

POLICIES AND PROCEDURES FOR THE 95TH DISTRICT COURT

Hearing Docket

The parties may set **in-person hearings** at the following times:

- Wednesdays from 9:00a.m.-11:30a.m. or 1:30p.m.-4:00p.m.
- Thursdays from 9:00a.m.-11:30a.m. or 1:30p.m.-4:00p.m.

The parties may set **virtual hearings** at the following times:

- Fridays from 9:30a.m.-12:00p.m. or 1:30p.m.-3:00p.m.

The Court holds **virtual hearings** on the following matters:

- DWOP Docket: Tuesdays at 9:00 a.m., with the Associate Judge

The following must be in PERSON:

- Motion for Summary Judgment
- Special Exceptions

Virtual Hearing Policy

Only non-evidentiary matters will be set on the Friday virtual hearing docket. Any matter that requires the introduction of evidence must be in person.

The Court strongly encourages the parties to set the following non-evidentiary hearings on the virtual hearing docket:

- Agreed Motions
- Motions for Continuance
- Status Conferences (set by the Court, counsel may not set a Status Conference)
- Motions for Leave
- Motions to Strike
- Motions to Withdraw
- Motion to Reinstate
- Motion for Turnover
- Motion to Vacate
- Motion to Release Funds from the Registry of the Court

However, all parties and counsel must agree to set a hearing on the virtual hearing docket. Otherwise, the Court will only hold the hearing in person. This does not apply to DWOP Docket, or other matters the Court deems appropriate to consider by virtual hearing.

To join a virtual hearing, use the following link:

<https://txcourts.zoom.us/j/94198350765>

Meeting ID: 941 9835 0765

Setting a Hearing with the Court Coordinator

Do not call the Court Coordinator to set a hearing. Rather, counsel and pro se parties must contact the Court Coordinator by email at kalonzo@dallascourts.org to set a hearing on the following matters. Copy counsel and pro se parties on your email.

- Temporary Restraining Orders
- Temporary Injunctions
- Prove-Up hearings

When emailing the Court Coordinator, counsel should specify: (1) the pleading to be set for hearing and the date it was filed, (2) whether the parties have agreed to hold the hearing in-person or virtually, and (3) approximately how much time is requested for the hearing. In the subject line of the email, counsel should provide the case number and the name of the pleading.

Setting a Hearing with the Court Clerk

Counsel should contact the Court Clerk by phone at 214-653-6603 to set a hearing on any matter other than those identified above.

Do not call the clerk to obtain dates for a hearing. Instead, when you have your dates, call the clerk. If you need to check with the opposing side, check before setting the hearing.

If the Court Clerk cannot set a matter for hearing within two (2) weeks, counsel should contact the Court Coordinator by email to schedule a hearing.

Announcement for Trial and Docket Call

The Court's Announcement for Trial and Docket Call policy overrides Local Rule 3.02 and 3.04.

The Court sets cases for trial on a two-week trial docket beginning the Monday (the "Trial Setting"). Cases are to be ready for trial during the two-week trial docket of the Trial Setting.

Counsel or pro se litigants are required to announce ready for trial no later than the Friday preceding the Trial Setting by 10:30a.m. If Plaintiff or its counsel fails to timely announce, the Court may dismiss the case for want of prosecution. If Defendant or its counsel fails to timely announce, the Court may deem Defendant ready and may proceed with the taking of testimony.

If Plaintiff or its counsel fails to appear for Docket Call, the Court may dismiss the case for want of prosecution. If Defendant or its counsel fails to appear for Docket Call, the Court may deem Defendant ready and may proceed with the taking of testimony.

The Court's docket call policy applies to **both** jury and non-jury trials.

Dismissal Hearing

The Court may dismiss a case for want of prosecution if:

1. The parties fail to submit a proposed judgment within thirty days after the date the Court announced a verdict or judgment or the Court receives an announcement of settlement from either party or from a mediator;
2. A return of citation or other filing demonstrating service on the defendant has not been filed within 60 days after the date the petition is filed; or
3. Plaintiff perfected service on a defendant, defendant failed to file an answer, and within 45 days of defendant's deadline to file an answer, plaintiff fails to file a motion for default judgment.

The Court holds Dismissal Hearings via zoom on Tuesdays at 9:00 a.m.:

<https://txcourts.zoom.us/j/94198350765>

Judge Copies

If you file a pleading, brief, or submit an exhibit to the Court that is more than five pages in length, you must deliver a paper copy of the materials to the Court no less than three days before the date of the hearing. Failure to provide a copy may result in the cancellation of your hearing. The Court staff will not print out any materials that are more than five pages in length.

The parties are encouraged to hand deliver all case law to the Court that the parties believe is instructive to the Court.

Do not submit to the Court a flash drive or other computer device with materials for the Court's consideration. With the exception of materials submitted for in camera review by the Court, the parties should not hand deliver any materials to the court that were not previously e-filed.

Proposed Orders

Counsel for all parties are required to bring to the hearing a printed out copy of counsel's proposed order. This requirement is not satisfied by e-filing the proposed order. If an order is agreed as to form, the parties must sign the last page of the order.

Omnibus Hearing

When the Court determines that the size and complexity of a case warrants unique treatment, the Court may enter an Omnibus Hearing Order. The Court's Omnibus Hearing Order establishes one hearing date per month for multiple hours when the parties are required to present all contested matters to the Court.

Pre-Trial Conferences

For most cases, the Court holds pre-trial conferences on the Monday of the week of the Trial Setting. However, if the parties require more than an hour to cover all pre-trial matters, the parties should contact the Court Coordinator to set a pre-trial conference one (1) month in advance of trial.

Prior to the pre-trial conference, the parties shall meet and confer on the following matters:

- Admissibility of evidence and exhibits;
- Exchange of witness and exhibit lists;
- Objections to deposition excerpts;
- The possibility of obtaining stipulations of fact;
- The length of trial;
- Proposed amount of time for voir dire, opening statement, and closing argument;
- Motions in Limine;
- Jury questionnaires, if any; and
- The proposed jury charge, questions, instructions and definitions.

At least 3 business days before the pre-trial conference, the parties shall file the materials stated in Rule 166(e)-(1), an estimate of the length of trial, objections to depositions excerpts, motions in limine, and any other contested matters that will be considered at the pre-trial conference. At least three (3) business days before the pre-trial conference, the parties shall also hand deliver to the Court all opposed motions that will be considered at the pre-trial conference.

Guardian Ad Litem

In cases when the next of friend of Plaintiff does not speak English, the parties shall notify the Court in the Motion for Appointment of Guardian Ad Litem that the Guardian Ad Litem should be proficient in the language spoken by the next friend.

Mediation

It is not the practice of the Court to appoint mediations. Rather, the parties are encouraged to select their own mediator and file with the Court a notice of the mediator. If the parties cannot agree, advise the Court and a mediator will be appointed.

Protective Orders

In cases when the parties believe that a Protective Order is necessary, the Court requires that the parties use the form that is available on the Court's website. 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.

Amended Scheduling Orders

The continuance of a Trial Setting does not automatically alter the deadlines in the Court's Scheduling Order. If the parties do not request an obtain a continuance of the pre-trial deadlines, the Court will enforce the deadlines set by the original Scheduling Order calculated according to the original Trial Setting.

Trial Continuance

For cases that have been on file for less than a year, the first motion for continuance of the Trial Setting date will be granted, absent extenuating circumstances. For all cases that have been on file for more than a year, all requests for a continuance of the Trial Setting, whether or not agreed, must be signed by all parties, as well as by counsel. Multiple requests to continue the Trial Setting are disfavored and the Court may require a hearing, even if the motion is agreed. Absent extenuating circumstances, the failure of the parties to meet the deadlines stated by the Court's Scheduling Order (*including mediation deadline and completion of discovery*) shall not be sufficient grounds for a continuance.

Attorney in Charge

The attorney whose signature first appears on the initial pleadings for any party shall be the attorney in charge, unless another attorney is specifically designated therein. Thereafter, until such designation changes by filing a written "Designation of Lead Counsel" with the Court and all parties according to the Rules of Civil Procedure, said attorney in charge shall be responsible for the suit as to such party. In a case wherein numerous attorneys represent one party, the parties should not expect the Court to correspond with anyone other than the lead counsel.

Receiverships

The Court will not award a receiver a pre-determined receivership fee. Rather, the party seeking appointment of a receiver must present to the Court evidence that supports a findings of the customary and usual post-judgment turnover receiver fee.