



THE HONORABLE DALE TILLERY PRESIDING
134th Judicial District Court
George L. Allen, Sr. Courts Bldg.
600 Commerce St., 6th Floor, Room 650
Dallas, Texas 75202

POLICIES & PROCEDURES FOR THE 134TH DISTRICT COURT

The purpose of this document is to acquaint parties and their attorneys with the policies and procedures of the 134th District Court. This Court exists for the sole purpose of serving others. The Court strives to provide hearings within two weeks and a trial within two years.

The lawsuits assigned to this Court vary widely in both the amount in controversy and the complexity of the issues presented. These policies and procedures are the “default” rules and are designed to create predictability and structure as cases move from initial filing to final disposition; however, the Court realizes that many cases require special attention for a variety of reasons. When these policies and procedures are inadequate for any reason, parties are strongly encouraged to seek assistance from the Court. The Court staff welcomes creative problem solving and new ideas.

I. TRIAL DOCKET

A case is immediately placed on a trial docket when an answer is filed. The initial trial setting is selected based on the amount in controversy (i.e. expedited) or the discovery level indicated by the plaintiff in the initial pleading. The trial docket is a two-week period during which the case can be called to trial with one day notice from the Court. Please follow the Dallas County Local Rules regarding trial announcements.

When the trial setting provided by the Court is inadequate for any reason, parties are strongly encouraged to seek assistance from the Court. The Court will consider requests for preferential trial settings.

Francine Ly is the Court Coordinator, and she should be contacted for any information regarding trial settings and trial announcements. Ms. Ly can be reached at 214.653.6995. Please note that all settlement announcements must be in writing, filed with the Clerk, and served on all parties.

II. MOTIONS DOCKET

The Chief Clerk of this Court is Debra Clark. Please contact Ms. Debra Clark, at 214.653.7546, for the placement of any matter on the Court's motion docket. Each motion must comply with the certificate of conference requirements of the Dallas County Local Rules. (see # 28 below for full website links to the Dallas County Local Rules).

SUBMISSION DOCKET FOR MOTIONS:

If all interested parties agree, a motion can be considered without an oral hearing; a party should set a motion for submission at 8:00 a.m. any Monday – Thursday and comply with the necessary notice requirements. The Court will consider the pleadings related to the motion and will issue a ruling promptly (usually within a few days). Please notify the clerks when a matter is

set on the submission docket to ensure that the Court considers the matter.

ORAL HEARING DOCKET FOR DISCOVERY MOTIONS:

All motions relating to discovery are considered at 8:30 a.m. on Monday or as otherwise scheduled by the Chief Clerk, Court Coordinator or Judge. The Court does not limit the number of motions which can be considered on this docket in order to allow a quick resolution of discovery disputes. If a discovery motion presents complex issues, the parties should request an extended oral hearing by contacting the Chief Clerk, at 214.653.7546.

MODIFIED ORAL HEARING DOCKET DUE TO PANDEMIC:

In order to prioritize addressing the backlog of jury trials, which has resulted from the COVID-19 pandemic, we have implemented a modification of the hearings schedule policy. Jury trials are the only proceedings automatically set for in person presentation without demonstrated need for in-person proceeding and without prior approval of the trial court.

We will hear cases, Monday thru Friday, from 8:30 a.m. to 9:30 a.m., limited to 30 minutes per case, with proper notice. Please contact our clerk (214.653.7546) to select a date convenient for the parties. Parties should contact the Chief Clerk (214.653.7546) for all scheduling assistance. If more time is requested, or if you are given a date for a setting that is unreasonable, you may advise Ms. Ly (214.653.6995) and request additional time or a different date.

We will hear one MSJ at 8:00 a.m., Monday thru Friday, if you need more than 30 minutes to argue the motion, you should consider setting the motion on a Saturday. The motion will be held via MSTeams (Saturday hearings are without a record). Please contact our Chief Clerk (214.653.7546) to select a date convenient for the parties.

III. USING TECHNOLOGY IN THE COURTROOM

The Court is equipped with a document reader (commonly referred to as an ELMO), a DVD player, and the capacity for counsel to connect laptop computers to project presentations and video in the courtroom. Images are projected via monitor and projection screen to the judge, jury, witness and opposing counsel.

Because technology can be uncertain, parties and counsel are encouraged to test their presentations days or weeks in advance of hearing or trial. If you intend to use the Court's equipment, please contact this Court's bailiff, Mr. Phil Fisher, to schedule an appointment, at 214.653.6798.

IV. THE PEOPLE OF THE 134TH DISTRICT COURT

Judge Presiding: Dale Tillery
Court Coordinator: Francine Ly (214.653.6995)
(Email: Fly@dallascourts.org)
Court Reporter: Tina Thompson (214.653.7239)
(Email: Tina.Thompson@dallascounty.org)
Chief Clerk: Debra Clark (214.653.7546)
(Email: Debra.Clark@dallascounty.org)
Deputy Clerk: rotating support clerk (214-653-7546)
Court Security: Phil Fisher (214.653.6798 office or 6537 by bench)

V. FREQUENTLY ASKED QUESTIONS

SCHEDULING ORDERS / COURT SETTINGS

1. 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, trial date settings). Is the scheduling order used in all cases or just in level 3 cases?

A scheduling order, including a trial setting, is issued in all cases upon the filing of an answer. The initial trial setting is selected based upon the amount in controversy (i.e. expedited) or discovery level indicated by the plaintiff in the initial pleading.

2. Does the Court have any settings such as dismissal for want of prosecution, final disposition, trial dates, and others that are set and noticed automatically upon filing suit or some other triggering event?

All cases assigned to this Court will be set on the court's dismissal docket. Upon receipt of a written settlement or case resolution report, the case will be set on the Court's disposition docket. The Court has a dismissal and disposition docket twice monthly. Dismissal and disposition dockets are at 10:00 a.m. on a Friday in the middle of each month and on the last Monday of each month. Additionally, cases are set on the court's dismissal and disposition docket for various reasons. Cases are set for trial based on the discovery level plead.

EMERGENCY RELIEF / CONTACTING THE COURT

3. What is your preferred procedure for contacting the Court in a true emergency? What if the emergency occurs after hours?

The Court staff is instructed to notify the judge immediately when a party presents an emergency motion.

4. Can the Court be contacted by E-mail or fax? If so, what is the number or address?

The Court Coordinator, Francine Ly, can be contacted, at 214.653.6995, to make arrangement to communicate with the Court via E-mail or facsimile.

DISCOVERY

5. 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?

All motions relating to discovery are considered at 8:30 a.m. on every Monday or as otherwise scheduled. The Court does not limit the number of motions which can be considered on this docket to allow quick resolution of discovery disputes. If a discovery motion presents complex issues, the parties should request an extended oral hearing. A request for an extended oral hearing on a discovery matter will require approval by the Court.

Parties may contact the Court directly to resolve discovery disputes that arise during a deposition.

6. 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?

The parties should follow the Texas Rules of Civil Procedure and the Dallas County local rules regarding filing pleadings and motions.

The 134th Judicial District Court has paperless or electronic case files. The 134th Judicial District Court does not require a courtesy copy of any motions, pleadings, responses, or other filings; however, the practitioner may want to provide the Court with a courtesy copy of any filing which occurs within 3 or 4 days of a hearing if the practitioner wishes to avoid a situation where such filing has not been accepted or uploaded onto the system.

7. How do you like the briefs to be organized?

The Court encourages parties to be as succinct as possible.

8. 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 District Clerk is **ONLY** accepting electronic filings. Information regarding electronic filing is available on the Dallas County District Clerk's website. Filings can be arranged through the District Clerk, whose office is located on the first floor of this courthouse building, or with this Court's clerk, whose office is located on the sixth floor of this courthouse building, adjacent to the courtroom.

The Court does not permit filings via facsimile or E-mail without prior permission. The Court Coordinator, Francine Ly, can be contacted at 214.653.6995 to make arrangement, if necessary. This Court requests that you tag yourself and/or assistant to each of your cases thru the Efile.TXCourts.gov portal. This will greatly assist the District Clerk when processing your requests, specifically, in the issuance of citations.

You can always visit our court's webpage for additional information at https://www.dallascounty.org/government/courts/civil_district/134th/.

9. What is your preferred procedure for contacting the Court or staff regarding the status of motions (e.g., rulings on motions taken under advisement)?

The Court's clerk, Debra Clark, can be contacted at 214.653.7546 regarding the status of rulings taken under advisement.

PRE-TRIAL HEARINGS / HEARING DOCKETS

10. 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).

This Court considers motions each day of the week. The Court clerks should be contacted to place motions on the Court's submission docket or to schedule an oral hearing. Each motion must comply with the certificate of conference requirements of the Dallas County Local Rules.

When a motion can be considered without an oral hearing, a party should set a motion for submission at 8:00 a.m. on Monday – Thursday and comply with the necessary notice requirement. The Court will consider the pleadings related to the motion and issue a ruling promptly (usually within a few days). Please notify the Clerks when a matter is set on the submission docket to ensure that the Court will consider the matter.

All motions relating to discovery are considered at 8:30 a.m. on Mondays. The Court does not limit the number of motions which can be considered on this docket to allow quick resolution of discovery disputes. If a discovery motion presents complex issues, the parties should request an extended oral hearing. A request for an extended oral hearing on a discovery matter will require approval by the Court.

Any hearings set to be heard prior to 8:30 a.m., other than summary judgment hearings or other matters or hearings that do not require a record, will be heard without a court reporter. The Court's clerk will not set matters for a hearing, other than summary judgment hearings or other matters or hearings that do not require a record, prior to 8:30 a.m., unless all interested parties' consent to the absence of a record.

Notice to parties concerning matters to be heard, prior to 8:30 a.m., other than summary judgment hearings or other matters or hearings that do not require a record, shall contain in the notice of such hearing a statement that the parties have agreed that the hearing shall take place without a record.

The clerks are responsible for scheduling oral hearings. The Court will make additional time available to consider motions upon request.

11. When and how should motions be set for submission or oral hearing? (i.e., does the Court automatically set hearings and notice the parties or should the movant contact the coordinator to set the hearing?)

See above.

12. Does the Court automatically allow oral hearings if requested? What procedures should be followed to obtain an expedited hearing?

Yes. The Court clerks can be contacted at 214.653.7546 to request a hearing.

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

Yes. Appearances by phone should be arranged through the Court clerks. Permission from the presiding judge is required. (See: [Guidance on Use of Videoconferencing in the 134th Judicial District Court](#)).

14. What is your preference on cases attached to briefs or motions? Do you prefer pertinent provisions of the cases to be highlighted?

No preference.

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

The Court will issue an order which will be distributed to the parties via electronic notification, electronic mail, regular mail, or facsimile.

ASSOCIATE JUDGES AND VISITING JUDGES

16. Describe the Court's policy on the use of associates judges or visiting judges, the Court uses, for what purposes or types of matters, and the Court's policy on the parties objecting to the use of associate judges or visiting judges.

This Court does not use associates judges or visiting judges as a matter of policy. If parties mutually agree to a visiting judge hearing a matter the Court will consider such agreement.

ALTERNATIVE DISPUTE RESOLUTION

17. 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 alternative mediator or may the parties simply agree on and use another mediator? What if the Court has already appointed a mediator?

If mediation, or other alternative dispute resolution, is agreed to by the parties, then it will be conducted in accordance with the Texas Rules of Civil Procedure; the Texas Government Code and the standing Dallas County Civil District Court order regarding mediation, which is available from the Dallas County ADR Coordinator.

Mediation must be conducted thirty (30) days prior to the first trial setting.

The parties' decision to mediate before the first trial setting will not be a basis for a continuance of any trial setting.

TRIAL

18. 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?

A case is immediately placed on a trial docket when an answer is filed. The initial trial setting is selected based on the amount in controversy (i.e., expedited) or discovery level indicated by the plaintiff in the initial pleading. The trial docket is a two-week period during which the case can be called to trial with one day notice from the Court. Please follow the Dallas County Local Rules regarding trial announcements.

When cases are not reached on the Court's two-week trial docket, the court automatically resets the case for trial within 30 – 45 days. When the trial setting provided by the Court is inadequate for any reason, parties are strongly encouraged to seek assistance from the Court. The Court will consider requests for preferential trial settings.

Francine Ly is the Court Coordinator, and she should be contacted for any information regarding trial settings and trial announcements. Ms. Ly can be reached at 214.653.6995 or fly@dallascourts.org.

All settlement announcements must be in writing, filed with the Clerk, and served on all parties before your case is removed from the current trial docket and placed on the disposition docket.

19. 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)?

The Court requests the parties provide an electronic copy of the proposed charge or findings of fact and conclusions of law so that the documents can be reviewed and considered by the Court, in a word processing format.

20. 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?

For cases less than one year old, no hearing is necessary for agreed motions. For cases 18 months or older, your client(s) MUST sign-off on any agreed motions. All agreed motions for continuance shall contain a mutually agreed upon date for a new trial setting and shall conform to the requirements of the Dallas County Local Rules.

TRIAL MOTIONS

21. 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?

The scheduling order in each case addresses these issues. In the event, no scheduling order has been signed by the Court, preparation for trial are controlled by the Texas Rules of Civil Procedure.

VOIR DIRE

22. 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., MIST1 cases). What are the Court's procedures for striking jurors (peremptory, for cause – i.e., during the voir dire outside the presence of the panel, en masse after completion of voir dire, other matters)?

The Court allows attorneys to conduct the voir dire examination and does not set specific time limits. After the conclusion of the attorneys' examination of the venire panel, the Court allows the attorneys to identify specific jurors to be questioned individually before making for-cause challenges outside the presence of the venire panel.

OPENING

23. 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 does not have any specific requirements regarding opening statements and does not set specific time limits.

DIRECT EXAMINATION

24. Describe any specific policies on direct examination. For example - do you require the questioner to stand, sit, use a podium, or use microphones?

The Court does not have any specific requirements regarding direct examination. Attorneys may sit or stand while examining witnesses.

CROSS EXAMINATION

25. Describe any specific policies on cross examination.

The Court does not have any specific requirements regarding cross examination. Attorneys may sit or stand while examining witnesses.

CLOSING

26. 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 does not have any specific requirements regarding jury argument and does not set specific time limits.

AUDIO/VISUAL EQUIPMENT

27. 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 is equipped with a document reader (commonly referred to as an ELMO), a DVD player, and the capacity for counsel to connect laptop computers to project presentations and video in the courtroom. Images are projected via monitor and projection screen to the judge, jury, witness and opposing counsel.

Because technology can be uncertain, parties and counsel are encouraged to test their presentations days or weeks in advance of hearing or trial. If you intend to use the Court's equipment, please contact this Court's bailiff, Phil Fisher, to schedule an appointment.

TRIAL DOCKET

28. 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 trial docket is a two-week period during which the case can be called to trial with one day notice from the Court. Please follow the Dallas County Local Rules regarding trial announcements, which is also available online at:

<https://www.dallascounty.org/government/district-clerk/civil-guidelines.php>

or

https://www.dallascounty.org/Assets/uploads/docs/courts/civil-district/134/2014_DallasCnty_LocalRule_14-9023.pdf

This Court's docket position may be obtained at:

<https://courtsportal.dallascounty.org/DALLASPROD>.

The following is an example of the search hearing:



The screenshot shows the 'Search Hearings' form on the Dallas County, Texas Courts Portal. The form includes several dropdown menus for filtering search results. The 'All Locations' dropdown is set to 'All Locations'. The 'All Hearings' dropdown is set to 'All Hearings'. The 'Judicial Officer' dropdown is set to 'Judicial Officer'. The 'TILLERY, DALE' dropdown is set to 'TILLERY, DALE'. The 'Search by Date From' and 'Search by Date To' fields are both set to '02/07/2017'. A 'Submit' button is located at the bottom right of the form.

OTHER

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

The Court accepts resumes from individuals seeking court appointments. An [application for appointment](#) must be completed annually.

30. Is there a standing order for Protective Order?

In cases where the parties believe that a [standard Protective Order](#) is necessary, the Court requires that this form be utilized. The Court understands that in rare cases good cause may exist that requires variance from this Order. If a party desires to make modifications or additions to the Court's standard Protective Order, a hearing will be required. Hearings will be set within 3-7 business days after contacting the Court Clerk at 214.653.7546. This form may be accessed by going to this court's website at:

https://www.dallascounty.org/government/courts/civil_district/134th/.

31. 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 the podium, approach the witness, taking or passing notes at the counsel table, beverages allowed at the counsel table.

Read Rule 1 of the Texas Rules of Civil Procedure.

This Court exists for the sole purpose of serving others. The lawsuits assigned to this Court vary widely in both the amount in controversy and the complexity of the issues presented. These policies and procedures are the "default" rules and are designed to create predictability and structure as cases move from initial filing to final disposition; however, the Court realizes that many cases require special attention for a variety of reasons. When these policies and procedures are inadequate for any reason, parties are strongly encouraged to seek assistance from the Court. The Court staff welcomes creative problem solving and new ideas.

The Court expects attorneys to be courteous to each other at all times. Review [Appendix 2](#) and [Appendix 3](#) to the [Local Rules of Dallas County Civil Courts](#) regarding courtroom decorum and Lawyers Creed.

No outside beverages are allowed in the courtroom; however, the Court provides bottled water at counsel table.

Pro Hac Vice: Any out-of-state attorney who is not a member of the State Bar of Texas must pay any fee to the Board of Law Examiners PRIOR TO requesting permission from the judge to participate in proceedings in a Texas Court.

The Board of Law Examiners will provide a letter of acknowledgment that the fee had been paid, to the out-of-state-attorney. This acknowledgment letter will need to be included with the written motion to the Texas Court in which the out-of-state attorney is requesting permission to participate.

Information on Pro Hac Vice Admission can be found at the Board of Law Examiners website: <https://ble.texas.gov/non-resident-attorney-fee-info>.

32. Hearing and Trial Exhibits for the Reporter's Records:

Please submit paper exhibits, such as color photos, emails, letters, reports, etc., that are expected to be presented to the Court Reporter, on a thumb-drive, or on an SD card, in .pdf format **ONLY**.

Please submit all media exhibits, such as audio recordings, videos, etc., should be submitted on a thumb-drive, or on an SD card, in .wav, .mp3 or .mpeg formats **ONLY**.

33. Transcript Requests for the Reporter's Records:

Please download and fill out the "[Request for Request's Records](#)" form, and email ALL transcript requests for the Reporter's Records forms to Tina Thompson at Tina.Thompson@dallascounty.org

To download the "Requests for the Reporters' Records" form off this court's webpage, go to: https://www.dallascounty.org/government/courts/civil_district/134th.

Daily copies must be requested at least three (3) weeks in advance of proceedings and is dependent upon court reporter's workload and availability.

Additional resource:

Dallas County Phone Directory: <https://www.dallascounty.org/about-us/contact/>

Case Information Search and Court Calendar (old portal):

<http://courts.dallascounty.org/default.aspx>

Daily Docket for George Allen Courthouse:

<https://www.dallascounty.org/government/courts-livestream/county-civil-docket-information.php>

(Continue)

GUIDANCE ON USE OF VIDEOCONFERENCING IN THE 134TH JUDICIAL DISTRICT COURT

BEFORE SCHEDULING A VIDEOCONFERENCE, PLEASE NOTE:

- The court uses enterprise-level videoconferencing: **Microsoft Teams**. The court does not support consumer-level videoconferencing.
- The court will begin proceedings at 8:00 a.m. Technical staff at the remote conference location must be available to assist, in case of a problem.
- The court will maintain a virtual docket for litigants who request and agree to a virtual hearing. Contact the coordinator for the available dates and times.

PLEASE NOTE THE FOLLOWING:

- To ensure a seamless experience on the day of the event, it is important that the room is free of clutter and noise.
- Provide the following information in your request for the virtual room to be generated/setup from the Court Coordinator:
 - Cause Number and Case Style?
 - Date of the hearing?
 - Time of the docket hearing?
 - Duration of hearing for **ALL** sides?
 - What is being heard on this setting?
 - Is this request a reset/rescheduled of a previous hearing, which had NOT occurred or taken place?
 - Email address for all persons expected to participate in the hearing.
IMPORTANT: Tell us where to send the MSTeams videoconferencing hearing invitation link (this needs to include the other parties to the case).
 - **NOTE:** the MSTeams videoconferencing hearing invitation link is NOT notice of your hearing.

ON THE DAY(S) OF THE VIDEOCONFERENCE, PLEASE NOTE:

- The court will connect the videoconference a few minutes before the start of the scheduled proceeding to allow time to work through any unexpected connection problems. The court will also test all microphones and camera angles. It is important that technical staff at the remote conference site be present at this time.
- While the proceeding is in progress, technical staff at the remote conference site must remain available by telephone in case of a problem.
- If the proceeding spans multiples days, the court will connect at least 15 minutes early each day.

ORDERING REPORTER'S RECORD:

When requesting a Reporter's Record, please fill out the [134th Request for Reporter's Record Form](#) and email it to the Reporter at tina.thompson@dallascounty.org

Daily copies must be requested at least three (3) weeks in advance of proceedings and is dependent upon court reporter's workload and availability.

PAPER & AUDIO/VISUAL EXHIBITS:

- Paper exhibits: All proposed/admitted/offered exhibits should be pre-marked and emailed to the Court Reporter. Paper exhibits should be in PDF format and can be emailed to the Reporter at tina.thompson@dallascounty.org.
- Audio/Visual exhibits: Audio/Visual file names should include the exhibit number and whether it's a video or audio recording. Audio/Visual exhibits can be send to the Reporter via Dropbox - tina.thompson@dallascounty.org.

BENCH TRIAL PROCEDURES FOR PARTIES/WITNESSES:

- Please check in advance of Bench Trials that your audio and video connections are working.
- Parties and witnesses **MUST** have their video connection on at all times and their microphones should only be muted if instructed to by the Court and Court Reporter, so that they can be heard and seen by the court during all Bench Trial proceedings.
- If, in the unexpected event of visual/video connection issues, all parties/witnesses **MUST** connect via telephone and **MUST** have their telephone connection on “speaker” setting at all times during the Bench Trial proceedings.



THE HONORABLE DALE TILLERY PRESIDING
134th Judicial District Court

Biography

Date licensed:

November 5, 1982

Education:

Doctor of Jurisprudence – Texas Tech University School of Law

Bachelor of Arts – Cum Laude – North Texas State University

Year Elected/Appointed:

Elected on November 2, 2010; began service on December 28, 2010

Re-Elected on November 4, 2014; began service on January 1, 2015

Re-Elected on November 6, 2018; began service on January 1, 2019

Texas Board of Legal Specialization Certification:

Civil Trial Law since 1989

Personal Injury Trial Law since 1988

Previous legal experience/area of practice before becoming a judge and with whom:

- Attorney & Partner: Edwards & Tillery, Attorneys at Law, Dallas, TX – 05/84 to 06/92
- Attorney & President of Tillery & Tillery, Attorneys at Law, Dallas, TX – 06/92 to 12/10
- Elected: Texas House of Representatives, Dist. 105, Dallas, Texas – 11/1994 (74th Leg.) thru 11/2000 (77th Leg.)

THE HONORABLE DALE TILLERY PRESIDING
134th Judicial District Court

Supplemental Instructions for Self-Represented (*Pro Se*) Litigants
Civil Case Information Sheet

There are many kinds of **Civil Cases**. **Civil Cases** are the cases in court that are **not** about breaking a criminal law. Some examples are cases about contracts, damage to property, someone getting hurt, family matters (divorce, child support or custody, name changes), renting or leasing a place, and cases about taking care of people and their personal affairs (such as using a will to transfer property after someone dies or setting up guardianships to take care of people who cannot take care of themselves).

These Supplemental Instructions are provided to explain some of the terms that are used on the Civil Case Information Sheet and help you decide what kind of **Civil Case** you are filing. The definitions below are grouped according to the sections on the Sheet. **These definitions do not take the place of advice from a lawyer – it is always best to ask a lawyer for advice when you have a legal problem.**

Names of parties in case

Plaintiff: A person who brings an action; the party who complains or sues in a civil case.

Petitioner: In some kinds of cases, the person who files the case. In a family law case, this is the person who starts the case by filing the first court papers.

Defendant: In a civil case, the person or organization sued by the plaintiff.

Respondent: The responding party when someone files a petition.

Person or entity completing sheet

Pro Se: Refers to persons who present their own cases in court without a lawyer; from the Latin for "on one's own behalf." Also referred to as "self-represented litigants." If you are the person filling out the Civil Case Information Sheet and you do not have a lawyer, check this box.

Civil – Contract

Contract cases involve disputes over an agreement between two or more parties.

Consumer/DTPA: A lawsuit brought under the Texas Deceptive Trade Practices Act, which protects persons who seek, buy, or lease goods or services against false and misleading business practices.

Contract: (1) An agreement between 2 or more people to do or not to do a particular thing; (2) an agreement between 2 or more people that makes, changes, or ends a legal relationship.

Debt: An amount owed by one person or entity to another.

Fraud: Deceiving someone on purpose in a way that financially hurts others.

Misrepresentation: A false or misleading statement about something, usually made with the intent to deceive. A statement that is not supported by the facts.

Foreclosure: A proceeding by a creditor to take back a home or land.

Home Equity – Expedited: A lawsuit asking a court to allow foreclosure of a home equity loan or reverse mortgage. The lawsuit is filed under Rule 736 of the Texas Rules of Civil Procedure.

Franchise: A right granted to a person or group to sell a company’s goods or services within a certain territory. Some of today’s popular franchises are McDonald’s and Domino’s Pizza. A franchise is usually contained in a **contract**.

Insurance: A **contract** between an insurance company and a person or group which provides for a money payment when a loss, accident, or death occurs.

Landlord/Tenant: A **landlord** is a business or person who owns a rental unit, and who rents or leases the rental unit to another person, called a **tenant**.

Non-Competition: A **contract** that keeps a person or company from working in a place or type of business for a certain amount of time.

Partnership: A type of business where 2 or more persons agree to pool their talent and money and share profits or losses.

Civil – Injury or Damage

Injury or Damage cases are cases claiming that a person, their reputation, or their property was injured or wronged by someone who either did something that he was not supposed to do or failed to do something that he should have done.

Assault: When someone tries or threatens to hurt another person. Can include violence but is different from **battery**.

Battery: Illegal beating or physical violence or control of a person without their permission. (Compare with **assault**.)

Construction: Choose this if the main issue in the case is (1) you were injured in connection with a construction accident, or (2) you were injured as the result of poor construction of a building.

Defamation: When one person hurts another person’s character, fame, or reputation by making false statements.

Malpractice: The delivery of poor quality services or care by an accountant (**accounting**), lawyer (**legal**), doctor (**medical**), or other professional, with the result that the client or patient is harmed.

Motor Vehicle Accident: When a person or property is hurt because of an accident involving a car, truck, or other vehicle.

Premises: A lawsuit against the owner of land or the improvements on it, including a building, store, apartment, or other structure, which claims that a person or group of people

were hurt or damaged by the condition of the land or improvements.

Product Liability: A lawsuit against the maker of a product which claims that a person or group of people were hurt or damaged by a product that was defective or not suitable for the use it was advertised for. **Asbestos/Silica product liability** lawsuits are filed on behalf of people who are sick due to exposure to asbestos or silica.

Civil – Real Property

Real Property cases involve disputes over the ownership, use, boundaries, or value of land, buildings and anything else attached to the land; also called “real estate.”

Eminent Domain/Condemnation: The right of the state or another government to take private property for public use after giving fair compensation to the owner.

Partition: To divide real property owned by 2 or more people into separate parts.

Quiet Title: A case in which the ownership of real property is in dispute, and the court must decide who owns (or has title to) the property. To "quiet title" is to declare that a certain person is the legal owner of the real property in dispute.

Trespass to Try Title: A type of lawsuit used to determine who owns land or other real property

Civil – Employment

Employment cases involve a dispute between an employer and employee over the conditions, terms or termination of employment.

Discrimination: When an employer treats one employee different from another employee because of the person’s color, sex, race, religion, disability, or national origin.

Retaliation: When an employer punishes an employee or former employee by, for example, firing, demoting, or disciplining him/her because he/she opposed or reported discrimination.

Termination: When an employee’s employment is ended against his or her will.

Workers’ Compensation: A state-regulated insurance program that pays injured workers’ medical bills and replaces part of their lost wages if they were injured at work or have a work-related illness and their employer has workers’ compensation insurance.

Civil – Other Civil

Administrative Appeal: A case asking the court to decide that a decision made by an administrative agency is wrong. Many administrative appeals are filed under the Administrative Procedure Act, found in Chapter 2001 of the Texas Government Code, which requires certain steps before filing an appeal.

Antitrust/Unfair Competition: **Antitrust laws** are federal and state laws created to regulate trade and commerce by preventing price-fixing, monopolies, and unlawful restraints. **Unfair Competition** is commercial behavior or activity that is legally unjust or deceptive. It includes such things as trademark infringement, false advertising, and theft

of trade secrets.

Code Violations: When a person or business violates a city's or county's rules about such things as construction, health, or safety.

Foreign Judgment: A judgment from another state or country.

Intellectual Property: Property from original thought that can be protected by law by, for example, a patent or copyright.

Lawyer Discipline: A case filed by the State Bar's Chief Disciplinary Counsel asking the court to decide that an attorney has acted unethically.

Perpetuate Testimony: A petition asking the court to let the petitioner take someone's deposition for use in a lawsuit that has not yet been filed.

Securities/Stock: Financial instruments (documents) that can be bought and sold on the open market.

Tortious Interference: When one person or company causes another person or company to breach a contract or prevents them from getting a contract.

Tax

Tax Appraisal: The estimate of how much property such as a home is worth; it is used to determine the amount of taxes owed. Choose this issue if the case is an appeal from the order of a county property tax appraisal review board.

Tax Delinquency: The amount of taxes that have not been paid. This type of case is filed only by a governmental taxing body to collect the unpaid taxes.

Indicate procedure or remedy, if applicable

You may pick more than 1 procedure or remedy.

Appeal from Municipal or Justice Court: When someone who loses a case in a municipal (city) court or justice of the peace court asks a higher court to review the decision and say it was wrong. This is called "to appeal" or "to take an appeal."

Arbitration-related: In arbitration, a neutral person called an **arbitrator** hears arguments, reviews evidence and makes a decision. This is different from mediation, where the parties, not the mediator, make the decisions.

Attachment: A way to collect a judgment by getting a court order that allows a piece of property to be taken.

Bill of Review: A way to attack a judgment. It is filed in the same court that made the first judgment. It is not an **appeal**, which would be filed in a higher court.

Certiorari: An order by a higher court ("appellate court") granting or denying a review of judgment.

Class Action: A lawsuit in which a large number of people with similar legal claims join together in a group ("the class") to sue someone.

Declaratory Judgment: A lawsuit in which the person suing asks the court to tell the parties what their rights and responsibilities are without awarding damages or ordering them to do anything.

Garnishment: A legal process that allows part of a person's wages and/or property to be held back for payment of a debt.

Interpleader: A lawsuit filed by someone who holds something that 2 or more people claim as theirs. The purpose of the lawsuit is to settle the dispute.

License: A petition by a person with a suspended driver's license asking for an occupational driver's license. The person must show he or she does not have access to public transportation and needs to drive to work or school or for essential household duties.

Mandamus: Latin for "we command." A writ of mandamus is a court order that requires another court, government official, corporation, or individual to perform a certain act.

Post-judgment: A lawsuit or petition filed after a judgment is issued. "Post" means "after."

Prejudgment Remedy: A way for a creditor to secure money or property involved in a lawsuit before there is a final judgment. The most common **prejudgment remedies** are garnishment, sequestration, and attachment. They are often used when there is a danger that a debtor will not have the money or property by the time the lawsuit is decided and there is a final judgment.

Protective Order: A court order which is meant to protect a person from another person.

Receiver: In a lawsuit, a neutral person appointed by a judge to take charge of the property and business of a party to the lawsuit while the lawsuit is being decided.

Sequestration: A process which orders that property be taken and kept by a designated official to preserve it until a lawsuit about the property has been decided.

Temporary Restraining Order (TRO): A court order, sometimes called a "TRO," that says a person must not do certain things that are likely to cause harm that cannot be fixed. Unlike an injunction, it is often granted immediately, without notice to the opposing party and without a hearing. It is intended to last only until a hearing can be held.

Injunction: A court order requiring a person to do something or to stop doing something.

Turnover: A process in which a court issues an order requiring someone who owes money under a court judgment to turn over money or specified property to satisfy the judgment.

Last revised: April 28, 2023