

## 116th Judicial District Court

Hon. Tonya Parker



Clerk's Name and Phone No.: **214-653-7446**

Court Coordinator's Name and Phone No.: **Shirl Townsend; 214-653-6015**

Bailiff's Name and Phone No.: **Deputy John Robinson; 214-653-6015**

Court Reporter's Name and Phone No. **Paula Arispe; 214-653-7159**

## Policies and Procedures FAQs

### 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?

**Yes, the court issues a scheduling order in Level 1 and 2 cases. Level 3 cases are set for a scheduling conference; however, parties may submit a proposed scheduling order in lieu of attending the conference (which is preferred by the Court). All scheduling orders require mediation, and that dispositive motions and expert challenges be heard not later than 30 days before trial. The Court's orders further require the exchange of pre-trial materials not later than 10 days before trial, and a meet and confer between all counsel of record on all pre-trial issues, not later than 7 days before trial.**

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?

**Generally, cases are set for dismissal 90 days after filing if defendants have not been served, or if they have been served and the defendant is in default. Cases are set for trial and a scheduling order is entered after all served defendants have answered.**

### 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?



Email the Court Coordinator at [stownsend@dallascourts.org](mailto:stownsend@dallascourts.org). If no response is received within 2 hours, call the Clerk.

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

**Not generally, and only with permission of the Court on a specific issue or as otherwise stated herein.**

## DISCOVERY

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?

**Counsel must meaningfully confer on discovery issues, and submit a Certificate of Conference that conforms to the Local Rules before any hearing is set. 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. The Court, along with the Associate Judge handles its discovery docket, and will rule on objections during depositions, if available.**

## 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?

**Pleadings, including motions and responses, should be filed at least two (2) business days before the hearing, unless more time is required under the Rules.**

How do you like briefs to be organized?

**Topic outline, index of cases, and summary of arguments. Briefs should be succinct and less than 10 pages, whenever possible.**

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?

**No.**

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)?

**Email the Court Coordinator if a ruling is not received within thirty (30) days of a bench trial or two (2) weeks of the conclusion of the hearing and any supplemental briefing.**

## 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).

**Generally, trials are called down on Monday, with pre-trial beginning at 8:30 a.m. Therefore, there are no hearings on Mondays. On Tuesdays and Wednesdays, motions are heard from 8:30 to 9:15 a.m. with the expectation that the Court will be in trial. The discovery docket is heard on Wednesday afternoons beginning at 1:15 p.m. Thursday and Friday motions are heard from 9:00 a.m. to 12:00 p.m. and from 1:00 p.m. to 3:00 p.m. on Thursdays Contact the Coordinator if you have a motion that will require more time than the clerk has available, or if you need to be heard on an emergency basis or sooner than the date provided by the Clerk.**

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?)

**Once a motion has been filed, the movant may contact the Court Clerk to set a hearing. Motions that do not require a hearing should be submitted with a proposed order. If the motion is submitted with a proposed order, it will automatically be forwarded to the Judge by the clerk.**

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

**Generally, oral hearings are allowed on all contested matters. If an expedited hearing is required, contact the Court Coordinator.**

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

**Absent an emergency standing order from the Supreme Court of Texas, telephone hearings are permitted only if no evidence or testimony will be presented and if counsel would have to travel more than one hour to reach the court. Telephone hearings must be pre-approved by the Judge and arranged by the Coordinator.**

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

**The Court appreciates and encourages parties to submit in hard-copy format highlighted cases on substantive legal issues raised in the parties' briefs.**

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

**Attorneys or parties are notified of rulings via fax, phone, or e-mail, or by the posting of the order on the online portal that is accessible to the public via [www.dallascounty.org](http://www.dallascounty.org).**

## **SPECIAL MASTERS & VISITING JUDGES**

Describe the Court's policy on the use of special 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.

**Generally, the Court uses its assigned associate judge to assist with motions for default judgment, unopposed motions, and, when the Judge is in a trial or in other hearings, with**



emergency hearings and other motions.

## 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?

**All cases are referred to mediation. The parties are allowed a period of time within which they may notify the Court of their agreement to a mediator different from the person referred by the Court.**

## 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?

**Cases are set for trial and a mediator is appointed when answers are filed. If a case is Leveled as 1 or 2, Uniform Scheduling Orders are completed by the Coordinator, according to Supreme Court Rules. Level 3 cases will be set for a scheduling conference 30-45 days from the answer date. Parties will be expected to appear for scheduling conference or to have submitted an agreed scheduling order at least three (3) days before the scheduling conference. Special sets will be determined on case-by-case basis.**

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)?

**A "working" charge should be submitted to the Court on the first day of trial (or pretrial, if held on an earlier date) in a manner that identifies instructions, definitions, and questions on which there are competing proposals, including a citation to authority for the party's proposed language. For example, the proposed charge might state plaintiff's proposed instructions, definitions and questions in a particular color or font, and defendant's in another, with those areas where there is agreement in regular font. The working Charge should be submitted in a color hard-copy, and sent via e-mail to the Court Coordinator, in Microsoft Word format.**

**Proposed Findings of Fact and Conclusions of Law should be submitted one (1) week before trial. These should be submitted via e-mail to the Court Coordinator, in Microsoft Word format and filed with the Clerk**

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?

**If a case is over one year old and all parties agree to continue, all clients and attorneys must**



**sign the motion, per Local Rules, except in cases that are less than a year old. A client's written consent is required even if the motion is agreed. Any continuance requested because of lack of discovery or because of discovery issues, must be filed at least thirty (30) days before trial, and should detail the parties' discovery efforts as of the date of the filing of the motion. A continuance that is opposed by any party should be filed and set for hearing at least seven (7) days prior to trial.**

#### 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 pretrial exhibits, motions, or orders (i.e., witness lists, draft jury charges, etc.)? Is a form available? When is it presented?

**Pre-trial will occur from 8-9 am on the morning of trial. If parties anticipate outstanding pre-trial issues will require more than one (1) hour to present to the Court, parties should schedule a pre-trial conference the week before trial. Under no circumstance will the Court conduct a pre-trial conference on matters the parties have not discussed and attempted to resolve. Unless otherwise ordered, parties should exchange all pre-trial materials no later than ten (10) days before trial. Parties shall meet, confer and attempt to maximize agreement on pre-trial issues no later than 7 days before trial.**

**Each side should have courtesy copies of pre-trial material delivered to the Court no later than two (2) business days before the pre-trial conference, and counsel should notify the Court of all pre-trial matters that must be addressed at the pre-trial conference.**

#### 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)?

**Time limits will be set for voir dire on a case-by-case basis. Parties may submit questionnaires, but they must be pre-approved by the Court at least three (3) days before trial. Jury challenges will be handled privately after questioning. Demonstrative aids should be shown to opposing counsel before voir dire commences, to give counsel an opportunity to object and must be approved by the Court. Disqualification, exemption and hardship issues will be explored by the Court and taken up with individual panel members and attorneys after voir dire, but before challenges.**

#### 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.

**Trial will be conducted in a manner that promotes efficiency, but does not compromise justice or create an undue burden on the attorneys or parties. In all phases of trial, the Court**



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

#### Direct Examination

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

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

#### Cross Examination

Describe any specific policies on direct examination.

**Same as above.**

#### 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.

**Same as above.**

#### 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?

**Yes. Counsel may coordinate a time to become familiar with the equipment through the Court Coordinator. During any proceedings, counsel should request assistance and/or permission before attempting to use the 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).

**Parties will be notified of their position on the docket when they make their Thursday "announcements" or as soon practicable within the Court's two-week docket. Trial is conducted Monday-Thursday. The Court is on a two-week docket, and generally the oldest case is called to trial first.**

### OTHER

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

**Guardian Ad Litem are appointed in cases involving the settlement of minor's claims when there is a conflict between the minor's claims and those of the minor's parents or guardians.**

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).

**The Court follows the Dallas Civil Courts Local Rules, Rules of Decorum.**