

Judge Veretta L. Frazier
44th District Court Policies and Procedures

Pleading Specifications

Use **ARIAL** font for pleadings and briefs submitted to the 44th District Court.

Motions

Counsel should have pleadings on file and then call the court clerk to request a 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. **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 a Scheduling Conference on the Fridays at 8:30 a.m. once the answer(s) is filed. The Scheduling Conference will be cancelled if the parties file an Agree Scheduling Order that includes both the trial date and mediator. The trial date must comply with the Texas Supreme Court's time standards for the disposition of civil cases. If the parties are unable to agree they must appear for the hearing and the Judge will determine the trial date and appoint a mediator, in compliance with Chapter 37 of the Government Code. The Agreed Scheduling Order must be on file before 3:00 the day before the Scheduling Conference or the parties must appear at the hearing.

Special Settings

Will be determined on case-by-case basis by Judge Frazier.

Trial

- Docket will be carried 2 weeks.

- 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, 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, 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
 - The parties shall submit ONE JOINT "WORKING" CHARGE to the Court as follows: the "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 Co-Ordinator in MS Word format, and a color hard copy to the Court.
- 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.

- Special rules for 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.

MSJ's

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

TROs / Sequestrations

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

Settlement Announcements

A letter must be filed with the Court on cases that are mediated to settlement or otherwise reported as settled.

Dismissal Docket

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

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 require a motion and an agreed order to be filed for submission 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. Electronic signatures for clients will not be acceptable. 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.

E-mail Communication

You may communicate with the Court Co-Ordinator via e-mail, but any attached pleadings will not be deemed "filed" in the case. If permission is granted to communicate with the Court via e-mail, it is limited to the approved incident, and all opposing counsel/parties must be copied on each correspondence.

Virtual and Telephone Appearances/Hearings

Virtual and telephone appearances/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. Virtual and telephone appearances/hearings may be set on Wednesdays or otherwise pre-approved by the Judge and arranged through the Court Co-Ordinator.

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.