

COURT PROCEDURES, JUDICIAL PREFERENCES & REQUIREMENTS

ZOOM HEARING INSTRUCTIONS

If your hearing is being held via ZOOM, please note that the Applicant does not need to be physically present with the attorney so long as both parties appear via ZOOM. All witnesses will be required to sign testimony reduced to writing (*Proof of Death/Statement of Facts/Witness Testimony*) at the time of the hearing. If any witness who is required to give testimony at the time of the hearing is unable to appear by ZOOM and appears by calling in to the Zoom hearing, they will be required to have the said testimony notarized.

Immediately after the hearing, please email/e-file the (*Proof of Death/Statement of Facts/Witness Testimony*) as follows:

Email all documents signed by the witness (*if approved for Judicial Signature/Acknowledgment*) to:

Andrea Cooper at Andrea.Cooper@dallascounty.org if your matter is set before Judge Margaret Jones-Johnson, Presiding Judge; or to

Elizabeth Roberson at ELRoberson@dallascounty.org if your matter is set before Judge Tomi J. Shehan, Associate Judge.

E-File all documents executed by a Notary. All **Oaths** must be notarized and e-filed, unless directed otherwise by the Court.

Please note: If the Judge does not invite you into the Zoom room at your scheduled time, please be patient, and the Judge will appear shortly or someone from the Court will contact you.

LAST MINUTE REVISED PROPOSED DOCUMENT SUBMISSIONS

Please email all revised proposed documents to Andrea Cooper at Andrea.Cooper@dallascounty.org if your matter is set before Judge Margaret Jones-Johnson, Presiding Judge.

Please email all revised proposed documents to Elizabeth Roberson at ELRoberson@dallascounty.org if your matter is set before Judge Tomi J. Shehan, Associate Judge.

MOTIONS FOR SUBSTITUTION OF COUNSEL

When submitting a “Motion for Substitution of Counsel”, please be sure that the motion is consented to and signed by the Applicant, the current counsel of record and the former counsel of record.

MOTIONS TO OPEN SAFE DEPOSIT BOX

When submitting a “Motion to Open Safe Deposit Box,” please be sure to deposit \$600 in the registry of the Court. A Court Representative, *not the Movant*, will be appointed to open the safe deposit box. Please also include the specific address relating to the location of the safe deposit box.

SMALL ESTATE AFFIDAVITS (SEA)

The approved Small Estate Affidavit form and Small Estate Checklist are located on the main Probate Court webpage. Please review the checklist and complete the SEA thoroughly. Use of the Dallas County approved SEA form is strongly preferred. The estimated time for review of a SEA is approximately 4-6 weeks, but can be sooner. Please check the status of the SEA online on the Dallas County, Texas Courts Portal at <https://courtsportal.dallascounty.org/DALLASPROD>.

If the SEA is approvable, the Court will draft an order approving the SEA, and a certified copy will be mailed by the Clerk to the address on file. If the SEA is not approved, the Court will prepare a SEA Correction letter with further instructions, which will be placed on file with the Clerk’s office. If the SEA has not been addressed within the said 4-6 week timeframe, please contact the Court.

ANNUAL ACCOUNTINGS

Court-Supervised Dependent Administrators and Guardians of Estates must file their Annual Accounts timely to allow maximum time for audit and any curative action if needed. Accounts are deemed late if not filed within the 60 days immediately following qualification anniversary.

Please note that it is imperative that personal representatives file their instruments timely, otherwise they are subject to a fine not exceeding \$1,000.00 and removal from office; furthermore, failure to observe such order may constitute contempt of Court and subject the party to fine and confinement. (TEC §309.057).

15 PAGE +Plus ACCOUNT FILINGS

If you have an instrument for auditing that is greater than 15 pages in length (including exhibits/supporting documentation), you must provide the Auditor with a hard paper copy of all such pages and proposed Order to:

Probate Court No. 3 Auditor
600 Commerce St.
7th Floor, Suite 300
Dallas, TX 75202

MOTION FOR SUMMARY JUDGMENT

Motions for Summary Judgment must be Titled: “Traditional Motion for Summary Judgment,” “No-Evidence Motion for Summary Judgment,” or “Combined Motion for Traditional and No-Evidence Summary Judgment.”

All Motions for Summary Judgment and all Responses must be accompanied by a proposed order.

Unless a request for oral hearing is made in the title of the Motion pursuant to TRCP 166a(b)(2)(B), the Court will enter a ruling on Motions for Summary Judgment on submission.

CONTESTED MATTERS & JUDICIAL CONFERENCES

If a matter is contested, it is required that the parties confer and/or attend mediation to try to reach an agreement before requesting a setting. If an agreement cannot be reached, an attorney of record may contact the Court to schedule a status conference/scheduling conference before the Judge. It is recommended that a certificate of conference between the parties be efiled prior to scheduling a conference with the Court.

Additionally, the parties may efile an (optional) brief or statement regarding the facts of the case. Judicial conferences are for attorneys and pro se litigants **only**. The Judge will decide if a matter should be set for trial at the conclusion of the scheduling/judicial conference.

TRIAL SETTINGS & AGREED SCHEDULING ORDERS

An Agreed Scheduling Order (ASO) must be approved by the Judge before Pre-Trial and Trial dates are officially set on the court’s docket. A courtesy copy of an ASO may be found on the PC#3 website for your convenience. All matters set for bench trial/jury trial must attend mediation according to the ASO requirements. **If an Agreed Scheduling Order is requested by the Judge, the said Order must be returned to the Court within 5 business days for consideration.**

SUBMISSION OF EXHIBITS

If any proposed exhibit(s) are to be considered for admission into evidence, please ensure that any Personally Identifiable Information (PII) contained within the proposed exhibit(s) has been properly redacted and meets HIPAA-compliant standards, as well as meets submission standards required for the Fifth Court of Appeals regarding electronic documents, audio, and video-evidence formatting. In addition, please email your proposed exhibits to the Official Court Reporter, Charletta Breed, at: Charletta.Breed@dallascounty.org *as soon as possible, but not later than three (3) days prior to your scheduled hearing date.* The Court prefers the parties stipulate to the admission of as many exhibits as possible and address objections to exhibits during the pre-trial conference.

LOCAL RULES FOR ADDITIONAL RULES AND REQUIREMENTS

Please view the *Local Rules of the Statutory Probate Courts of Dallas County* at <https://www.dallascounty.org/Assets/uploads/docs/courts/probate/20190828-19-9079-Dallas-County-Local-Rules-Order.pdf> for special filing requirements and rules.