

2007 Bench Book
Civil Courts Questionnaire
Updated September 6, 2007

SCHEDULING ORDERS/COURT'S 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 intends to use the updated Uniform Scheduling Order (when adopted). The Court will impose a deadline that all dispositive motions must be filed and heard 30 days prior to trial. 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?

Yes, the Court sets most cases for trial after answer has been filed. The Court orders all cases to mediation after 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 Rose Delacerda at 214-653-7536. If after hours, leave a message with the coordinator Jo Anne Morgan at 214-653-6510.

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

Yes; the fax number is 214-653-7569 and the coordinator's email address is jmorgan@dallascourts.org.

DICOVERY:

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?

The Court expects parties to conference in compliance with local rules prior to making motion regarding discovery disputes. Parties can reach the Judge by contacting the coordinator and the Judge will hear the dispute if available. If not available, parties can contact Judge Snelson if available at 214-653-6043. The Court does not refer initially to

the master, but hears its own discovery disputes. The Associate Judge is allowed to hear discovery motions.

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?

The Court has no specific requirements regarding pleadings and motions. The Court has no specific time or other requirements for filing responsive or reply motions prior to the hearing. Responses should be filed with the Court's clerks by the morning prior to the hearing in order to be reviewed by the hearing.

How do you like briefs to be organized?

The Court appreciates brief books with briefs, orders, and important cases relied upon (highlighted).

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.

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 clerk.

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 Monday and also sets hearings on Friday, subject to trial. The Court allows clerks to set them up to one hour in duration. If more than one hour is needed, they will need permission of the Judge. The Court will hold one or two short hearing on Wednesday and Thursday mornings at 8:45 a.m. The Court hears all summary judgment motions, continuances, and minor prove-ups. The Court also hears most discovery motions. Judge Snelson, the court associate hears motions for the Court on Tuesday afternoon beginning at 1:30 p.m. Judge Simms hears motions for the Court

on Mondays from 2:30 – 3:30 p.m.

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, Rule 736 foreclosures, substitution of counsel, most default judgments, writ of sequestration, and agreed motions to substitute mediators.

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?

Yes. Most telephone conferences for motions are set by the clerk. The coordinator will schedule pre-trial motions, scheduling order conferences, and motions for continuance. Parties should contact the clerk for all hearings.

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 call the parties to let them know the decision.

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 Judge Snelson to hear on Tuesday afternoons beginning at 1:30

and visiting Judge Simms to hear on Mondays from 2:30 – 3:30 p.m. Judge Hoffman hears all of his own summary judgment motions, continuances, and minor prove ups.

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 allows parties to substitute an agreed upon mediator if they prefer a mediator other than the Court appointed mediator. The Court does not require a motion to substitute mediators.

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. The Court allows the parties to agree upon a trial setting in most cases. Cases that are not reached are automatically reset. Parties can agree upon a new trial setting in most cases. The Court will grant special trial settings for lengthy trials, witnesses or parties with handicaps or serious health conditions, out-of-town parties or witnesses, and other appropriate circumstances. The Court usually requires that the parties request a hearing to obtain a special setting.

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. The Court requests that these documents be presented in hard copy and disk in Word Perfect or 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 usually requires a request in writing. The Court has no specific requirement on how early or late the request should be made. A first motion for continuance is

usually granted if requested at a reasonable time prior to trial. Agreed motions for continuance are usually granted except for very old cases.

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 made the day of trial or the Friday prior to trial for more complex cases. See the scheduling order for Robinson/Daubert motions. 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 – i.e. during voir dire outside the presence of the panel, en masse after completion of voir dire, other matters)?

The Court allows parties to conduct most of voir dire. The Court usually asks questions concerning hardship of jurors. The Court usually does not usually set time limits, but will enforce any time limits agreed on for voir dire. The Court will also impose time limits for small and simple cases. The Court allows juror to be struck outside the presence of the panel and will ask if they 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. For example, in many car wreck cases the court will impose 20 – 30 minute time limits for opening statements.

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. 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. 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. For example, in most car wreck cases the court will impose time limits of 30 minutes to an hour.

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. Parties should contact bailiff through the clerk or coordinator for arranging 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 sends out an Order Setting Scheduling Conference and Notice of Policies after an answer is filed. Level 1 trials are set 6-12 months from the date of the initial filing of the case. Level 2 trials are set 12-18 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 18-24 months from the date of the initial filing of the case. The date must be on a Tuesday and not a holiday. The Scheduling conference will not be required if prior to the setting the parties file an agreed scheduling order in the form of one of the orders attached to the Order Setting Scheduling Conference.

OTHER:

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

The Court appoints guardian ad litem who are experienced in personal injury law.

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.