

# **Judge Veretta L. Frazier**

## **44<sup>th</sup> District Court Policies and Procedures**

### **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. 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.

### **MOTION DOCKET**

Counsel should have the motion 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. The movant must provide a courtesy copy of the motion, response, reply, if any, and proposed orders to the Court no later than two (2) business days prior to the hearing.

### **SUBMISSION HEARINGS**

Hearings may be set by submission. An oral hearing will be scheduled upon written request filed with the Court no more than three (3) days after receipt of noticed hearing by submission. Once the oral hearing is set, the party requesting the oral hearing shall provide notice of new hearing date to all parties.

### **MOTIONS, BRIEFS AND ORDERS**

Motions and/or Brief shall be 12 point, and margins of 1" on each side of a page. Additionally, the use of reduced, multiple pages (i.e.: Min-u-script) is hereby prohibited.

Judge Frazier prefers motions to be written in Arial Font but is not required.

Each party must file a proposed ORDER before the hearing or submission date.

### **DEPOSITIONS**

Judge Frazier accepts calls during depositions and other proceedings involving all counsel when a question arises that needs immediate attention.

### **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. **CERTIFICATES OF CONFERENCE THAT DO NOT CONFORM SUBSTANTIVELY TO LOCAL RULE 2.07 WILL NOT BE ACCEPTED.**

## **ATTORNEY WITHDRAWALS**

The Court requires strict compliance with Rule 10 of the Texas Rules Civil Procedure and Local Rule 4.02. If the motion is granted and the party that will be left without counsel 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, a corporate entity cannot appear before the Court as a self-represented party.

## **TRIAL SETTINGS**

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 Court Coordinator, according to Texas Supreme Court's time standards for the disposition of civil cases. Level 3 cases will be set for a scheduling conference 30- 45 days from the answer date. Parties will be expected to appear for the scheduling conference or to submit an agreed scheduling order at least three (3) days before the scheduling conference.

## **SPECIAL SETS**

"Special" setting will be considered if you have a party or witness attending from another country. A "preferential" setting will be determined on case-by-case basis by Judge Frazier.

## **BENCH TRIAL**

All parties must submit proposed judgments and proposed findings of fact and conclusions of law in accordance with the scheduling order but not less than seven 7 days of trial if not set forth in the scheduling order. Trial briefs on contested issues of law should be filed at the same time. The submission must be emailed to Sheria West at [sheria.n.west@dallascounty.org](mailto:sheria.n.west@dallascounty.org) with a copy to all parties, in Microsoft Word Format.

## **JURY TRIAL**

- The docket will be carried for 2 weeks.
- Pre-trial may occur from 8:30 – 9:30 am on the morning of trial or the week

prior to 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 no later than 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 set forth in the scheduling order, parties should exchange all pre-trial materials **no later than ten (10) days before trial**. Parties shall meet and confer, to maximize agreement, on pre-trial issues **no later than seven (7) days before trial**. The parties should be prepared to have an informal discussion regarding a “working” of the Charge of the Court, as discussed below.

- Each side should have courtesy paper 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 initiated in Microsoft Word format by Plaintiff and emailed to Defendant. Defendant shall “REDLINE” Plaintiff’s proposed Charge of the Court by adding or removing any desired provisions. The final working charge will have “REDLINED” interlineations removed and added by Defendant. The parties will review the working charge with Judge Frazier during the Pre-Trial conference.
  - The working charge should be sent via e-mail to the Sheria West at [sheria.n.west@dallascounty.com](mailto:sheria.n.west@dallascounty.com)
- 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 Judge Frazier during pre-trial conference. Copies for the jury venire must be delivered to the Bailiff of the Court at least three (3) business days before trial.
  - Jury challenges will be handled privately after questioning.
  - Demonstrative aids may be used only if approved by Judge Frazier 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 Judge Frazier and taken up with individual panel members and attorneys before voir dire, but before challenges.

## **MOTIONS FOR SUMMARY JUDGMENT**

All summary judgment motions will be automatically set for hearing by submission on first available date at least 35 days after the motion is filed.

### Hearing Notices

Either party may request an oral hearing by noting such request in the motion for summary judgment or response to the motion for summary judgment. Notice of the hearing or written submission will be provided to all parties by the Court.

### Withdrawal of Motion for Summary Judgment

Cancellation of a hearing on a summary judgment motion will not stay consideration and ruling by the Court. In order to avoid consideration of the Motion for Summary Judgment by the Court, the movant must file a written Motion to Withdraw the Motion For Summary Judgment, and cancellation of the hearing. Motions to continue any hearing on a Motion for Summary Judgment will not be considered.

### Filing Deadline

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

## **TROS / SEQUESTRATIONS**

The Judge will review TROs and sequestrations on a walk-in basis. If the Judge is not available, the Clerk or Court Coordinator will provide instructions on getting you before a judge.

## **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 Court Coordinator 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 dismissal hearing, the case will be dismissed for want of prosecution. Parties may appear remotely if they

reside or office more than an hour from the court. In such cases, the party must file a motion to appear remotely.

## **DEFAULT JUDGMENTS**

In cases where damages are proved by affidavits, the Court must be able to calculate the proposed damages from written instruments attached to the pleading on which the default judgment is based. Therefore, parties must “show their work” to substantiate and support calculations, i.e., proposed damages. If the Court cannot calculate damages (including interest and attorney’s fees) from written instruments attached to the pleading, said damages are not liquidated and a hearing must be held, where testimony or affidavits may be offered. In any event, calculations in affidavits should not be conclusory figures without substantiation.

## **CONTINUANCES**

Cases that are under a year old may be set for hearing before the Associate Judge for the 44<sup>th</sup> District Court. 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 fourteen (14) days prior to trial. Continuances must be supported by affidavit, unless consented to by all parties.

## **CANCELLATION OF HEARINGS**

Except for Motions for Summary Judgment, a movant shall call the Clerk to cancel the hearing, then send an email to all parties and the Court Coordinator.

## **E-MAIL COMMUNICATION**

You may communicate with the Court Coordinator via e-mail, but pleadings are not to be filed with the Court Coordinator. If permission is granted to communicate with the Court via e-mail, 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 Court Coordinator.

### **736 Foreclosures**

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.

### **CAMERA IN THE COURTROOM**

The 44<sup>th</sup> District Court follows Mis. Dock No. 92-0067 of the Supreme Court of Texas approved March 11, 1992, regarding procedures for electronic media coverage.

### **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.

### **ZOOM HEARINGS**

Parties may set hearings via Zoom on the Court's Wednesday Motion Docket. Any party may appear in person even if others are appearing via Zoom. Additionally, hybrid hearings may be available upon prior approval by Judge Frazier.