



Dallas County Civil Court at Law No. Five (5) Policies & Procedures



Judge Nicole Taylor

Contacting the Court

For all matters relating to trial dates, trial settings, Dismissal Docket, Final Disposition Docket and special requests for **Trials ONLY**, please contact the Court Coordinator:

Raychel Smith
(214) 653-6503
CCL5Coordinator@dallascounty.org

For all matters relating to **Scheduling Hearings on Motions**, please use the link below:

[**County Court at Law No. 5 Hearing Request Form**](#)
<https://form.jotform.com/243125267397159>

For all matters relating to **filings submitted and status on orders**, contact the Clerk's Office – **214.653.6441** or obtain additional instruction on the Clerk's website: [County Clerk | Civil Courts Division - Contact Us](#). (Link)

To determine whether the Court has ruled on a motion or to verify Trial and Hearing Dates, please check the case record on the County Clerk's website via the [County Case Search Portal](#). (Link)

For all matters relating to transcripts, contact the Official Court Reporter:

Sharyl Zeno
(214) 653-6443
Sharyl.Zeno@dallascounty.org.

For Information regarding audio/visual and courtroom security and decorum, contact the Bailiff:

Officer David Smiles David.Smiles@dallascounty.org

Motion Docket

Oral Hearing Dockets (**All Motions and Responses Require a Proposed Order**)

- The Court conducts oral hearings via Zoom on the following schedule:
Mondays – 9:30 – 12:00
Tuesdays – 9:00 – 9:30
Thursdays – 9:30 – 12:00 and 1:30 – 4:00
Fridays - 9:30 – 12:00
- Parties **must e-file a notice of hearing** with a certificate of service to all parties. Please e-file the Notice of Hearing. The following language **MUST** be included in the Notice of Hearing: ***All participants must register via the following link to receive zoom access: <https://form.jotform.com/231566752852160>.***
- Three (3) business days' notice is required for oral hearings. Motions for Summary Judgment that require an oral hearing requires at least 21-days notice.
- Email CCL5ZoomHearings@dallascounty.org to pass a hearing. *Hearings may only be passed by the party who set them.*

Motions that Require Oral Hearing

- **Minor Prove-ups** - If your case is set for Final Disposition and the minor settlement has not been scheduled, please schedule prior to the Final Disposition date, or contact the Court Coordinator.
- **Applications for Temporary Restraining Orders (TRO)** must be set by completing the **Hearing Request Form: [County Court at Law No. 5 Hearing Request Form](#)**. Written notice must be filed with the Court and served to the opposing party by phone, fax, and/or in writing. Proof of attempts to notify opposing counsel must be provided to the Court.
- **All Discovery Motions** – The Court **requires a Certificate of Conference** in accordance with the Local Rules. Specifically, parties must make several attempts on separate days to conference with opposing parties relating to discovery disputes and include a certificate of conference in their motion. **All certificates of conference must state whether counsel have conferred regarding the substance of the relief requested and if the relief is opposed, agreed or agreed in part, along with a statement of what relief was agreed to between the parties.** It must also state the number of attempts made to contact the opposing party, the method of attempts, and the results obtained. **Insufficient attempts or failure to provide a substantive certificate may result in denial of the relief requested or the hearing being passed by the Court.**
- **Motion to Exclude Expert Witness Testimony (Daubert Motions)**
- **Motion to Strike**
- **Motion to Reinstate**

Off-Docket Motions

The following **do not** require a setting unless otherwise instructed by the Court:

- **All Agreed Motions** The motion must have the signatures of all parties or counsel and be filed as “agreed” or “joint”, with a Certificate of Conference and a Certificate of Service attached.
- **Motion for Default Judgment** with unliquidated damages will be ruled on without the need of a setting. The return of service must be on file 10 days before the motion, and the following must be included in the motion:
 - Affidavit proving-up damages (include last statement or invoice)
 - Affidavit of attorney’s fees including some estimate of time or description of actions taken on the case.
 - Certificate of last known address
 - Non-Military Affidavit with a copy of the results from <https://scra.dmdc.osd.mil/scra/#/home> or, <https://mla.dmdc.osd.mil/mla/#/home>. The search must be completed within 30 days of filing the motion.
 - Certificate of Service

If any of the foregoing is missing or incorrect, the Court may give 30 days to allow submission of the proper documents. If the proper documents are not received, the case will be subject to Dismissal for Want of Prosecution. It is the responsibility of the movant to follow up on their motions for default to check the status.

- **NEW! Motions for Summary Judgment. In compliance with HB16**, All Motions for Summary Judgment are governed by TRCP 166a. Motions for Summary Judgment **shall be heard by Submission unless the Movant requests a hearing with oral argument**. Summary Judgments heard by submission will be set on the Submission Docket set on Fridays at 8am. Notice will be sent to all parties by the Court.
 - The Movant may request a date to be set earlier than the date automatically set by the Court. In this instance, the Movant must follow the Court’s Hearing Request process to request the setting with at least 21-days’ notice to the Non-Movant. The Movant must notify the Non-Movant by cover letter or pleading with the date and time the motion will be heard. If the Motion is considered by submission, no Summary Judgment shall enter on cases unless proof of notice upon the Non-Movant has been filed with the Court.
- **Motion for Substituted Service** must be accompanied by an affidavit that includes the following:
 - Documentation or factual affidavit that verifies the Defendant actually resides or is employed at the subject address (e.g. Appraisal District Records, Vehicle Registration, factual affidavit)
 - Each attempt at service with date and time
 - The identity of any persons present at the attempted service and any statements that were made, and/or;
 - The information of cars in the driveway or other indicators the defendant resides or works at the address.

Follow procedures in Tex. Bus. Org. Code §5.251 for Corporate Agents that cannot be found at the registered office of the entity with reasonable diligence.

- **Motion to Appear Pro Hac Vice** must comply with Tex. Gov't. Code §82.0361

Additional Off-Docket Motions – *No Hearing is Required.*

- **Motion to Appoint Guardian Ad-Litem**
- **Plaintiff's Non-Suit**
- **Motion to Retain**
- **Motion to Substitute Counsel of Record**
- **Motion to Appoint Attorney Ad Litem**
- **Motion to Show Cause**
- **Agreed Judgment**
- **Application to Close Receivership**
- **Motion to Release Funds in Court Registry**
- **Application for Sequestration - *with affidavit and military web search***

Trial Docket

Non-Jury Trials

Non-Jury trials are conducted on **Thursdays** unless preferentially set. Parties should be prepared to proceed with trial on the date set and should furnish proposed orders to the Court. Trials estimated to last more than 60 minutes will need to contact the Court Coordinator, as the case may be reset preferentially later in the day or given a special setting upon agreement or necessity. Plaintiff must inform the Court Coordinator via email, or filing, if the case settles prior to trial.

Eviction cases are generally assigned to be heard in the Overflow Court. Plaintiff should send trial notices to Defendant via certified mail, regular mail, and any electronic delivery address on file with the Court, with proof provided at trial.

Jury Trials

All jury trials are set in accordance with Scheduling Orders submitted to the court unless it is a non-eviction appeal from the Justice Court. Justice Court appeals that include a Jury Demand are scheduled within 30 days of receipt of the transcript from the Justice Court. Plaintiff must inform the Court Coordinator via email, or filing, if the case settles prior to trial.

Pre-Trial Hearing

Pre-Trial Hearings are mandatory prior to trial. The court will send notice that the parties will be required to attend a Pre-Trial Conference on **Monday** the week immediately preceding the trial date unless otherwise specified. The Court's Pre-Trial Docket is scheduled **every Monday at 1:30 p.m.** Before the pre-trial conference, each party must exchange their witness list, pre-numbered exhibits, motions in limine, edited excerpts of deposition testimony, proposed jury charge, questions, and instructions, and copies of anticipated demonstrative exhibits with all parties, and confer regarding the following:

- Agreed pre-admitted exhibits,
- Witness lists,
- Agreed factual stipulations
- Agreed motion in limine, and;
- Joint proposed charge.

Pretrial documents must be submitted via e-file by Wednesday prior to the Pre-Trial Hearing.

Exclusion of Expert Witness Testimony or Daubert Motions to exclude expert witness testimony must be filed well in advance of the trial and set for hearing on the Court's motion docket. **These motions will not be heard at Pre-Trial and may require the trial date to be continued if not heard prior to Pre-Trial.**

Courtroom Expectations

- The Court will request a panel of 24 jurors and 6 jurors will be selected, unless the matter requires a 12-panel jury, in accordance with Texas Rules of Civil Procedure. Parties must notify the Court **no less than 6 weeks prior to trial** if a panel greater than 24 jurors is needed.
- Prior to Voir Dire, the Court will distribute one jury packet to each side and a seating chart. The Court will work with the parties to determine the reasonable time allotted per side for voir dire.
- All proceedings will be on the record in a jury trial, with the exception of Voir Dire (unless requested by the Parties). Notify the Court Reporter in advance of the trial date to request a record.
- Courtroom decorum should be explained to witnesses by counsel before entering the Courtroom.
- Post-verdict motions and opposed judgments must be set for a hearing on the oral hearing docket. All normal oral hearing procedures must be followed.

Continuance

Motions for Continuance should be filed as soon as the grounds for such a motion are reasonably apparent or at least filed at least two (2) weeks prior to the trial date.

First-time requests for a 30-day continuance that are uncontested, and service is obtained, or due diligence regarding the attempts to serve are stated, will be automatically granted. A certificate of service and a certificate of conference must accompany the motion.

Continuances after the first granted continuance, and opposed continuances, will require a showing of good cause, a certificate of conference, and oral hearing.

Vacation Letters

To assert vacation, attorneys must file their vacation letter with the County Clerk **and** file a Motion for Continuance with the vacation letter attached and served to all parties, if the vacation conflicts with trial dates. Attorneys with multiple cases must file a separate motion for each case.

The Court will honor Motions for Continuance with vacation letters that are timely filed.

Settlements

Upon settlement of any case, Plaintiff should immediately notify the Court Coordinator in writing (i.e., email – with a copy to all parties).

Cases that announce settlement will be placed on the Final Disposition Docket, conducted Tuesdays at 9:30 a.m. (no appearance necessary) within approximately 60 days to allow parties to submit final documents. If more time is needed, notify the Court Coordinator and file a Motion to Retain.

Settlements involving minors must be set for an oral hearing unless leave is granted by the Court by agreed motion. Please refer to the Motion Docket section of these procedures for instructions regarding oral hearings. If a Guardian Ad Litem has not been appointed to represent the minor in the case, please file a Motion and Proposed Order.

Service of Process

All cases are subject to Dismissal for Want of Prosecution if service is not perfected, and no answer is filed within **90 days** of petition filing. In order to avoid Dismissal for Want of Prosecution, a Motion to Retain must be filed in advance of the Dismissal Date.

Dismissal & Final Disposition Docket

All cases on the Court Docket will include a date certain. The case will either have a ***Trial Date, Dismissal Date***, or a ***Final Disposition Date***. All cases are subject to Dismissal for Want of Prosecution if service is perfected, and no answer is filed within **90 days** of filing or, in the alternative, an ***Agreed Scheduling Order*** is not filed within **30 days after an Answer has been filed**. The Court may extend the Dismissal Date by the filing of a Motion to Retain before the Dismissal Date. **No appearance is necessary for the Dismissal or Final Disposition Docket.**

Courtroom Etiquette & Decorum

The same etiquette and decorum expected in a physical courtroom is expected in a virtual courtroom.

- Remove hats or caps, except religious hats or materials
- Attorneys shall observe the letter and spirit of all canons of ethics and advise their clients of decorum
- Pro-se parties are held to the same standard as attorneys
- Cell phones must be silent and out of sight
- No eating
- No tobacco or vaping product use
- No driving
- Dress appropriately for Court
- Be courteous and respectful to all participants.

Compliance with Gov. Code 82.037(a)(4) will be expected from all counsel and self-represented (pro se) parties: "Conduct oneself with integrity and civility in dealing and communicating with the Court and all parties."