

192nd Judicial District Court

Hon. Maria Aceves, Presiding

George L. Allen, Sr. Courts Building – 600 Commerce Street, 7th Floor, Dallas, TX 75202 Court

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## **192ND JUDICIAL DISTRICT COURT POLICIES AND PROCEDURES**

### **Dallas Courts' Local 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 Court's Bulletin Board link above. Please also review any emergency or amended orders listed on our website. **Failure to comply with the Local Rules may result in the motion being stricken or the hearing cancelled.**

### **Scheduling Order/Trial Settings**

After the first answer is filed, the Court will send out the Uniform Level 2 Scheduling Order with a trial setting. If the parties would like to use a Level 3 Scheduling Order, they will need to submit the order to the Court.

The parties may file a continuance in the case. Whether the continuance is granted will be at the Court's discretion. Factors that the Court will consider in granting the continuance include the age of the case and whether the parties have diligently moved their case along. Additional continuances are disfavored and must follow Local Rule 3.01. Counsel must provide detailed reasons for requesting the additional continuance. All counsel must sign additional continuance requests. 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) will not be sufficient grounds for a continuance. A hearing may also be required.

### **Motion Docket**

The Court will only consider timely filed pleadings related to motions. MSJ responses are due seven days before the hearing, and all other responsive motions are due three days before the hearing. In order to consider motions and responses filed late, the party will need to request leave of Court.

All arguments must be made to the Court and opposing counsel in writing, not saved as surprise arguments at the hearing. Counsel must cite relevant authority for legal propositions and support factual assertions with competent evidence.

All motions containing a request for attorneys' fees must be supported by the legal basis for fees and specific evidence supporting the amount requested in the motion. Failure to do so will result in the relief requested being denied.

Hearing times should be scheduled in consultation with the movant's counsel. Counsel must request a hearing length appropriate for the motion(s) at issue. The Court has a busy docket, often with multiple hearings scheduled back-to-back, and the parties should not expect the Court to permit hearings to run over the time allotted.

**Orders must be filed with every motion before setting a hearing.**

### **TROs**

Judge Aceves hears her TROs from the 192nd if she is available. If she is not available, she will refer the TRO to Associate Judge Rachel Craig. If neither Judge Williams nor Associate Judge Craig are available, the Court Administrator will contact the other District Courts to find a Judge to hear the TRO. Attorneys are **NOT** to "shop" a TRO from the 192nd District Court.

TROs from other courts will be considered by Judge Aceves *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.

### **Certificates of Conference**

Motions require certificates of conference as stated in Local Rule 2.07. Failure to include a proper certificate of conference on a motion, except as excluded in Local Rule 2.07, may result in the hearing being cancelled or the motion not being considered.

### **Protective Orders**

In cases where 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.

### **Motions for Substitute Service**

In cases where the plaintiff believes substitute service is necessary, the plaintiff may use the form that is available on the Court's website. The Court understands that in some cases, good cause may exist that requires variance from this Order. If a party desires to make changes to the Court's standard Order, the plaintiff must explain the need to do so in the accompanying motion.

### **Discovery Disputes**

The Court expects the parties to diligently work together to resolve discovery disputes before involving the Court. The Court will not grant motions to compel or quash if the parties have not made a sincere effort to resolve discovery disputes themselves, and the movant must detail these efforts in the certificate of conference.

### **Cancellation of Hearings**

To cancel a hearing, please call the Clerk to cancel your hearing, (214) 653-7748; then send an email to the Court Coordinator and to other counsel/pro se parties. The Court will not look favorably upon failing to cancel a hearing on an issue that has been resolved by the parties prior to the time of the hearing.

### **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 Order). A party may move for leave to allow such hearing based upon extenuating circumstances.

### **Bench Trials**

Proposed judgments and proposed findings of fact and conclusions of law must be submitted seven days before the scheduled trial setting, along with trial briefs on contested issues of law. These must be submitted to the Court Coordinator via e-mail in MS Word format.

### **Judgments and Dismissal Orders**

**Within 30 days** after the Court has announced a verdict or judgment, or the Court receives a written announcement of settlement from either party or from a mediator, counsel must submit to the Court a proposed judgment or dismissal order, unless ordered otherwise. **Failure to furnish the Court with such a proposed judgment or dismissal order may result in the entry of an Order of Dismissal with prejudice with costs taxed at the Court's discretion.**

### **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 Coordinator approximately 30 days after the suit is filed. If a plaintiff needs more time to effect service, etc., they must advise the Court Coordinator in writing prior to the hearing and the dismissal time may be extended.

### **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, Court Coordinator and the text is available under "Media" through the Court's Bulletin Board link above.

### **Mediation/ADR/Collaborative Law**

Uniform Level 1 and 2 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 in writing of the reasons for such opposition. It is the Court's policy to require mediation of all cases.

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. Judge Aceves also encourages use of the collaborative law process for appropriate cases. Information regarding collaborative law may be found at <http://www.collaborativelaw.us/>

### **Copies to Counsel/Pro Se Parties**

Any communication to the Court, even a cover letter or email, **must** copy the opposing counsel and pro se parties.

### **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 Court Coordinator to determine an appropriate time.