

Judge Aiesha Redmond

160th District Court Policies and Procedures

Attorney Withdrawals

The Court requires strict compliance with Rule 10 of the Texas Rules Civil Procedure and Local Rule 4.02. If the party that will be left without counsel (if the motion is granted) is a corporate entity, contemporaneous with advising the party of its right to object, counsel must also advise the corporate party that only an attorney licensed in this State can represent its interest in Court. That is, that it cannot represent itself pro se.

Briefs

The Court will use its best efforts to review all motions and briefs before any hearing. However, this requires counsel filing the papers in a timely fashion so that the Court has an opportunity to review them prior to the hearing. The Court dislikes having to take matters under advisements as much as the parties do.

Briefs and Motions containing argument or authorities in excess of ten pages should have a table of contents and a table of authorities and begin with a summary of the argument. ONLY copies of the case or cases which are controlling as to the issue presented should be attached and provided to opposing counsel highlighted in the same manner as the Court's copy.

Motions

Counsel should have pleadings on file and then call the court clerk to request a hearing. The Court will make every attempt to set hearings within two weeks of the request, where applicable. On all contested motions, counsel must provide a courtesy copy of the motion, response and reply, if any, to the Court no later than two (2) business days prior to the hearing.

Certificates of Conference

Motions without certificates of conference in compliance with Local Rule 2.07 will not be set for hearing by the clerk. Certificates of conference must be attached to all motions, except those excluded by the Local Rules, i.e., motions for summary judgment.

Motions for Summary Judgment

All motions for summary judgment must be heard no later than thirty (30) days before trial.

TROs / Sequestrations

Judge will review TROs and sequestrations on a walk-in bases. If she is not available, the Court Administrator will contact the other District Courts to find a Judge to hear the TRO.

Settlement Announcements

Cases that are mediated to settlement or otherwise reported as settled are set for final disposition approximately thirty (30) days from the date the Court becomes aware of the settlement. A letter will be sent by the Administrator giving a date and time to appear or have final dismissal papers submitted to the Court.

Dismissal Docket

Cases are put on dismissal docket as determined by the Court. Letters are sent giving a date and time for an appearance. If plaintiff does not appear for the dismissal hearing, the case will be dismissed for want of prosecution.

Scheduling Conferences

Cases are set for a scheduling conference once a defendant has answered and made an appearance on a case. The parties are to confer before the conference, agree upon a trial date, agree upon a mediator, must be set within the trial range that is given on the scheduling conference notice and file an agreed scheduling order with all the parties' signatures. Failure to do so will require all parties to appear for the scheduling conference.

E-mail or Fax Communication

Please do not fax either the Court or Court Administrator any documents unless prior permission has been given. You may communicate with the Administrator via e-mail, but pleadings are not to be filed with the Administrator. If permission is granted to communicate with the Court via e-mail or fax, it is limited to the particular incident, and all opposing counsel/parties must be copied.

Telephone Hearings

Telephone hearings are permitted only if no evidence or testimony will be presented and/or 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 through the Administrator.

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Must be set for hearing with notice to the obligor(s) via CMRRR and first-class mail. The applicant should bring to the hearing proof that it served the obligor(s) with notice of the hearing date and time.

Default and Minor Prove-Ups

Motions for Default Judgments where damages are un-liquidated will require a prove-up hearing. Default Judgments that are liquidated should only be submitted by motion and supporting affidavits, if any. Default Prove-ups are scheduled through the Court Clerk for Judge McFarlin's Friday 1:30 prove-up docket. At the time of scheduling a minor prove-up, counsel should inform the Court Clerk whether the hearing will require additional time because an interpreter is needed or because there are multiple ad litem.

Trial

- Docket will be carried 1 week.
- Special Settings will be determined on a case-by-case basis by Judge Redmond but are the exception and not the rule.
- Pre-trial will occur from 8:30-9:30 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, they should notify the Court and schedule a pre-trial conference the week before trial.
- The Court will not conduct a pre-trial conference on matters the parties have not discussed and made a meaningful attempt to resolve. Unless otherwise ordered, parties should exchange all pre-trial materials no later than ten (10) days before trial. Parties shall meet and confer so as to maximize agreement, on pre-trial issues no later than seven (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 outstanding pre-trial matters that will need to be addressed at the pre-trial conference.
- Unless otherwise allowed for in the Court's scheduling order, expert challenges must be heard no later than forty-five (45) days before trial.
- The Court should be notified in advance of trial if an interpreter will be used or is needed.

Jury Charge

A "working" charge must be submitted to the Court at the pre-trial conference. The working charge should be presented in a manner that identifies the instructions, definitions and questions on which there are competing proposals. For example, the proposed charge might set forward plaintiff's proposed instructions, definitions and questions in a particular font (color or type), and defendant's

in another, with those areas where there is agreement in regular font. The working charge should be sent via e-mail to the Court Administrator and in color hard-copy to the Court. It should be submitted in MS Word format.

Voir dire

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 may be used only if approved by the Court and should be shown to opposing counsel before voir dire commences, to give counsel an opportunity to object.

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.

Bench trials

Proposed findings of fact and conclusions of law should be submitted seven (7) days before the scheduled trial setting, along with trial briefs on contested issues of law. These should be submitted to the Court Administrator via e-mail in MS Word format.

Pre-trial materials and conferences will be handled in the same manner as jury trials.

Continuances

Cases that are under a year old require only an agreed order to be submitted to Judge. If a case is over one year old and all parties agree to a continuance, all clients and attorneys must sign the motion for proposed order. In accordance with the Local Rules, a party's written consent is required on cases that are more than a year old, even if the motion is agreed by all counsel. 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 discovery efforts and outstanding discovery as of the date of the filing of the motion. If a continuance is opposed by any party, the motion should be filed and set for hearing at least seven (7) days prior to trial. Continuances must be supported by affidavit, unless consented to by all parties.

Mediation

Level 1, 2 and 3 cases 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.