

## 68th Civil District Court

*Hon. Martin Hoffman*

Date Licensed: 1993

Year Elected/Appointed: 2007

Previous legal experience/area of practice before becoming a judge and with whom:  
1992-1996 Law Offices of Windle Turley; 1997-2006 Smoger and Associates

Clerk's Name and Phone No.: Nicholas Zaragoza; 214-653-7536

Court Coordinator's Name and Phone No.: Rhonda Pinson 214-653-6510

Bailiff's Name and Phone No.: Nancy Beggs 214-653-7771

Court Reporter's Name and Phone No.: Antonette Reagor; 214-653-7158

### **SCHEDULING ORDERS/COURTS 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 does not require a specific scheduling order to be used but can provide a sample on if requested. For Level 1 and 2, and expedited action cases the court will send parties a scheduling and mediation order. For Level 3 cases, the Court will set a scheduling conference roughly 30 days from the date that an answer is filed. Parties must attend unless the parties submit an agreed scheduling order prior to the conference date. All dispositive motions must be filed and heard 30 days prior to trial without leave of court. The Court will allow parties to agree to other deadlines as they see fit in almost all cases.

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 will monitor a case for 60 days and if the Plaintiffs have failed to serve and/or move for a default judgment on a Defendant, the case will be set on a Dismissal Docket. The Plaintiff must contact the court coordinator prior to the DWOP docket for an extension. Once an answer is filed, the Court sets most cases for trial. The Court orders all cases to mediation after an answer has been filed.

## **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?

Call the clerk Nicholas Zaragoza at 214-653-7536. If after hours, leave a message with the coordinator Rhonda Pinson at 214-653-6510 and/or send an email to rhonda.pinson@dallascounty.org.

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

The court prefers email communication. The coordinator's email address is rhonda.pinson@dallascounty.org. If a fax must be sent, the phone number is 214-653-7569. The Court will not accept motions and/or orders that have been faxed or emailed to the coordinator without prior approval of the Judge.

## **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?

Parties should contact the court clerks to set a hearing regarding discovery. The Court expects parties to conference in compliance with local rules prior to making motion regarding discovery disputes. For emergency motions, please contact the coordinator to see if the Judge is available to hear the dispute. The Court does not refer discovery motions to the associate judge.

## **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?

Parties that file a Motion to Dismiss pursuant to Rule 91a are required to immediately contact Nicholas Zaragoza at 214-653-7536 to request a hearing and to notify Mr. Zaragoza that said Motion must be heard and decided within 45 days of the motion being filed. The Court has no specific time or other requirements for filing responsive or reply motions prior to the hearing other than what is already required by the rules. Responses should be filed with the Court clerks by the morning prior to the hearing in order to be reviewed by Judge.

How do you like briefs to be organized?

The Court appreciates brief books with briefs, orders, and important cases relied upon (highlights) for complicated motions. The court prefers that all relevant briefing be provided

**in one notebook for all sides.**

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 complies with local rules. E-Filing is acceptable. The Court will not accept motions and/or orders that have been faxed or emailed to the coordinator unless approved by the Court.**

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)?

**Contact the court clerks at 214-653-7536.**

### **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 holds hearings on Mondays. The Court also sets hearings on Fridays, which are subject to trial. The Court allows clerks to set hearings up to one hour in duration. If more than one hour is needed, parties will need the permission of the Judge.**

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?)

**Parties should contact the clerk to set hearings. The following motions are usually heard by submission: agreed motions, agreed judgments, substitution of counsel or mediator, default judgments, writs of sequestration.**

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. To obtain an expedited hearing, contact the clerk and explain the need.**

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

**Telephonic appearances are subject to Court approval and must be requested in advance.**

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

of the cases to be highlighted?

**Important cases relied on by parties should be attached in brief books and pertinent provisions highlighted.**

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

**The Court rarely takes motions under advisement. If they are taken under advisement, the Court will promptly forward the ruling to the parties and parties are free to contact the coordinator for an updated status of any motion 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 uses Associate Judges to hear TROs when the court is unavailable.**

## **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 appoints mediators in almost all cases. The Court does not require a hearing on a motion to substitute mediators, if the substitution is agreed. The Court requires the mediation occur at least 30 days before trial.**

## **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 will set a case for trial once an answer is filed. Cases that are not reached for trial are automatically reset. Upon a motion for special setting from either party, the court will set a phone conference, during which the Judge will determine whether circumstances warrant a special setting. Please note, that once a special setting has been granted, if the parties then move for continuance, they will not be granted another special setting. The Court requires all Non-Jury cases to appear on the day of trial ready and with clients. Pursuant to Rule 169, the Court may carry Expedited Actions from week to week in order to try the case within the time parameters of Rule 169(d).**

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)?

**Proposed jury charges should be presented the first day of trial. Jury charges and findings of facts and conclusions need to be submitted to the court in hard copy and via email in Microsoft Word.**

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 requires a motion for a continuance. The Court has no specific requirement on how early or late the request should be made, however requests should be timely, and parties should be aware that the Court may not have an opportunity to review late-filed motions. Agreed motions for continuance will be reviewed by submission, but the court may contact parties to set a phone conference in older cases. Motions for continuance that are not agreed upon must be set for a hearing with the clerks.**

### ***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?

**Continuance motions should be presented as soon as practical. Motions in limine should usually be filed the day of trial or at the pre-trial conference. The court looks with extreme disfavor upon Robinson/Daubert motions that are made after the discovery deadline. The court will usually continue the trial setting if an expert is struck. The Court requests that witness lists, exhibit lists, and motions in limine be submitted jointly by all parties in one notebook. The Court requests this notebook on the first day of trial.**

### ***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 B i.e. during voir dire outside the presence of the panel, en masse after completion of voir dire, other matters)?

**The Court requests that parties submit lists of all attorneys who will be present during voir dire so that the Court may make an introduction. The Court allows parties to conduct most of voir dire. The Court will ask all questions concerning hardship of jurors. The Court does not usually set time limits, but will enforce any previously agreed upon time limits between the parties. The Court will also impose time limits for small and simple cases. The Court allows jurors to be struck outside the presence of the panel and will ask if the parties can agree upon any strikes**

for cause.

### ***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 usually requests that parties agree to specific time limits. If parties are unable to reach agreement, the Court will impose specific time limits.**

### ***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 Court has no specific policies on direct examination. Counsel are permitted to move around the court during examination. The Court prefers that the parties stand while making objections during jury trials.**

### ***Cross Examination***

Describe any specific policies on cross examination.

**The Court has no specific policies on cross examination. Counsel are permitted to move around the court during examination. The court prefers that the parties stand while making objections during jury trials.**

### ***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 requests that parties agree to specific time limits. If parties are unable to reach agreement, the Court will impose specific time limits.**

### ***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 easel, ELMO, overhead projector, video equipment, and DVD/VCR players, which are available to all parties. Parties may contact the coordinator to arrange time to become familiar with 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 will set cases for trial once an answer is filed. Expedited cases are set 6-9 months from the date of the initial filing of the case. Level 2 trials are set 12-15 months from the date of the initial filing of the case. For level 3 cases, the parties must attempt to agree on a trial date within 18 months from the date of the initial filing of the case. The trial date must be on a Tuesday and not a holiday. Contact the coordinator for any inquiries pertaining to the trial docket.**

## **OTHER**

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

**The Court appoints guardians ad litem who are experienced in personal injury law. The Court does not allow guardians ad litem to be appointed on recommendation of the parties. The Court appoints attorneys ad litem from a wheel that is maintained by District Courts Administration.**

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).

**Attorneys should follow basic courtroom decorum. The Court requests that attorneys stand while making objections in jury trials. The Court requires that all parties announce for trial by Friday morning prior to the trial setting, per the local rules. Beverages are permitted at counsel tables, as long as parties remove any trash when leaving.**

If a party has a conflict with a setting based on any religious holiday or tradition, the court will be as flexible as possible in accommodating any party. Please contact the court coordinator in the event of such a conflict.