

Welcome to the 312th District Court
Updated COVID-19 Court Policies and Procedures — Effective March 15, 2021

General Docket information

Uncontested Docket - Monday-Friday 8:15 a.m. to 8:45 a.m. and at other times subject to court availability

Trial Docket - Mondays at 9:00 a.m.

Temporary Orders Hearings-Tuesdays and Wednesdays at 9:00 am

CPS Docket - Thursdays at 9:00 a.m. and 1:30 p.m.

Contempt - Tuesdays at 9:00 a.m.

Entry and Submission Docket-Fridays at 9:00 am

1. **THERE WILL BE NO IN PERSON DOCKET CALLS.**
2. **UNCONTESTED DOCKET** will be heard Monday – Friday 8:15 a.m. – 8:45 a.m., will be heard via Zoom. Attorneys, parties and any other persons on the uncontested docket shall click Judge Baughman’s link below or go directly to Zoom and input the meeting ID 9244 677 0386 in order to join the uncontested docket. Please contact the Court Clerks the day prior to appearing on the virtual uncontested docket.
3. **TRIALS** are set Mondays at 9:00 a.m.. The **DOCKET CALL** will be held via Zoom. Attorneys, parties and any other persons on the trial docket shall click Judge Wells’ link below or go directly to Zoom and input the meeting ID 9637 527 3347 in order to join the trial docket.

If ALL Counsel agree their suit is **READY** for trial prefer to appear for an in person setting, please contact the Court Coordinator (Laura Hersch) at least 24 hrs prior to the court setting to determine the availability of in-person scheduling. In your initial communication with the Court Coordinator provide the following information: Cause number, attorney information, total number of litigants, total number of witnesses, any other person expected to attend, and agreed time stipulation for your matter.

Your matter is not scheduled for **IN-PERSON UNLESS** you receive e-mail confirmation from Ms. Hersch with a specific date and time. Attorneys will be held to their time stipulations. If you have multiple witnesses please plan to stagger their arrival so as to not overcrowd the Courtroom or the corridor outside. All safety protocols for masks and distancing shall be required for attendance and participation in the Courtroom.

DO NOT APPEAR IN PERSON WITHOUT A PREFERENTIAL SETTING FROM THE COURT COORDINATOR.

4. **TEMPORARY ORDERS** are set on Tuesdays and Wednesdays, and unless otherwise

specifically approved by the Court, will heard via Zoom. Attorneys, parties and any other persons on the show cause docket shall click Judge Wells' link below or go directly to Zoom and input the meeting ID 9637 527 3347 in order to join the trial docket.

Temporary orders may be limited to 1.5 hours per party, for a total of 3 hours. A request for temporary orders in a modification case or for additional temporary orders should be supported by an affidavit and approved by a judge.

5. **ENFORCEMENT ACTIONS are set on Tuesdays.** The DOCKET CALL will be held via Zoom. Attorneys, parties and any other persons on the trial docket shall click Judge Wells' link below or go directly to Zoom and input the meeting ID 9637 527 3347 in order to join the trial docket.

If ALL Counsel agree their suit is READY and prefer to appear for an in person setting, please contact the Court Coordinator (Laura Hersch) at least 24 hrs prior to the court setting to determine the availability of in-person scheduling. In your initial communication with the Court Coordinator provide the following information: Cause number, attorney information, total number of litigants, total number of witnesses, any other person expected to attend, and agreed time stipulation for your matter.

Your matter is not scheduled for IN-PERSON UNLESS you receive e-mail confirmation from Ms. Hersch with a specific date and time. Attorney's will be held to their time stipulations. If you have multiple witnesses please plan to stagger their arrival so as to not overcrowd the Courtroom or the corridor outside. All safety protocols for masks and distancing shall be required for attendance and participation in the Courtroom.

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For child support enforcement cases, please bring a payment history from the Texas Office of the Attorney General. If the moving party is requesting incarceration, the moving party should bring a proposed commitment order to the hearing. Commitment orders must be entered by 2 p.m. on the date of incarceration.

6. ***CPS hearings*** are set on Thursdays at 9:00 a.m. at 1:30 p.m., except for emergencies. All CPS hearings shall be heard via zoom except as otherwise previously arranged for final trials. **Attorneys, parties and any other persons on the CPS docket shall click Judge Baughman's link below or go directly to Zoom and input the meeting ID 9244 677 0386 in order to join the CPS docket.**
7. **ENTRIES OF ORDERS** are set on Fridays at 9:00 a.m. The DOCKET CALL will be held via Zoom. Attorneys, parties and any other persons on the entry docket shall click Judge Wells' link below or go directly to Zoom and input the meeting ID 9637 527 3347 in order to join the entry docket.

If you call to inform the court that your order has been filed, please make sure that all documents listed as *Required Orders and Forms for Entry of Final Decree/Order* have also been filed. Failure to include all documents may result in your case being dismissed on the date of the entry hearing.

8. The ***Submission docket*** is on Fridays at 9:00 a.m. after 10 days notice. Movant shall call the clerk as soon as the motion and proposed order are filed, for placement on the submission docket.
 - a. Oral hearings for matters placed on the submission docket are allowed if the party has filed a separate request for oral hearing and a written response. A party must receive the oral hearing date from the clerk. Responses shall be filed at least two working days before the date of submission, except with leave of court.
 - b. Any agreed or uncontested motions may be placed on the court's submission docket. All unopposed motions should be titled as such. (All agreed or uncontested continuances or reset motions on the submission docket **MUST** state what number continuance motion is being filed).
 - c. In addition the following motions may be placed on the submission docket: Motion to Substitute Counsel, Motion for Substitute Service (if properly accompanied by an affidavit), Motion for Service by Publication (if properly accompanied by an affidavit), Motion for Summary Judgment, and Motions to Transfer.
9. ***Discovery disputes*** will be set at 1:00 p.m.
 - A. The Court expects counsel to make every effort possible to resolve any and all discovery issues without Court intervention.
 - B. If Court intervention is necessary, the following procedure must be followed:
 - i. The party seeking Court intervention must file a letter not to exceed two (2) pages (13 point font) explaining the nature of the dispute and include the date, time, and place of prior out-of-court discovery or scheduling discussion(s) and the names of all counsel participating in the discussion(s). This letter must be both e-filed and e-mailed to the lead clerk;
 - ii. after receiving the letter, the Court will schedule a ten (10) to fifteen (15) minute telephonic conference with the parties. The responding party will have an opportunity to file a one (1) page (13 point font) response forty-eight (48) hours prior to the telephonic conference; and
 - iii. at the conclusion of the telephonic conference, the Court may order further briefing and/or a submission/hearing date.
 - C. The Court will send notice to all parties of any discovery submissions/hearings. The parties will be limited to briefing not to exceed ten (10) pages on any discovery matter.
10. ***Mediation is required before the final trial*** of a case; exceptions may be made in certain cases. Parties seeking such an exception should file a motion seeking such relief and set a hearing on the issue at least 10 days before trial. Failure to mediate prior to trial may result in dismissal of the case.

11. **Mediation is required before temporary orders involving conservatorship disputes or complex property issues**; exceptions may be made on a case by case basis. If a party is being denied possession of the party's child, the court may waive the mediation requirement. A party's **refusal** to attend or schedule mediation will not be used as an excuse to avoid a temporary orders hearing.
12. A **pre-trial conference is required for all jury trials** and will generally be scheduled on the Friday two weeks before trial. The parties shall comply with the Trial Preparation Order.
13. A **pre-trial conference** is required in each **adoption** case. This provides an opportunity to confirm that necessary documents have been filed; the final trial of the case will be set at the pre-trial conference.
14. **Late calls**: attorneys who will be late for docket call **should call the clerk** no later than 10 minutes prior to docket call and state their expected time of arrival, reason for delay, and any other court(s) where they are appearing. If an attorney knows their appearance at the 9:00 a.m. docket call will be delayed due to a conflicting court appearance, they should call the clerk after 1:30 p.m. the day before the hearing and provide the information listed above. *Cases may be dismissed or reset if the attorney for the moving party does not arrive in the courtroom within thirty minutes of the time of docket call.*
15. In cases regarding children, use each child's entire name. *Do not use initials to identify children.*
16. **Ex parte temporary restraining orders** should be joint and mutual, although exceptions may be made if supported by affidavit. In divorce actions, ex parte TROs should use the language included in section 6.501 of the Texas Family Code. In SAPCR cases, the court may strike certain proposed injunctions (such as alcohol or paramour injunctions) if they are not supported by an affidavit. A TRO on a counter petition must be consented to by the opposing party and contain a certificate of conference. Alternatively, a counter-petitioner may notice the other side of a hearing for temporary orders relief.
17. An **attorney ad litem** will be appointed to represent a party served by publication, although exceptions may be made in cases in cases with no children and no property. Parties seeking such an exception should approach the presiding judge or associate judge. An ad litem will not be waived in cases involving children. In each such case, the ad litem's affidavit of due diligence must be on file prior to finalization of the case.
18. The court may appoint an **amicus attorney** in a case in which conservatorship or possession of or access to a child is in dispute.
19. An **attorney ad litem** in a DFPS matter should submit a **voucher** for out-of-court work by the next hearing date in the matter.
20. All electronic devices should be in silent mode or turned off in the courtroom. No food or gum chewing is allowed in the courtroom. No photos, recordings or videos may be

taken at any time without the prior approval of the Court, except in adoption cases. While in trial, parties and attorneys may have water or beverages at the counsel table.

21. Children may not be in the courtroom without court approval. If the court approves a request for a judge to interview a child in chambers, bring the child to the courthouse at the interview time. **DO NOT ENTER THE COURTROOM.** Please check in at the Clerk's office.
22. Exceptions to these rules may be made on a case-by-case basis. Suggested changes to these rules are welcome. If there is something you think we should do differently, please let us know.

Your 312th will continue to allow Counsel, litigants and witnesses to appear virtually for good cause and to conduct ZOOM, hybrid and telephone conferences, hearings and trials to serve the needs of its pending litigation.

*These policies and procedures do not supplant the Harris County Local Rules
and are subject to revision.*