

14th Judicial District Court

Hon. Eric V. Moyé, Presiding

George L. Allen, Sr. Courts Building

600 Commerce Street, 5th Floor New Tower,

Dallas, TX 75202

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#### DALLAS LOCAL COURT RULES

The Local Rules adopted for use in the District Courts of Dallas County, including this Court, may be located through the Link on the Courts Bulletin Board link above. A portion of the rules is also available on the District Clerk's web site. Please also review any Emergency or Amended orders listed on our website.

#### **SCHEDULING ORDER/TRIAL SETTINGS**

After the first answer is filed, the Court sends out the Uniform Level 1 or 2 Scheduling Order. Level 3 cases receive a trial setting notice. Some cases designated as Level 1 or 2 may receive a one page trial setting (e.g., sworn accounts, TWCC appeals, etc.). The parties may file a continuance, and the first continuance will be granted provided the case is less than one year in age. Cases over one year must comply with Local Rule 3.01, and a hearing may also be required.

#### **MOTION DOCKET**

#### **ORDERS MUST BE FILED WITH EVERY MOTION BEFORE SETTING A HEARING**

No Motion or Brief filed with the Court may exceed 25 one-sided pages in length. Only one appendix, also limited to 25 one-sided pages in length may be filed supporting any Motion or Brief. The use of any font less than 12 point, or margins less than 1" on each side of a page is hereby prohibited. Additionally, the use of reduced, multiple pages (i.e.: Min-u-script) is hereby prohibited. Permission to file a brief in excess of these page limitations may be granted with leave of the Court upon a showing of compelling reasons. Orders for leave must list each document and page length of each document to be filed.

Judge Moyé's normal motion docket is from 10:00 a.m. – 2:00 p.m., Mondays, Wednesdays and Thursdays. Hearing times are scheduled in consultation with the Movant's counsel. Hearings can also be set outside the normal hearing docket in case a hearing is needed sooner than the "next available setting." Settings sought immediately before relief is needed may not be accommodated. been on file Contact the coordinator via email with any such request. Judge Moyé also accepts calls during

depositions and other proceedings involving all counsel when a question arises that needs immediate attention.

### **“Emergency” Motion Docket**

An “emergency” in the 14<sup>th</sup> District Court means that someone’s life or liberty are in jeopardy or, property will be irrevocably impacted. Waiting until the last minute to set a hearing is not considered an “emergency”. If a true “emergency” hearing is needed please email the coordinator directly for relief.

### **Certificates of Conference**

Motions require certificates of conference as stated in Local Rule 2.07. Judge Moyé does not require a certificate of conference on motions for summary judgment. The clerk cannot set a hearing on a motion without a certificate of conference.

### **Motions for Summary Judgment**

No summary judgment motions may be set for hearing within 30 days of trial (this requirement is included in the Uniform Scheduling Orders). A party may move for leave to allow such hearing based upon good cause.

### **Cancellation of Hearings**

To cancel a hearing, please fax a letter to other counsel/pro se parties. Also e-file a letter to the Court notifying the Court of the cancellation. This procedure is important because opponents of motions sometimes try to cancel hearings and because of confusion by some who do not receive notice of cancellations.

### **DWOP NOTICES/DOCKET**

Notices of intent to dismiss a case for want of prosecution when no answer has been filed, are sent by the Court Administrator approximately 30 days after the suit is filed. If a plaintiff needs more time to effect service, etc., advise the coordinator prior to the hearing and the dismissal time may be extended. DWOP hearings are generally NOT reset if a call is received on the day of hearing.

### **TROs**

Judge Moyé hears all TROs filed in the 14<sup>th</sup> District Court. If he is not available, the court coordinator will contact the other District Courts to find a Judge to hear the TRO. Attorneys are NOT to “shop” a TRO from the 14<sup>th</sup> Court. TROs from other courts will be considered by Judge Moyé only with permission from that Court pursuant to the established procedure. All Civil District Judges require compliance with Local Rule 2.02 on ex parte requests. Effective February 2006, enhanced requirements have been added to the Local Rules

## **VOIR DIRE**

1. Do you have a standing rule limiting the time for Voir Dire in your court? If so, what is that time limit?

Time limitations for Voir Dire are set during the pre-trial hearings, based on length of trial.

2. Does this rule apply to all civil cases?

Yes.

3. Do you impose limitations on Voir Dire on a case by case basis? If so, what criteria do you consider in determining how voir dire will be limited?

Limitations with regard to time for Voir Dire are established based on the number of days of trial testimony.

4. Do you permit the use of a jury questionnaire? If so, what is the procedure to secure permission to submit a jury questionnaire? Do you have any limitations or specific guidelines as to what should be contained in a jury questionnaire?

Yes. If the parties agree, the court will submit the agreed questionnaire. If there is a disagreement as to specific questions or regarding whether to submit the questionnaire, the court typically use the ABOTA questionnaire.

The Court has no limitations as to what should be contained in a questionnaire, although questions prohibited by law would not be allowed. We suggest a one page form except in exceptional circumstances and the form should have a blank space or a specific place for the prospective juror to note any hardships or problems in staying the estimated length of the trial. To save time, the court may take up those hardships privately with counsel and the prospective juror as soon as the questionnaire is completed. This will allow additional panel members to be called and added to the panel that is reporting back for voir dire at a specific time.

5. Do you impose any limitations on the nature and character of questions that attorneys can ask during Voir Dire? If so, what limitations?

Counsel should not ask questions that commit the juror. For example, do not ask the prospective juror whether he/she "would award punitive damages." The question allowed would be (for example after a juror has stated a dislike for punitive damages): "If the law allows for recovery of punitive damages, and there is evidence supporting an award, will you consider the evidence and follow the law? Or, will your personal beliefs prevent you from considering the evidence or following the law?"

The Court also discourages argument during Voir Dire and will sustain an objection to argument. The best voir dire is when the prospective jurors are talking about their feelings and beliefs.

6. What procedure do you prefer in challenging jurors for cause?

Jurors should be challenged privately, outside the presence of the panel and the juror. Challenges typically occur privately with counsel, the court, and the court reporter once all questioning has been completed, including private questioning.

7. What is your preference with regard to questions posed to individual jurors?

Asking questions of individual jurors during the group voir dire process is encouraged (the jurors need to be talking, not counsel or the court). With respect to probing or sensitive questions, jurors should not be arm-wrestled in front of the panel. Counsel are instructed to keep a list of those jurors whom they wish to question privately because of sensitive areas of inquiry, and private questioning can be done at the conclusion of the group voir dire. The jurors are also advised at the beginning of voir dire that they may speak privately if they are asked information, or need to share information, which they do not want to share with their 36 new best friends.

8. Do you allow the use of demonstrative aids in jury selection? If so, are there any restrictions on their use?

Anyone wishing to use exhibits or demonstrative aids needs to obtain the agreement of opposing counsel or bring the question to the Court's attention in sufficient time to have the court consider the request prior to Voir Dire..

9. How much time is allowed to make jury strikes once Voir Dire is completed?

The Court has no specific time limits, but tries to allocate the amount of time requested by counsel. Factors to consider are how long and exhaustive Voir Dire has been, how many counsel/team members have been helping with Voir Dire, the nature of the case, and impending deadlines (such as a 5:00 p.m. deadline with jurors who need to leave).

10. Please list three "do's" and three "don't's" for jury selection in your Court.

#### DO

1. Ask lots of open-ended questions -- let the jurors talk -- listen to what they are saying.
2. Be considerate of true hardships in agreeing to release some jurors.
3. Do try to use the process to learn about the jurors, as opposed to trying to persuade them to a particular point of view.

#### DON'T

1. Don't leave your common sense, humility, consideration of others, and personality at the office (if you don't have any of these traits, bring co-counsel).
2. Don't EVER move to strike or say "we'll agree to let him go" or "Judge, we can let Juror 1 go" in front of any prospective jurors.

3. Don't try to commit a juror to an outcome (e.g., "Will you promise to award punitive damages if we present evidence justifying an award?")

### **CAMERAS IN THE COURTROOM**

The Court follows Misc. Docket No. 92-0067 of the Supreme Court of Texas approved March 11, 1992, regarding procedures for electronic media coverage. Copies may be obtained from the Deputy Clerks, the Administrator and the text is available under "Media" through the Court's Bulletin Board link above.

### **MEDIATION/ADR/COLLABORATIVE LAW**

Uniform Level 2 and 3 Scheduling Orders require mediation 30 days before trial. The parties are to choose their own mediator or notify the Court so one can be appointed. If the parties are opposed to mediation, they must notify the Court of the reasons for such opposition. It is the Court's policy to require mediation of all cases, but not to force parties to mediate if good reason exists not to mediate. It is Counsel's responsibility to inform the Court if they have been unable to agree to a mediator 30 days after the trial notice has been issued.

### **FAXES**

**THE 14TH DISTRICT COURT CAN NO LONGER ACCEPT FAXES.**

### **E-MAIL**

The Court discourages use of email except for Bar Activities and related matters, and except when documents may be transmitted to the Court and other parties upon specific request (e.g., proposed jury instructions). Email should be used only upon special request in order to avoid improper communications with the Court.

### **COPIES TO COUNSEL/PRO SE PARTIES**

Any communication to the Court, even a cover letter, should copy the opposing counsel and pro se parties. This includes email.

### **USE OF COURTROOM**

Counsel/parties are welcome to use the courtroom for purposes of preparing for trial, including use of the technology, provided court is not in session. Contact the Deputy Clerks or the Coordinator to determine an appropriate time.

### **MOTION TO RELEASE TRUST FUNDS (minors)**

The party to receive the funds must provide a copy of a valid driver's license, certified birth certificate, and an affidavit stating that he or she is the person entitled to the funds.

### **OPEN DOOR POLICY**

If you have a question about procedures, PLEASE ASK -- we are here to serve. Remember, however, that we cannot give legal advice and cannot have ex parte communications about cases. When in doubt, put your question in writing and copy your opponents. Please also make suggestions on how we can improve the efficiency and user-friendliness of our Court.