reset another 14 days in order to find a place on the Court's crowded docket.

Temporary Injunction hearings are conducted as follows:

1. **2 Days after TRO application filed or granted**, whichever is later – Applicant must serve final affidavits of all supporting witnesses under Applicant's control and identify all other supporting witnesses and documents;
2. **Pre-TI Discovery** – all parties involved in TI may conduct 1 hour focused depositions limited to TI issues; Court will favorably consider later adding this deposition time to any applicable maximum deposition times;

3. **10 Days before TI Hearing** – Applicant must file and serve all argument and supporting evidence including the final affidavits (see ¶1) and excerpts of discovery;
4. **4 Days before TI Hearing** – Respondent must file and serve all responsive evidence including affidavits and excerpts of discovery;
5. **2 Days before TI Hearing** – Parties shall submit a courtesy copy of the TI notebook to the Court, including argument and supporting evidence.

736 Foreclosures

All Final Hearings and Defaults must be set for hearing by the Court Administrator on the Courts hearing docket. The Court will send out notices to all parties.

Telephonic Hearings

Telephonic hearings are allowed through Court Call. The notice of hearing must provide the method of hearing and the party must set up the teleconference with CourtCall.

Default Orders

Orders for Default Judgments may be submitted for consideration for liquidated damages as long as they are submitted by Motion and all supporting affidavits. Non-liquidated damages must be set for hearing.

Settlement Announcements

Cases that are mediated to settlement OR otherwise reported as settled are set for Final Disposition approximately thirty (30) days from the date the Court becomes aware of the settlement per Local Rules 2.03. Notices will be sent by the Administrator giving a date and time the orders are to be filed by. This is NOT an attendance docket, but a submission docket.

Initial Dismissal for Want of Prosecution Docket

Notices of intent to dismiss a case for want of prosecution are assigned to each new case filed in this court approximately 45 days from filing. Notices are sent giving a date and time for appearance by submission. If there is no communication from counsel regarding the Initial Dismissal Docket hearing, the case will be dismissed. If counsel requires more time to effect service, etc., contact the court Administrator PRIOR to the hearing and dismissal time and the case MAY be reset to another DWOP date or a Status Conference. If no service has been obtained after 5 months, the case shall be dismissed. This is NOT an attendance docket, but a submission docket.

E-Mail and/or Fax Communication

Please do not fax either the Court or Court Administrator any documents unless prior permission has been granted. You may communicate with the Administrator via email, but pleadings are not to be filed with the Administrator. If permission is granted to communicate with the Court via email or fax, it is limited to that particular incident, and all opposing counsel/parties must be copied.

Briefs

Briefs should be organized with as much brevity as possible. The Court adopts the Amended Local rule requiring briefs to be limited to no more than 25 pages. Please highlight the issues and highlight the relevant passages in the caselaw. Whatever is referenced in the motion or response as an exhibit should be tabbed as such and the portion referenced should be highlighted.

Mediation/Alternative Dispute Resolution

It is this Court's policy to require mediation of all cases, but not to force parties to mediate if good reason exists not to mediate. If the parties are opposed to mediation, they must notify the Court of the reasons for such opposition. It is Counsel's responsibility to inform the Court if they have been unable to agree to a mediator 30 days after the trial notice has been issued. Parties should agree to the mediator of their choice and in the absence of agreement, the court will appoint a mediator.

Audio/Visual Equipment

The Court provides audio/visual equipment, which includes an Overhead Projector and hookups to personal computers. Blackboards and easels will need to be provided by the parties.

Court Decorum

Attorneys or Self-Represented litigants should always stand while addressing the Court. When requesting to approach the Court, the item may be given to the bailiff to be handed to the Court. All hearings will be argued from counsel table and the Court allows bottled water at counsel table.

Attorney Withdrawals

The Court requires strict compliance with Rule 10 of the Texas Rules of Civil Procedure and Local Rule 4.02. If the party that will be left without counsel (if the motion is granted) is a corporate entity, contemporaneous with advising the party of its right to object, counsel must also advise the corporate party that only an attorney licensed in the State of Texas can represent its interest in Court. That is, that it cannot represent itself Pro Se.