

**Judge Veretta L. Frazier**  
44<sup>th</sup> District Court Policies and Procedures

**Dallas County Local Rules**

The Local Rules adopted for use in the District Courts of Dallas County. Please also review any Emergency or Amended orders listed on our website.

**Motions**

**ORDERS MUST BE FILED WITH EVERY MOTION BEFORE SETTING A HEARING**

Counsel should have pleadings on file and then call the court clerk to request a hearing. The Court will make every attempt to set hearings within two weeks of the request, where applicable. On all contested motions, Movant must provide a paper courtesy copy of the motion, response, reply, if any, and all proposed Orders, to the Court no later than two (2) business days prior to the hearing. Do Not put “Proposed” on the Order filed with the Court.

**Submission Hearings**

A party may set a hearing by submission. The Responding party may file a written request for an oral hearing on a matter that has been set by Submission at two (2) days prior to the before the submission date. Once the request for oral hearing is filed, the Movant shall set the matter for oral hearing.

No Motion or Brief filed with the Court may exceed 25 one-sided pages in length. Only one appendix, also limited to 25 one-sided pages in length may be filed supporting any Motion or Brief. The use of any font less than 12 point, or margins less than 1” on each side of a page is hereby prohibited. Additionally, the use of reduced, multiple pages (i.e.: Min-u-script) is hereby prohibited. Permission to file a brief more than these page limitations may be granted with leave of the Court upon a showing of compelling reasons. Orders for leave must list each document and page length of each document to be filed.

Judge Frazier prefers motions to be written in Arial Font.

Bring a paper copy of the Order you want signed to the hearing.

Judge Frazier accepts calls during depositions and other proceedings, with all counsel present on call, when a question arises that needs immediate attention.

### **Certificates of Conference**

Motions without certificates of conference in compliance with Local Rule 2.07 **will not** be set for hearing by the clerk. Certificates of conference must be attached to all motions, except those excluded by the Local Rules, i.e., motions for summary judgment. **CERTIFICATES OF CONFERENCE THAT DO NOT CONFORM SUBSTANTIVELY TO LOCAL RULE 2.07 WILL NOT BE ACCEPTED.**

### **Attorney Withdrawals**

The Court requires strict compliance with Rule 10 of the Texas Rules Civil Procedure and Local Rule 4.02. If the motion is granted and the party that will be left without counsel 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 this State can represent its interest in Court. That is, a corporate entity cannot appear before the Court as a self-represented party.

### **Trial Settings**

All cases are set for a scheduling conference once an answer is filed.

### **Special Settings**

A “special” setting will be considered if you have a party or witness attending from another continent other than the Americas.

A “preferential” setting will be determined on case-by-case basis by Judge Frazier.

### **Bench Trial**

All parties must submit proposed judgments and proposed findings of fact and conclusions of law seven (7) days before the scheduled trial setting, along with trial briefs on contested issues of law. The submission must be emailed to Jonathan McKinnon at [jmckinnon@dallascourts.org](mailto:jmckinnon@dallascourts.org) with a copy to all parties, in Microsoft Word Format.

### **Jury Trial**

- All cases set for trial will be carried for 2 weeks.
- For a one (1) day trial, pre-trial will occur from 8-9 am on the morning of trial. For trials consisting of more than one (1) day, the parties should notify the Court Coordinator and schedule a pre-trial conference to occur no later than the week before trial. 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, to maximize agreement, on pre-trial issues no later than seven (7) days before trial, but in all cases prior to the pre-trial conference. The parties should be prepared to have an informal discussion regarding a “working” of the Charge of the Court, as discussed below.

- Each side should have courtesy paper copies of pre-trial material delivered to the Court no later than two (2) business days before the pre-trial conference, and counsel should notify the Court of all outstanding pre-trial matters that will need to be addressed at the pre-trial conference.
- Unless otherwise allowed for in the Court’s scheduling order, expert challenges must be heard no later than forty-five (45) days before trial.
- The Court should be notified that an interpreter will be used at the time of trial announcement.
- Jury charge
  - A “**working**” charge must be emailed to the Court Coordinator no later than three (3) days before the pre-trial conference. The working charge should be initiated in Microsoft Word format by Plaintiff and emailed to Defendant. Defendant shall “REDLINE” Plaintiff’s proposed Charge of the Court by adding or removing any desired provisions. The final working charge will have “REDLINED” interlineations removed and added by Defendant. The parties will review the working charge with Judge Frazier during the Pre-Trial conference.
  - The working charge should be sent via e-mail to the Jonathan McKinnon at [jmckinnon@dallascourts.org](mailto:jmckinnon@dallascourts.org).
- Voir dire
  - Time limits will be set for voir dire on a case-by-case basis.
  - Parties may submit questionnaires, but they must be pre-approved by Judge Frazier during the pre-trial conference. Copies for the jury venire must be delivered to the Bailiff of the Court at least three (3) business days before trial.
  - Jury challenges will be handled privately after questioning.
  - Demonstrative aids may be used only if approved by Judge Frazier and should be shown to opposing counsel before voir dire commences, to give counsel an opportunity to object.

- Disqualification, exemption, and hardship issues will be explored by Judge Frazier and taken up with individual panel members and attorneys before challenges asserted by the parties.

### **Motions for Summary Judgment**

No summary judgment motions may be set for hearing within 30 days of trial (this requirement is included in the Uniform Scheduling Orders). A party may move for leave to allow such hearing based upon good cause.

Hearings set by submission shall be allowed only by agreement of the parties and no heard no later than 30 days of trial.

### **TROs / Sequestrations**

The Judge will review TROs and sequestrations on a walk-in basis. If the Judge is not available, the Clerk or Coordinator will provide instructions on getting you before a judge.

### **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. Parties must e-file a settlement letter to be removed from the docket.

### **Dismissal Docket**

Cases are put on dismissal docket as determined by the Court. Letters are sent giving a date and time for an appearance. Counsel may file a motion to appear by phone if more than 100 miles away from court.

### **Default Judgments**

In cases where damages are proved by affidavits, the Court must be able to calculate the proposed damages from written instruments attached to the pleading on which the default judgment is based. Therefore, parties must “show their work” to substantiate and support calculations, i.e., proposed damages. If the Court cannot calculate damages (including interest and attorney’s fees) from written instruments attached to the pleading, said damages are not liquidated and a hearing must be held, where testimony or affidavits may be offered. In any event, calculations in affidavits should not be conclusory figures without substantiation.

### **Continuances**

Cases that are under a year old require only an agreed order to be submitted to Judge Frazier. If a case is over one year old and all parties agree to a continuance, all clients and attorneys must sign the motion for proposed order. In accordance with the Local Rules, a party’s written consent is required on cases that are more than a year old, even if the motion is agreed by all counsel. Any continuance requested because of lack

of discovery or because of discovery issues, must be filed at least thirty (30) days before trial, and should detail the discovery efforts and outstanding discovery as of the date of the filing of the motion. If a continuance is opposed by any party, the motion should be filed and set for hearing at least seven (7) days prior to trial. Continuances must be supported by affidavit, unless consented to by all parties.

### **Cancellation of Hearings**

Movant shall call the Clerk to cancel the hearing.

### **E-mail Communication**

You may communicate with the Court Coordinator via e-mail, but pleadings are not to be filed with the Court Coordinator. If permission is granted to communicate with the Court via e-mail, it is limited to the particular incident, and all opposing counsel/parties must be copied on the email.

### **Zoom Hearings**

Parties may set hearings via Zoom on the Court's Wednesday Motion Docket.

### **736 Foreclosures**

Must be set for hearing with notice to the obligor(s) via CMRRR and first-class mail. The applicant should bring to the hearing proof that it served the obligor(s) with notice of the hearing date and time.

### **Camera in the Courtroom**

The 44<sup>th</sup> District Court follows Mis. Dock No. 92-0067 of the Supreme Court of Texas approved March 11, 1992, regarding procedures for electronic media coverage.

### **USE OF COURTROOM**

Counsel/parties are welcome to use the courtroom for purposes of preparing for trial, including use of the technology, provided court is not in session. Contact the Court Coordinator to determine an appropriate time.

### **OPEN DOOR POLICY**

If you have a question about procedures, PLEASE ASK -- we are here to serve. Remember, however, that we cannot give legal advice and cannot have ex parte communications about cases. When in doubt, put your question in writing and copy your opponents. Please also make suggestions on how we can improve the efficiency and user-friendliness of our Court.