

# **Dallas County Court at Law No. 1 Procedures**

## Calendar & Online Documents:

For our docket calendar and public access to court documents, please visit:

<http://courtsportal.dallascounty.org/dallasprod>

All court dockets are immediately updated via Dallas County's online system.

## Court Closure & Docket Changes:

In case of inclement weather or other changes, call our court coordinator Seth at (214) 653-6581.

Court 1 closures and docket updates will be updated on the coordinator's voice mail message.

Dallas County closures are listed at <https://www.dallascounty.org>.

## Court Procedures:

All parties are expected to be familiar with and abide by the Dallas County Local Rules on Civil Procedure, as well as the specific Court 1 Procedures listed here.

<https://www.dallascounty.org/government/district-clerk/civil-guidelines.php>

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## Dismissal and Disposition Docket

**A.** All newly filed cases are given a dismissal date 120 days after the filing date (on the next available Wednesday). Notice of the dismissal date will be promptly mailed to the party/counsel. The case will be dismissed for want of prosecution if the following does not occur prior to the dismissal date:

1. Process of service is completed and an answer is filed,
2. Process of service is completed and default judgment is granted,
3. Motion to Retain (with verification and certificate of service) filed and set for hearing (cannot retain a case more than once).

**B.** If none of the above have been completed, the responsible party will need to have an attorney appear at the hearing with an Affidavit of Due Diligence documenting all service attempts. Pursuant to TRCP 165, a Motion to Retain with an Affidavit of Due Diligence may be filed with the clerk's office prior to the dismissal setting. The Motion to Retain must be verified and contain a Certificate of Service to the defendant(s).

A Motion to Retain must be filed by 5:00 pm at least five business days before the dismissal date to allow enough time for processing and scanning. Just filing a motion prior to the dismissal date will NOT remove your case from the dismissal docket. It is the party/counsel's responsibility to follow up with the Court Coordinator to request a hearing and ensure removal from the docket. An Order to Retain will not be signed; instead the period of time from the dismissal date until the retain hearing is the extension you are given. Afterwards, an attorney must appear at the retain setting if all answers have not been filed and/or default judgments granted. Cases may only be set on the retain docket once.

**C.** The following cases do not receive dismissal dates but are immediately given trial dates or reviewed by the Court:

1. Forcible Entry and Detainer Appeal- trial date set 14-21 days after filing
2. All other JP Appeals - mediation and trial date set
3. Condemnation - need appointment of Special Commissioners
4. Foreign Judgment - reviewed by the court
5. Bill of Review - reviewed by the court

Upon notice that the case is ready for disposition (verdict, dispositive motion, settlement, etc.), the case will be set on a 30-day disposition docket (on the next available Wednesday). Counsel is required to submit all final paperwork for disposition of the case within 30 days. Failure to provide the Court with the appropriate paperwork (i.e., judgment or non-suit with order) prior to the date the case is reached on the Disposition Docket WILL result in dismissal. Cases will be reset on the disposition docket only twice before being issued a new trial date.

## Motion and Hearings

When filing motions, orders and any other document, make sure your paperwork is legibly typed in at least a 12-point font and double-spaced.

**A.** The Court hears smaller motions on Wednesdays and larger motions on Fridays, both beginning at 9:30 am. To set a hearing, please contact the clerks at (214) 653-7556. Docket-call begins promptly and all parties are expected to be on time. Failure to appear for your own motion will result in a denied motion and may result in a DWOP.

**B.** Out of courtesy for the Court and the clerks, we request that you contact the clerks for cancellations as far in advance as possible. In addition, the Court's motion docket tends to be booked several weeks in advanced, so if you cancel a hearing, please do not expect to get an immediate reset.

**C.** Emergency resets will be considered on a case by case basis and will only be granted by the Judge. The clerks do not have the discretion to overbook the Judge.

**D.** Be sure to bring a proposed order for the relief you are seeking from the Court.

**E.** The Court must be provided courtesy copies of any motions that are greater than ten pages in length. These courtesy copies should be filed in a binder and marked with dividers/tabs as necessary. The copies should be one week in advance of the hearing date and should include any responses, replies or sur-replies.

**F.** There is a limit of two motions for summary judgment per side that may be heard. Parties should file a motion for leave of Court if they wish to file more than two summary judgment motions.

**G.** This court does *not* hold hearings by phone.

**H.** The following motions do not require a hearing and are reviewed by submission:

1. Unopposed Continuances - must include an Agreed Scheduling Order where appropriate. Refer to the section on continuances.
2. Motions for Substitute Service (unless specified by the Court).
3. Motions for Default Judgment (unless specified by the Court).
4. Unopposed Motions to Substitute/Withdraw Counsel (agreed by both parties and client)
5. Notices of Nonsuit, Agreed Motions to Dismiss, Agreed Judgments

## Trial Announcements

- A.** All parties **MUST** make an announcement regarding their readiness for trial on the **THURSDAY** prior to the week of the trial setting. Failure to announce by the Plaintiff will result in the case being called to trial and if no one appears, the case will be dismissed. Failure to announce by Defendant will be viewed as an announcement of "ready" for trial.
- B.** An announcement of "not ready" by either party **DOES NOT** mean your case is automatically continued. If your case is not going to be ready on its assigned or chosen trial date, the Court expects you to file a motion for continuance as far in advance of trial as possible for consideration by the Court. Last minute motions for continuance should be based on a true emergency.
- C.** Special Set trials will not be granted continuances except in the case of an emergency.
- D.** Announcements are made by contacting the Court Coordinator, Seth Little, at 214-653-6581.

## Trial Docket

- A.** Trials are set Mon - Thurs and begin at 9:30 am. Trials are set as follows:

Jury Trials - Mondays

Non-Jury Trials - Thursdays

- B.** All cases are called for trial the day they are set. The Court requires all counsel and self-represented litigants to appear for docket call. If your case is not reached, it will be reset. You should have your clients and witnesses ready.
- C.** Failure to appear may result in a default or dismissal.
- D.** Any party with a pending bench trial before this Court should file Proposed Findings of Fact and Conclusions of Law at least one week in advance of their trial date.
- E.** When filing Requests for Findings of Fact & Conclusions of Law, courtesy copies of such requests should be provided to the Coordinator. Proposed Findings of Fact & Conclusions of Law should also be provided in Microsoft Word format on a CD or flash drive.

## Agreed Scheduling Orders

**A.** Once all defendants have answered, the lawsuit becomes ready for a trial setting. Prior to a trial date being set, it is **mandatory** that both parties contact one another and submit a proposed Agreed Scheduling Order to the court. The Court will allow a 30 day time-limit for the ASO to be submitted. The requirements are as follows:

1. Submitted in writing with original signatures from both parties; no stamp signatures.
2. Jury Trials - heard on Mondays; Non-Jury Trials - heard on Thursdays
3. The specific name of the agreed mediator from the Court's approved list is mandatory, even if your client has no intention of settling. This Court expects mediation to be completed at least 45 days before trial. If your case has not been to mediation within the last 12 months, the Court requires you to go again.
4. Include any discovery or deposition dates or a specific deadline if individual dates have not been set.
5. The dates requested must correspond with the discovery level indicated on the live pleading and must be date-specific (do not set a Level 3 case for trial six months out).
6. Motions for Summary Judgment will not be heard until after mediation has been conducted. An ADR report from the assigned mediator must be on file.

**B.** If one party fails to respond to the other's request for an ASO, then the requesting party may submit to the Court a PROPOSED Scheduling Order with an attached explanation that the other party did not respond to requests. If the Court enters the Proposed Scheduling Order, the non-compliant party is bound to that order.

**C.** If neither party submits a scheduling order in response to the Court's Order, the case will be dismissed.

**D.** Only Level One collection cases and JP Appeals will not be required to submit an agreed scheduling order. Instead, the court will enter a trial date and issue a mediation order.

## Continuances

**A.** All continuance motions must specifically state the basis for the motion. Certificates of Conference are required. Agreed/Unopposed motions should contain agreed counsel signatures. For cases on file over one year, client signatures are also required from all parties.

**B.** Agreed/Unopposed Motions for Continuance do not require a hearing. Only continuance motions which lack agreement or have opposition must be set for a hearing before the Court.

**C.** A new proposed Agreed Scheduling Order and Discovery Plan must be included (see requirements for ASO's above). These must include a detailed account of what discovery/depositions/issues remain, which parties they involve and a specific date when those issues will be resolved.

## Mediations & Appointments

- A.** The Court allows the parties the first opportunity to select a mediator (must be accredited) which must be done at the time the Proposed Agreed Scheduling Order is presented to the Court. Failure to timely designate a mediator will result in the Court appointing a mediator to whom the parties may not object.
- B.** If the case has not been to mediation in the last 12 months the Court will order the case back to mediation.
- C.** Attorneys appearing at mediation without their clients will be subject to sanctions.
- D.** Corporations must be represented at the mediation by an executive officer with authority to negotiate a settlement. This officer must attend the mediation in person.
- E.** Once a case has been assigned to a mediator, the parties may not take the case to another mediator without obtaining Court permission.
- F:** Mediator & Ad Litem Appointments - Individuals who wish to apply to be included on the Dallas County Court at Law No. 1's mediator or ad litem wheel should contact the court coordinator, Seth Little, at 214-653-6581. The current list is available as a PDF on the Court 1 website.