



**269TH DISTRICT COURT
HARRIS COUNTY, TEXAS**

JUDGE DAN HINDE'S COURT PROCEDURES

Revised: August 29, 2016

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These Guidelines are general in nature, and the Court may modify them at its discretion.

1. CONTACT WITH COURT PERSONNEL

A. Court telephone numbers:

Court Phone: (832) 927-2269

Clerk:	Pam Robicheaux	(832) 927-2269
Assistant Clerk:	Joshua Bovell	(832) 927-2269
Coordinator:	Alex Garibay	(832) 927-2299
Bailiff:	Darrell Anderson	(832) 927-2277
Court Reporter:	Kathleen Keese	(832) 927-2278

- B. Information about the filing of documents, entry of orders, and the like is available from the Court Clerk at (832) 927-2269.
- C. Questions about trial settings, scheduling orders, and Docket Calls should be directed to the Court Coordinator at (832) 927-2299.
- D. Requests for hearing dates should be directed to the Court Clerk.

2. EMERGENCIES

- A. **Do not mislabel something as an “emergency” unless it is truly an emergency.**
Looming or missed deadlines—though urgent—are not emergencies.
- B. **True Emergencies.** If all parties agree to an emergency hearing, call the Court Clerk to request a telephone conference with the judge. If fewer than all of the parties think the matter is an emergency, file a motion or request for emergency hearing and follow up with a call to the Clerk alerting her to the filing. The Clerk will then present the request to the judge to determine whether to schedule an emergency hearing.
- C. **Expedited Hearings.** If a matter is not an emergency, but a party seeks an expedited hearing on it, the Party should either set the matter for written submission or file a written request for expedited hearing. The request for expedited hearing must list the current hearing date and time for the matter and explain why the Court should hear the matter before that setting.

3. CONTINUANCES

- A. While often granted, joint, agreed, or unopposed motions for continuance are not binding on the Court.
- B. Requests for continuance should be filed well in advance of trial and should state that the client consents to the requested continuance. ***Parties should not wait until a deadline has passed or until Docket Call is imminent before moving for a continuance.***

- C. **Provide Details.** Motions for continuance must explain *why* the moving party cannot meet the current schedule and needs more time. If time is running out to complete discovery, the motion must identify specifically what discovery remains to be completed and explain why the movant cannot complete it under the existing schedule. ***The more detailed the motion is, the more likely it will be granted.***
- D. **Specify the length of time you seek.**
- E. The Court will not necessarily continue trial because a witness is unavailable. Counsel should anticipate such possibilities and prepare to present testimony of unavailable witnesses by deposition or stipulation.

4. ATTORNEY APPEARANCES

- A. An attorney who appears at a hearing, conference, Docket Call, or trial must:
 - 1) Be familiar with the case;
 - 2) Have authority to bind the client; and
 - 3) Be in charge for that appearance.
- B. **Appearance by Telephone.**
 - 1) Out-of-town counsel may appear at hearings and Docket Call by telephone, except for evidentiary hearings or when the out-of-town counsel will argue for or against a dispositive motion.
 - 2) Counsel desiring to appear by telephone must contact the Court Clerk no later than twenty-four (24) hours before the scheduled hearing or Docket Call to request appearance by telephone. The Court will attempt to accommodate timely requests.
- C. **Motions to Appear *Pro Hac Vice*.** All *pro hac vice* motions ***must*** comply with TEX. GOV'T CODE § 82.0361.
- D. Counsel must ***immediately*** report to the Court Clerk the resolution of any matter that is set for conference, hearing, or trial.

5. MOTION PRACTICE

- A. All parties must comply with the provisions in the Local Rules concerning motion practice.
- B. **Certificates of Conference.** The Court requires complete compliance with TEX. R. CIV. P. 191.2 and Rule 3.3.6 of the LOCAL RULES OF THE CIVIL TRIAL DIVISION OF THE HARRIS COUNTY DISTRICT COURTS. The movant must make genuine and good faith efforts to contact opposing counsel to discuss the item in dispute and try to resolve it before filing a motion. More specifically, the movant must attempt to talk directly via telephone with

opposing counsel or try to meet with opposing counsel. **Exchanging emails, faxes, text messages, letters, etc. is not sufficient.** Statements similar to the following do not satisfy these Rules:

- “Sent a letter...did not get a response.”
- “Left a message...don’t know if the other side agrees or disagrees.”
- “The other side won’t return my phone calls.”
- “I have attempted to resolve this matter by agreement but was unable to do so.”
- “I emailed a draft of this motion and asked if opposing counsel opposed it, but I received no response.”

- C. **Proposed Orders.** Parties must file proposed orders with their motions and responses. For special exceptions, discovery motions, evidentiary objections, motions in limine, and deposition objections, the moving party must file a granulated order with blanks for the Court to mark as “granted or denied” (or “sustained” or “overruled”) for each specific item raised. *See, e.g., infra* § 6(B)(3), (E)(3).
- D. Even if a hearing has been scheduled despite an insufficient certificate of conference, the Court may nonetheless deny the motion without prejudice for failure to confer beforehand or require the parties to confer with each other before hearing the motion.
- E. **Agreed Motions.** Agreed Motions need not be set for hearing or placed on the Submission Docket. File them as an “Agreed” or “Joint” motion with the Court for consideration. Each party’s counsel must sign the motion and order as “agreed” or “joint.” If the Court denies an agreed motion without a hearing, the moving party may request a subsequent oral hearing on the motion.
- F. **Exhibit References.** When referring to exhibits, provide the exhibit number or letter **and** a pinpoint to the page (and, if such numbers are included, the paragraph or section number) of the relevant material.

6. MOTIONS

A. Motions for Default.

- 1) Parties moving for default judgment should set the motion on the Submission Docket unless the moving party needs to elicit testimony to prove up damages or attorneys’ fees.
- 2) Motions for default should be set for submission promptly after filing.
- 3) **Servicemember Affidavits.** In support of servicemember affidavits, plaintiff must obtain and include a report from the Department of Defense Manpower Data Center

confirming that the Department of Defense does not have a record showing that the defendant is currently on active duty.

- 4) The information in Servicemember Affidavits and Certificates of Last Known Address must be nearly contemporaneous with the date of filing of the motion for default judgment (i.e., within one week).

B. Discovery Motions.

- 1) The Court believes that counsel can resolve most discovery disputes, especially those dealing with (a) scheduling; (b) the number, length, and form of oral questions; (c) responsiveness to questions and requests; (d) the scope of discovery; (e) deposition scheduling; and (f) the mechanics of document production, including protective or confidentiality orders, without the intervention of the Court. Therefore, parties must confer thoroughly and comply with TEX. R. CIV. P. 191.2 and Rule 3.3.6 of the LOCAL RULES OF THE CIVIL TRIAL DIVISION OF THE HARRIS COUNTY DISTRICT COURTS before setting discovery disputes for hearing or written submission.
- 2) Attach a copy of the discovery response at issue.
- 3) Proposed orders should be granulated—meaning, they must list each discovery issue separately with blanks to grant or deny the motion on each disputed request. For example:

DISCOVERY REQUEST	GRANTED	DENIED
Interrogatory No. 1	_____	_____

- C. Motions for Sanctions.** Do not request sanctions unless the opposing party has violated a previous order.

D. Motions to Sever.

- 1) Coordinate with the Court Clerk on the procedures for severance. In some cases, less expensive alternatives include moving to abate one cause of action or requesting separate trials on a cause of action.
- 2) The proposed Order must include the following:
 - a. The severed cause's new case number and case caption;
 - b. A list of the names, filing dates, and image numbers for each pleading, motion, brief, etc. to be included in the severed cause;
 - c. A statement whether the judgment included in the severed cause, if any, is final; and
 - d. A statement identifying which party is liable for costs of court.

E. Special Exceptions.

- 1) Parties seeking a ruling on special exceptions must comply with the conference requirements of Rule 3.3.6 of the LOCAL RULES OF THE CIVIL TRIAL DIVISION OF THE HARRIS COUNTY DISTRICT COURTS and § 5(B) above.
- 2) Attach a copy of the pleading being challenged (unless the exception is only to the amount of damages sought).
- 3) Proposed orders should be granulated—meaning, they must list each special exception separately with blanks to sustain or overrule each exception. For example:

SPECIAL EXCEPTION

SUSTAINED OVERRULED

Special Exception No. 1

F. Motions for Summary Judgment.

- 1) The Docket Control Order sets a deadline for hearings on all dispositive motions. Parties moving for summary judgment should file their motions sufficiently far in advance to allow them to obtain a hearing date that meets this deadline as well as the notice and briefing deadlines set by the TEXAS RULES OF CIVIL PROCEDURE. Agreements to extend this deadline are not binding on the Court. Instead, parties desiring to have a motion for summary judgment considered after this deadline **must** file a motion for the Court to extend it.
- 2) The Court's hearing dates fill quickly. If a hearing date is not available within the deadline set by the Docket Control Order, the motion may be set on the Submission Docket, so long as the submission date satisfies the deadline in the Docket Control Order as well as the notice and briefing deadlines set by the TEXAS RULES OF CIVIL PROCEDURE.

G. Motions for Substituted Service under Rule 106. Parties requesting substituted service under Rule 106 must submit with their motions an affidavit that includes the following information:

- 1) Efforts taken to verify that the defendant actually lives or works at the subject address;
- 2) Each attempt at service, with date and time;
- 3) The identity of persons present at the subject address and a recitation of what was said;
- 4) The identity and ownership of cars in the driveway or other indications that the defendant resides or works at the subject address; and

- 5) The date that service by certified mail was sent and whether the serving party received a return receipt (green card).

H. **Motions to Withdraw as Attorney of Record.** Because motions to withdraw as attorney of record usually impose the burden of a *pro se* case on opposing parties and the Court, the Court will grant them only when absolutely necessary. Attorneys moving to withdraw must file the following materials before the Court will consider any such motion:

- 1) A notice of hearing or submission.
- 2) A statement of the particular circumstances and disciplinary rules requiring withdrawal. A general statement such as “irreconcilable conflicts” is not enough. Matters that are confidential may be addressed under seal in accordance with the procedures set forth in TEX. R. CIV. P. 76a.
- 3) A certificate by the attorney of record of the client’s name, address, and telephone number; whether such information is current; or if not current, when it was last known to be correct.
- 4) A copy of a letter—with the notice of submission or hearing at which the motion to withdraw will be considered attached—from the attorney of record to the client giving notice that: (a) the attorney is withdrawing; (b) the client is deemed to have knowledge of and is required to abide by the TEXAS RULES OF CIVIL PROCEDURE if the client proceeds *pro se*; (c) all notices from the Court to the client’s current address will be deemed to have been received unless the client notifies the Court of any change of address; and (d) no continuances or extensions will be granted to the *pro se* client in order to obtain other counsel.
- 5) In addition to the items described in item (4) above, if the client is a corporation, the attorney must notify the client that (a) a corporation cannot proceed *pro se* and (b) if the corporation has not obtained new counsel within 30 days, a default judgment may be entered against the corporation if it is a defendant or its claims may be dismissed if it is a plaintiff.
- 6) If the client has agreed to the withdrawal, a signed acceptance of the terms of the letter described in item (4). If the client has not agreed to the withdrawal, proof of service of the letter described in items (4) and (5) must be filed.

7. RESPONSES

- A. Under Rule 3.3.2 of the LOCAL RULES OF THE CIVIL TRIAL DIVISION OF THE HARRIS COUNTY DISTRICT COURTS, the Court may construe a failure to respond to a motion as no opposition.
- B. Include a proposed order denying the motion at issue.

8. FORMAT OF MOTIONS, BRIEFS, AND MEMORANDA OF LAW

- A. **Double-Space.** Parties must double-space all motions, briefs, responses, petitions, applications, memoranda of law, or other similar documents.
- B. **Page Limits.** Because the Court hears numerous motions every week and because the Court reads all motions and briefs before the hearing, it is very important that parties submit *short, clear, and concise* motions and response papers.
- 1) No motion, brief, or memorandum of law may exceed twenty-five (25) pages (not including certificates of conference or service) without leave of Court. (The Court reserves the option to stop reading or to strike material after page 25.)
 - 2) Parties who cannot avoid exceeding the page limit must request leave to exceed the page limit sufficiently in advance to permit the Court to consider and rule on their request prior to the time required to file the brief, memorandum, or motion.
- C. **Additional Requests.** Any brief, motion, or memorandum of law longer than ten (10) pages (not including certificates of conference or service), must contain the following items:
- 1) A table of contents setting forth the page number of each section, including all headings designated in the body of the motion, brief, or memorandum;
 - 2) A table of authorities listing cases, statutes, rules, textbooks, and other authorities alphabetically by type of authority;
 - 3) A *short* summary of the argument;
 - 4) Headings succinctly setting forth the separate points of the argument; and
 - 5) A short conclusion reciting precisely the relief sought by the party submitting the brief, motion, or memorandum of law.
 - 6) A party who submits more than five exhibits must include a table of contents describing each exhibit along with its exhibit number or letter.
- D. **Exhibit Citations.**
- 1) Every citation to an exhibit must include a reference to the letter or number of the exhibit.
 - 2) Citations to deposition or affidavit testimony must include the appropriate page or paragraph numbers.
 - 3) **Pinpoint Citations.** Citations to other documents or materials longer than one page must include some sort of pinpoint citation—such as a *page, paragraph, section, or*

Bates number—directing the Court to the specific page, paragraph, or section being cited.

- E. **Non-Texas Legal Authority.** If a party cites legal authority not found in the SOUTHWESTERN REPORTS, VERNON’S TEXAS CODES ANNOTATED, or VERNON’S CIVIL STATUTES OF THE STATE OF TEXAS ANNOTATED, the party must submit the relevant parts of such authority as an exhibit with the motion, brief, or memorandum of law. If the authority is a case, include the entire case.

F. **Writing Tips.**

- 1) **First Paragraph.** Use the first paragraph effectively. Omit anachronistic introductions such as “Comes now” and get directly to the point.
- 2) **Standard of Review.** The Court is familiar with the general standards of review for discovery motions, traditional motions for summary judgment, and no-evidence motions for summary judgment. Counsel need not include these standards of review in their briefs *except* when a ground or point of argument relies on the standard of review.

9. **HEARINGS**

- A. The Court generally schedules oral hearings on Fridays.

B. **Requests for Hearing.**

- 1) Except as stated elsewhere in these Procedures, any party may request an oral hearing concerning a motion filed with the Court. No formal, written request for oral hearing is required, unless the party seeks an expedited hearing.
- 2) The party requesting an oral hearing should call the Court Clerk for a date and time.
- 3) **Shifting a Motion from the Submission Docket to an Oral Hearing.**
 - a. If a motion has been set for written submission, the responding party may request a hearing. The Clerk will not, however, remove the motion from the submission docket until the party requesting an oral hearing has conferred with the other parties’ counsel and obtained agreeable dates for the oral hearing.
 - b. If counsel cannot agree, the party requesting an oral hearing must file a written motion for oral hearing.
 - c. A matter will not be taken off of the Submission Docket until a Notice of Hearing is properly filed and served.
- 4) Parties moving for default judgment should *not* set the motion for hearing (instead, set it on the Submission Docket), unless the moving party needs to elicit testimony to prove up damages or attorneys’ fees.

- 5) The party requesting the hearing must file a Notice of Hearing and serve it on all counsel and *pro se* parties in accordance with the Local Rules. ***Do not submit a fiat for completion by the Clerk.***

- C. **Hearing Records.** Parties who desire to have a record made of a hearing must request one before the hearing, when they arrive in Court, or as soon as the Court calls their case for hearing.

10. SUBMISSION DOCKET

- A. **Mondays at 8:00 a.m.** Parties who do not need an oral hearing may set their motions on the Submission Docket to be decided on the papers. The Submission Docket is Mondays at 8:00 a.m. after ten (10) days notice.
- B. **Notice of Submission Required.** Parties who set a matter on the Submission Docket must file a Notice of Submission and serve it on all counsel and *pro se* parties.
- C. **Requests for Hearing.**
 - 1) If a motion has been set for written submission, the responding party may request a hearing. The Clerk will not, however, remove the motion from the submission docket until the party requesting an oral hearing has conferred with the other parties' counsel and obtained agreeable dates for the oral hearing.
 - 2) If counsel cannot agree, the party requesting an oral hearing must file a written motion for oral hearing.
 - 3) A matter will not be taken off of the Submission Docket until a Notice of Hearing is properly filed and served.

11. TEMPORARY INJUNCTIONS

- A. Temporary Injunctions are generally set on Fridays at 4:00 p.m.
- B. Parties seeking temporary injunctions must establish that the responding party received notice of the temporary injunction hearing.
- C. Counsel should call the Court Clerk before the scheduled hearing and report whether their client is ready to proceed with the hearing and how long the hearing will take. It may become necessary to reschedule the hearing and to consider whether to extend the Temporary Restraining Order.
- D. Both sides should bring to the hearing proposed Orders stating the relief they seek.

12. APPLICATIONS TO TRANSFER STRUCTURED SETTLEMENT PAYMENTS

- A. **Full, Unredacted Names.** Applications must state the ***full name*** of the annuitant without redaction. Initials or pseudonyms do not satisfy this requirement.

- B. **Hearing Attendance.** Persons applying to transfer any future structured-settlement payments must attend the hearing set for consideration of their Application.
- C. **Interest Rate/Internal Rate of Return.** Prior to the hearing, the factoring company **must** provide the Applicant and file with the Court a statement certifying the effective interest rate or internal rate of return on the proposed transfer transaction.

13. CONFIDENTIALITY ORDERS

- A. **Agreed Confidentiality Orders.** If the parties agree to the terms of a Confidentiality Order, the parties should submit an Agreed Confidentiality Order signed by lead counsel for each party.
- B. **Opposed Orders.** If a party will not agree to the terms of a proposed Confidentiality Order, the party who seeks entry of the order should submit its proposed Confidentiality Order with a motion for entry of the order. The motion must identify the provisions that are in dispute.
- C. **No Automatic Filing Under Seal.** No Confidentiality Order, whether agreed or not, should include language that automatically permits filing materials under seal. Instead, the order should state that any party who desires to file material protected by the Confidentiality Order must comply with TEX. R. CIV. P. 76a and obtain an order permitting the party to file the material under seal.

14. REQUIRED PRETRIAL MATERIALS

- A. **Trial Preparation Order.** The Court issues a Trial Preparation Order at the same time it issues a Docket Control Order and sets a case for trial. The Court's Trial Preparation Order identifies the materials that the Parties must file and serve before trial and sets a deadline for filing. The parties must file and serve these materials one week before Docket Call.
- B. **Proposed Jury Charge.**
 - 1) Parties must file and exchange proposed jury questions and instructions before trial in accordance with the deadline set forth in the Trial Preparation Order.
 - 2) Except for the materials required by TEX. R. CIV. P. 226a, each proposed question, instruction, or definition should include a citation to the authority supporting it.
 - 3) The proposed charges need not include the boilerplate instructions required by TEX. R. CIV. P. 226a, pt. III; the Court will include those instructions as a matter of course.
 - 4) *The Parties should also email courtesy copies of their proposed questions and instructions in Microsoft Word format to the Court Coordinator at: Alex_Garibay@justex.net.*

C. Proposed Findings of Fact and Conclusions of Law.

- 1) In nonjury trials, Parties must file and exchange proposed Findings of Fact and Conclusions of Law in accordance with the deadlines set forth in the Trial Preparation Order.
- 2) Each proposed conclusion of law must contain citation to legal authority supporting the conclusion.
- 3) Each proposed finding of fact should include references to testimony or exhibits that counsel expects will support the finding.
- 4) ***The Parties should also email courtesy copies of their proposed Findings of Fact and Conclusions of Law in Microsoft Word format to the Court Coordinator at: Alex_Garibay@justex.net.***

15. TRIALS

- A. All cases are automatically set for trial after the defendant files an answer. If not reached at the first setting, most cases are reset within 1 to 2 months.
- B. The Court holds Docket Call approximately ten (10) days before the beginning of each two-week trial setting. All motions that have been heard orally or placed on written submission may be ruled on at Docket Call.
- C. The Court's Trial Preparation Order identifies materials that the Parties must file and serve before trial. These materials are due the same day as Docket Call.

D. Trial Assignments.

- 1) At Docket Call, the Court will assign cases to a specific trial date within the two-week trial setting. The Court will attempt to accommodate the schedules of counsel and witnesses.
- 2) At Docket Call, the Court may assign more than one case to a specific date, in which case the Court will assign docket positions to each case assigned to the same date.
- 3) Cases that are not assigned the No. 1 position for the assigned date are subject to being called to trial on one-hour notice until 12 noon of the trial date assigned at Docket Call. Cases not called by 12 noon on the assigned date will be reset for a future two-week trial setting. Contact the Court Coordinator at (832) 927-2299 for updates.

- E. **Requests for Daily Copy.** Parties who anticipate needing a daily copy of the Court Reporter's Record should contact the Court Reporter ***several weeks*** in advance to allow her to make the necessary logistical arrangements.

- F. **Challenges to Experts.** Any Party desiring to limit or exclude an expert's testimony must file a motion and set it for hearing or submission in accordance with the deadlines set forth in the Docket Control Order. **Do not wait until the first day of trial.** Call the Court Clerk to schedule the matter for hearing or submission in accordance with the Docket Control Order.
- G. Unless an attorney has actually begun trial in another court, conflicting trial settings will not cause a case to be passed after the Court has assigned it to trial.

16. EXHIBITS

- A. Exchange exhibit lists and make exhibits available for inspection and copying in accordance with the deadlines set forth in the Trial Preparation Order. Eliminate duplicate exhibits. For oversized exhibits, mark an 8½" x 11" sized-version for the record. Before voir dire the parties should be prepared to list exhibit numbers for which they have no objection.
- B. Before trial commences, counsel for each party must provide the Court a courtesy copy of the party's exhibits in a properly tabbed and indexed notebook, along with a courtesy copy of the party's Exhibit List. The Court's preferred Exhibit List form may be found on the webpage for the 269th District Court, which users may navigate to the Court's webpage from the homepage for the Harris County Civil District Courts: <http://www.justex.net/Courts/Civil/CivilCourts.aspx> .
- C. Do not pass exhibits directly to the jury. Instead, use the Court's audio-visual equipment or ask the Court to have the Bailiff pass any exhibits to the jury.
- D. All exhibits admitted into evidence will go to the jury during its deliberations.

17. COURTROOM ETIQUETTE

- A. **Hours:** The Court's hours during trial will vary depending upon the type of case and the needs of the parties, counsel, witnesses, and the Court. Normally, Court will convene by 8:30 a.m. and adjourn by 5:00 p.m., recessing for lunch sometime between 11:45 a.m. and 1:30 p.m. Because the Court schedules motion and evidentiary hearings on Fridays, the Court normally does not try cases on Fridays.
- B. No beverages are permitted in the courtroom other than bottled water, except that jurors are permitted to drink coffee.
- C. At anytime other than during trial proceedings, reading materials are permitted. They must be read discretely on the back row of the courtroom only.
- D. Counsel must ensure that all parties and witnesses refrain from chewing gum, drinking, eating, or smoking in the courtroom.
- E. Cell phones and pagers must be **silenced** while in the courtroom.

F. Witnesses:

- 1) Counsel are responsible for summoning witnesses into the courtroom and instructing them on courtroom decorum. Counsel must bear in mind the Court's hours and arrange for witnesses accordingly. The Court will not recess to permit counsel to find a missing witness unless the witness has been subpoenaed and has failed to appear.
- 2) Counsel may question witnesses while seated at counsel table or standing at the podium.
- 3) Counsel must make every effort to avoid cumulative testimony.

G. Seating: The Court does not designate seating at counsel tables. Seating is determined on a first-come, first-served basis on the first day of trial or hearing.

H. Trial Etiquette.

- 1) ***No speaking objections are permitted.*** When rising to state an objection, counsel should simply state the ground for objection (i.e., "Hearsay," "Relevance," "Lacks Foundation," etc.). If an explanation is needed the objecting party may ask to approach the bench.
 - 2) Counsel will conduct voir dire and give their opening statements and closing arguments from the podium.
- I. While the jury deliberates, counsel must remain in the courtroom or in the attorney ready rooms to be available immediately for jury notes or a verdict.

18. VOIR DIRE

- A. **Time.** Time for voir dire depends on the complexity of the case.
- B. **Questionnaires.** Do not bring a jury questionnaire to the first day of trial. Discuss this with the court at an earlier status conference.
- C. Opening statements should be reserved for opening and should not be made during voir dire.
- D. Counsel should not question jurors as to opinions on the facts of the case.
- E. **Strikes for Cause.** The Court will hear motions to strike for cause after both sides have completed their examinations of the venire.

19. DEPOSITION USE AT TRIAL

- A. Before trial, counsel must provide the Court courtesy copies of any deposition to be used at trial.

- B. Deposition page/line designations must be filed and submitted in accordance with the deadlines set forth in the Trial Preparation Order.
- C. File and serve deposition counter-designations and objections to deposition designations by 5:00 p.m. on the Wednesday before Docket Call. Present any objections to which the Parties cannot agree to the judge prior to commencement of voir dire examination.
- D. Questions may be repeated as necessary to lay foundation on cross-examination.

20. AUDIO-VISUAL EQUIPMENT

- A. All courtrooms have state-of-the-art audio-visual equipment, including an ELMO (document camera), VGA video-cable plugs, sound cord plugs, computer jacks, projectors, TV screens, and VCR and DVD players. Counsel are encouraged to use the ELMO to present exhibits to the jury.
- B. The Civil District Courts have prepared detailed instructions on use of the Courts' audio-visual equipment. Please refer to the following weblink:

<http://www.justex.net/Courts/Civil/CivilTechnology.aspx>
- C. The Court encourages counsel who are unfamiliar with the equipment to come to the courtroom early and learn.

21. SETTLEMENTS, NONSUITS, AND ORDERS OF DISMISSAL

A. Settlements.

- 1) Upon agreeing to settle any case, counsel must *immediately* notify the Court Coordinator.
- 2) Parties must submit closing papers within thirty (30) days of the settlement announcement, or the Court will dismiss the case for want of prosecution.

B. Minor Settlements.

- 1) At least two days before a Minor Settlement Hearing, the parties should submit (a) the proposed judgment and (b) a courtesy letter identifying the terms of the settlement to be considered.
- 2) The Court encourages minor plaintiffs to attend the hearing on their settlement, unless counsel and the Guardian ad Litem agree that attendance would not be in the minors' best interests.
- 3) Guardians ad Litem must bring to the hearing records sufficient to support their requested fees, such as a fee invoices, descriptions of the tasks undertaken, the time spent on the tasks, the hourly rate being sought, and expenses incurred.

C. **Judgments and Nonsuit or Dismissal Orders.** Judgments and Nonsuit or Dismissal orders should include language specifying:

- 1) Whether the order disposes of all claims, counterclaims, cross-claims, etc. asserted in the case, and
- 2) How costs should be taxed. *See* TEX. R. CIV. P. 162.
- 3) For example:
 - a. If an order completely disposes of a case, the order should include, “This Order disposes of all claims and parties, is final, and is appealable.”
 - b. If an order does not completely dispose of a case, the order should include, “This Order does not dispose of [claim or Party that remains pending] and is interlocutory.”