

DIANNE K. JONES, JUDGE  
COUNTY COURT AT  
LAW No. 4  
DALLAS COUNTY, TEXAS

You must be familiar and follow the Local Rules for The Civil Courts of Dallas County. See, <https://www.dallascounty.org/Assets/uploads/docs/district-clerk/New Local Rules for CivilCourt.pdf>.

SCHEDULING ORDERS

The Court requires a Scheduling Order/Docket Control Order in all cases.

After the first answer is filed, Court Coordinator Ms. Cathy Moran, will set the trial date and notify counsel by letter. Parties will have 20 days from the date of such a letter to file their Agreed Scheduling Order; the deadlines must be *date-specific* (vs. "XX days before trial, according to TRCP.") and track the Dallas County Uniform Scheduling Order.

Accordingly, all scheduling orders require that dispositive motions and expert challenges be filed *and* heard not later than 30 days before trial. Motions for summary judgement will not be set or considered until mediation has taken place (see below). In complex cases, your scheduling order must include a "rebuttal expert" deadline.

MEDIATION ORDER

Mediation is not optional and must take place no later than 45 days before trial. However, if the Defendant is denying liability and the parties do not believe mediation will be beneficial, they should file an objection to mediation and set the matter for a hearing.

If the parties do not select their own mediator within 20 days from the date the first answer is filed, the Court will select a mediator. The parties may file a motion to substitute the mediator within 60 days from the date of the signing of the initial trial order. Motions to substitute the appointed mediator filed after 60 days will ONLY be granted in extenuating circumstances. All cases are expected to attempt mediation in good faith with the mediator assigned to them. If the parties wish to use another mediator after the Court selected one, they must file an agreed motion to change mediator and provide good reason for the change.

## DISMISSAL FOR WANT OF PROSECUTION

The coordinator sets cases on the DWOP docket four months after the filing date. If a plaintiff needs more time to effect service, contact the coordinator prior to the hearing and the dismissal time may be extended. DWOP hearings are generally not reset if a call is received on the day of the hearing.

## CONTINUANCES

All requests for continuance require the filing of a motion. Parties will be allowed one continuance per side. Cases over one year must comply with Local Rule 3.01 and a hearing may be required. Contested motions for continuance should be set for a hearing on the Court's regular motion docket.

## ATTORNEY WITHDRAWALS

The Court requires strict compliance with Rule 10 of the Texas Rules of Civil Procedure and Local Rule 402. 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 this State can represent its interests in Court. In other words, the corporate party cannot represent itself *pro se*.

## HEARINGS DOCKET

### Settings

- Once a motion is filed, the movant must contact Lead Clerk Mr. Gilbert Garcia or Mr. Philip Soto at 214-653-7466 to set a hearing. Clerks will make every attempt to set hearings within two weeks of the request.
- Hearings are scheduled on Mondays from 9:00 a.m. to noon and on Thursday, from 1:30 p.m. to 4:00 p.m. Please arrive at least five minutes before your scheduled hearing time.
- Hearings are scheduled in 15-minute intervals. Dispositive motions, discovery disputes (e.g., motion to compel, protective orders, etc.) and expert challenges will receive a 30-minute slot. If you will need more time, please send a letter to the Court discussing such a need.

### Certificates of Conference

The clerk *cannot* set a hearing on a motion without a certificate of conference, except to the extent excluded by Local Rules, such as for motions for summary judgement. The certificates must substantially comply with Local Rule 2.07.

### Submission Docket

When a motion can be considered without an oral hearing (~~eg~~, parties have agreed to submission, etc.), the movant must notify the Clerks the matter is being set on the submission docket. The Clerks will docket the motions by submission as soon as possible on Friday afternoons following the filing. The Court will consider the pleadings related to the motion and issue a ruling promptly (usually within a few days).

### Zoom Hearings

- Zoom hearings are permitted for Motions for Continuance and for the resolution of wording of an order after a hearing when the parties cannot agree.
- Zoom hearings are permitted if the parties agree. If the parties do not agree, each party can individually decide whether they will appear in person or via zoom. The court will accommodate everyone's decision; however, they must communicate with the other side on their method of appearance prior to the hearing date.

### Cancellation of Hearings

To cancel a hearing notify the Clerk's office of the cancellation.

## PLEADINGS & MOTIONS

### Courtesy Copies/Notebooks

No later than three (3) business days before the hearing, the moving party must deliver to the Court a courtesy notebook containing the motion, notice of hearing, response, and reply, if any. Therefore, responses must be filed three (3) days in advance. For large cases with parties should delivery a courtesy notebook or documentation via email seven (7) business days before the hearing.

### Motions/Briefs Organization

- Create a topic outline, index of cases, and summary of the arguments.
- Cases relied upon should be attached to the briefs.
- Pertinent language should be highlighted.
- Be succinct (i.e., do not submit more than 10 pages, whenever possible).
- Present a proposed order to the Court at the commencement of the hearing.

## EMERGENCY RELIEF/CONTACTING THE COURT

In a true emergency, counsel may contact the coordinator by telephone or email and explain the nature of the emergency. The coordinator will relay the message to the judge.

## DISCOVERY

In accordance with the Texas Rules of Civil Procedure, attorney's fees may be awarded if the Court has to grant any part of a Motion to Compel.

If a dispute arises during a deposition, the court will rule on objections if available.

## PROTECTIVE ORDERS

Protective Orders are intended to preserve the rights of litigants in proceedings to claim confidentiality of certain documents to be produced in litigation between the parties. The Court has a proposed form that may be utilized for this purpose. See Standing Order: Protective Order.

Protective Orders filed under the Texas Uniform Trade Secrets Act ("TUTSA") must specifically state in the caption: "Protective Order Under TUTSA, CPRC 134.006" and be consistent with the statutory provisions therein.

The closure of trial proceedings and sealing of the record of a trial involve specific statutory considerations which may be taken up a separate matter upon the motion of any party in compliance with Rule 76a TRCP. NO DOCUMENT SHALL BE FILED WITH THE COURT UNDER SEAL UNLESS CONSISTENT WITH RULE 76a.

## TRIALS

### Announcements

Do not expect the coordinator to contact you about your announcements. Your legal team should call or email ([Cathy.Moran@dallascounty.org](mailto:Cathy.Moran@dallascounty.org)). Parties must announce ready for trial on Thursday from 8:30 a.m. until 4:30 p.m. but no later than 10:30 a.m. on Friday. If you fail to make your announcement for trial, your case may be dismissed for want of prosecution.

### Dockets

Jury Trials is conducted Tuesday-Wednesday.

### Bench Trials

For bench trials, findings of facts and conclusions of law need not be filed unless the Court requests them.

#### Seven (7) Days Before Trial Setting

Parties must file with the Court 1) the material stated in Rule 166; 2) an estimate of the length of trial; 3) the designation of deposition testimony to be offered in direct examination; and 4) any Motions in Limine. Failure to file such materials may result in dismissal for want of prosecution or other appropriate sanction. (This requirement is included in the Uniform Scheduling Order).

Hearings on Motion in Limine and Exhibits List will occur from 9 a.m.- 10: a.m. on the morning of trial.

#### Trial Lasting More than Three (3) Days

If parties anticipate that a trial will last more than three days, they should request a pretrial conference at least a week in advance of the setting.

#### Voir Dire

Voir Dire time limits will be set on a case-by-case basis. Counsel may agree upon time limits.

Parties may submit questionnaires, but they must be pre-approved by the Court at least three days before trial.

Disqualification, exemption, and hardship issues will be addressed by the Court and taken up with individual panel members and attorneys after voir dire, but before challenges.

The Court allows attorneys to identify specific jurors to be questioned individually before making for-cause challenges outside the presence of the venire panel.

#### Opening/Closing

The Court will seek counsel's input regarding time allocations before imposing any time restrictions.

#### Direct Examination/Cross Examination

Attorneys are required to stand when they address the Court and the Jury but may remain seated to examine witnesses.

#### Audio and Visual Equipment

The Court is equipped with a document reader ("the Elmo"), a DVD player, and the capacity for counsel to connect laptops and iPads to project presentations and video in the courtroom.

If you want to test the equipment, please contact Court Reporter Ms. Vearneas Faggertt (214) 653-7468 to schedule an appointment days or weeks in advance of hearing or trial.

### **Jury Charge**

Proposed jury charges should be emailed to the Court Reporter at [vearneas.faggett@dallascounty.org](mailto:vearneas.faggett@dallascounty.org) at least two (2) days in advance.

### **Jury Input**

The Court will seek the Jury's input on the trial schedule: what time to start each day; what time to end each day; and how long for the lunch breaks.

Jurors will be allowed to ask questions of witnesses. Jurors will be given an opportunity to write down any questions they would like to ask a witness. Upon the conclusion of the questioning of the witness by the lawyers, the bailiff will collect whatever questions the members of the jury have and bring them to the judge. Counsel will approach the bench and the judge will read each question (out of the hearing of the jurors and witness). The judge will then hear any objections from counsel and rule on which questions are proper and relevant. Those questions are then asked of the witness by the judge. After the witness answers the questions, counsel will be allowed further questioning by the lawyers. The Court will give Preliminary Instructions and Final Instructions on the process.

## **COURT APPOINTMENTS**

The Court maintains a wheel for court appointed *ad litem*s. Individuals wishing to serve as an *ad litem* should mail their resume to County Court at Law #4 outlining their experience, training, and the types of cases to which they would like to be appointed.