

## **Lunch & Learn Q&A Session**

QUESTION: If we have a proposed order for an entry docket, do you prefer for the order to be e-filed even though it is not agreed as to form, or do you prefer for it to be provided in a different manner beforehand so it frees up your queue?

THE COURT: E-file is good that way it goes through the queue and it gets to me and I'm able to sign it digitally.

QUESTION: Thursday docket, is it only for 255 cases?

THE COURT: Yes.

QUESTION: So that means after hours, we can only bring agreed orders in this court that are out of this court?

THE COURT: Thank you for asking that. Any other court, besides the 254th court, if it is agreed, I will go ahead and sign it. At first, we were just doing 255 only, but if it is an agreement and you're just logging in, I don't mind signing it.

QUESTION: If there's two attorneys on a case when we need to come approach you about a contested issue, asking your guidance, when would be the best time of each week to do that?

THE COURT: For both attorneys to come in, do you mean any particular day?

QUESTION: Yes. Any preferences or would you rather it be in the morning? Some courts before had said come in at 8:30 and I start my docket at 9:00, or any time if you-all are both there, whichever one you-all prefer.

THE COURT: Either way. If both people are here and I don't have anything going on, I don't mind speaking with the attorneys then. But like I said at the beginning, I don't know if you were here yet, I'm here every day before eight o'clock. I'm here before seven o'clock. But if you're in the building at eight o'clock and you and opposing counsel just so happen to be out there having some coffee and you say, Hey, we need to staff this with the judge, you are more than welcome to come in.

QUESTION: Contested hearings, are you allowing them through Zoom if counsels are in agreement, or is it all across the board in person?

THE COURT: Thank you for that question. It is by Zoom. So Zoom is the default unless there's an objection made. The Supreme Court rules just changed. So if there is an objection made, it must be in person. But absent an objection, everything will presumably be on Zoom.

QUESTION: Does that apply to trials as well -- final trials?

THE COURT: Yes. That applies to final trials too.

QUESTION: Would we just file an objection or make a verbal objection when they're requesting as they're coordinating the settings for trials or hearings?

THE COURT: That is a great question. You can just e-mail the coordinator. You don't have to file an objection for something like that. I don't think it is necessary.

QUESTION: In the past, I've had issues with requests for de novo settings in this court, and I just wanted to know how the court plans to be responsive whenever we do make those requests via e-mail for those hearing dates.

THE COURT: Thank you for that question. The 255 is very responsive. That's the best way I can answer it. Literally, I don't know -- how many of you have received an order from this court the same day? And it literally was signed and sent to you on the same day. That's how efficient we're running this court.

QUESTION: So if we e-file a proposed order and it is an agreed one, are you-all sending us a copy of the order?

THE COURT: Yes.

QUESTION: Your Honor, how many people have e-mailed Destiny and gotten a response in 24 hours or less?

THE COURT: And that is a good point. You will get it the exact same day, more than likely. As soon as I get an order and it goes to the clerk, I copy Destiny on the e-mail. So you'll get it just like that.

QUESTION: What is the court's position on allowing a Spanish speaking attorney to translate for their client in a prove up.

THE COURT: That's a great question and we have done that already. I do not mind allowing the attorney to translate from whatever language. You get sworn in just like any other translator that will be on the case. I'm trying to be efficient. Finding translators is similar to getting a court reporter these days. It is pretty difficult. And the less money your client has to spend on something like that, if your attorney speaks that language, I just think that's more efficient.

QUESTION: To get a trial date, do you set a pretrial and then at the pretrial we appear supposedly via Zoom and then you get it for trial?

THE COURT: Yes. Great question. The 255 does do pretrials.

QUESTION: The delay in e-filing, maybe that's a larger issue than you are handling, is there any information underway to improve that?

THE COURT: That is a great question. I've been in communication with the district clerk. I think the last time I spoke to her was in January. She has been making improvements with e-filing. And as far as I know, it seems like it has gotten better. Let me just say this: When I say better, I'm saying from the clerks to us. I don't know how it looks after it leaves me and gets back to the clerks and gets to you all. There has been improvement.

QUESTION: If there's a motion for conference with a child, will the court do that interview or do we expect it to be done through court services.

THE COURT: It depends. If it is at the final trial phase, I will go ahead and interview the child. I can do the interview the same day. I would prefer to do it like that. So let's just say that your trial is in the afternoon and the child is getting ready -- your trial is in the afternoon and your child is getting ready to get out of school. I can interview them. They can come back up to the courthouse and I can interview

them right here. Well, not literally in here (the courtroom), but in chambers. Otherwise, if it is not at the final trial phase, you will be referred down to family court services.

QUESTION: So just for clarification, will you be doing that interview after all the evidence is in?

THE COURT: Yes.

QUESTION: Are custody evaluations required for all custody cases?

THE COURT: I don't want to say all and required for all. It really depends on the facts. It really depends on the facts. I will say though, thank you for asking that question, any case that has conservatorship as an issue, mediation is required. Mediation is going to be required before you can even get a pretrial.

QUESTION: What is the court's preference on exhibits? Do you prefer them to be exchanged in advance, if so, how long? Do you have a particular way that you'd like them to be labeled, and do you want binders or Drop Box, OneDrive, what is your preference?

THE COURT: Okay. So I'm going to take the first half of that question. I think it is more appropriate on the second half for the court reporter to answer because she's the one that -- you know, I don't know if it is alphabet versus number in terms of labeling exhibits. I know things happen, but if at all possible, if you can at least get the exhibits in three days before. If it is a larger trial, right, or even a jury trial, something like that that will be all day or longer, it may be a good idea to bring those to the court at least a week in advance. Generally speaking, three days is ideal.

Joie: No preference on labeling. Just simply Petitioner, Respondent, State, etc. with either numbers or letters is fine. Emailing works best, especially if you have a lot of exhibits. You may bring paper copies of the exhibits in a binder, however, if your exhibits are more than fifteen pages, go ahead and email them.

THE COURT: Please CC Destiny on e-mails when you send exhibits to Joie. I remember one day -- I believe it was you, Ms. Johnson, you had an issue with your e-mail. She sent the exhibits, but by the time the trial started, we didn't have them because she had an issue with her email, which goes back to the three days. It is helpful to you too because if something does happen, technology, right, you do have a chance to rectify it.

QUESTION: For DWOP settings if we've requesting for it to be rescheduled, do we need to file a formal motion or what?

THE COURT: You can just simply send an e-mail.

QUESTION: So if we're e-mailing everything, are we still expected to bring paper for the proceeding?

THE COURT: You know, honestly, that is going to be a personal preference because I'm reading everything on my computer. The court reporter has everything on her computer. If you want to just bring it to be demonstrative, it is a personal preference. You don't necessarily have to unless there's an objection. Most hearings are on Zoom anyway. And to be honest with you, I haven't had a hearing in person -- we almost had one this morning, but it ended up being an agreement. But that was the first time I've had anything in person within the first 60 or so days.

QUESTION: And I may have missed this. On e-mailing for the dismissal dockets, are we e-mailing Judge Lee directly or Destiny?

Destini: Email me and CC Judge Lee on there because Judge Lee does set her own docket. I just assist her on certain things like her pretrials, but she -- she has given me permission to set some things. So if you do e-mail Judge Lee, you can always CC me. I'll respond to keep Judge Lee on track. So you can always CC me and I'll say received and then I'll follow up with Judge Lee.

QUESTION: Back to the e-mail. For agreed continuances, can we just e-mail the court or do you prefer an agreed motion?

THE COURT: I'm so glad you asked that question. So the first continuance, it is automatically granted. Unless there is a statutory reason that bars me from doing that, it is automatically going to be granted.

How many of you practice in Collin and Denton and -- if it is a continuance, you don't even show up because it is, like, well, we're going to continue. Just e-mail the coordinator. That's essentially how it is working. You don't have to file anything formal on your first continuance. Send an e-mail. Make sure everybody is copied to the coordinator and say, Hey, we need a continuance.

QUESTION: What about after the first continuance?

THE COURT: I knew that question was coming. After the first continuance, absent an agreement, you will need to file a motion.

Any other questions?

QUESTION: On termination and adoption cases, is the Court going to want the termination first before you'll start the adoption and home study?

THE COURT: Are they in the same motion?

QUESTION: Stepparent adoptions.

THE COURT: From what I've seen, they've pretty much been done at the same time. Usually, there's a voluntary relinquishment done that's filed as a part of the motion, and then the adoption just proceeds like it needs to. There's no preference. But for the most part, I've seen it where the termination is done first, but they're still done at the same time, if that makes sense. It is not anything separate, per se.

QUESTION: It is more about when we can get the adoption ordered if we can get it ordered before there's a ruling on the termination to get it all done at once in a final hearing.

THE COURT: Oh, that. Well, I don't think I could do that because if it is contested, then we would have to have the trial first, then I would have to find that it is in the best interest to terminate the rights, then move forward with the adoption.

QUESTION: But if it is not contested.

THE COURT: If it is not contested and there's a voluntary relinquishment, then you can -- and if you have preferences on who you want your adoption evaluator to be, I may more than likely grant your preference. You are officers of the court, so I would assume that you are putting someone's name in that blank who's going to do the job.

QUESTION: And Judge, if one of the parents is unknown and we have all of the proof to that, would you also consider that uncontested so the termination and the adoption would follow the same procedure as uncontested stepparent with the voluntary relinquishment?

THE COURT: Yes. And just so we're clear, when a stepparent is doing the adoption, you know you can waive the ad litem or the amicus attorney. You can't waive the adoption evaluation, but you can waive the ad litem.

QUESTION: On that, Judge, do we need the Court's approval on that waiver, or how do we get that, or do we need a hearing on that?

THE COURT: It is in the code.

QUESTION: So as long as we request it in the petition, she can consider it waived?

THE COURT: Yes. It is in the code. It is like four or five different scenarios under an adoption and stepparent being one where the amicus is not required.

QUESTION: So if we want to present, like, what are the connections for presenting from our computers and stuff like that.

THE COURT: You mean all this stuff?

QUESTION: Yes.

THE COURT: So I know how to use this one button that says power. And it didn't come on. That's probably the most I know how to use from there. But that little screen there, you're able to use the screen. We'll pull the projector down and I'm assuming you connect with these little gadgets on the table.

And thank you for asking that question. If you have a trial and you want to use this nice technology, come in, like, a day or two ahead of time and test it out. I do not mind because I can assure you, I cannot provide that much assistance. If you ask me anything beyond turning on that power button, I'm going to have to call the IT people to come in here and help you.