

**233RD District Court
Policies and Procedures**

1. COURT SCHEDULING

- A. Hours:** This Court will conduct business from 7:30 a.m. to 4:30 p.m. on all days the courthouse is open. The Judge and Associate Judge will generally be available for earlier or later appointments as may be scheduled in advance and with the agreement of all parties involved. The Court may alter normal hours of operation during holidays and at such times as a Visiting Judge is assigned.
- B. Court Reporter Availability:** The Official Reporter of the Court will be available during normal hours to the District Judge. Arrangements for the attendance of the Official Reporter for early or late appointments must be made in advance and are subject to the agreement of the reporter. A court reporter will be available during normal hours to the Associate Judge on Fridays. (The attorneys must make arrangements for a court reporter in the Associate Court on all other days.)
- C. Scheduling:** All trials and hearings will be scheduled by the court's coordinator.
- D. Chamber Conferences:** On request, and with reasonable notice, both Courts will be available for conference as early as 7:00 a.m.. Attorneys scheduling conferences regarding pending cases should notify all other parties of the conference and be prepared to demonstrate proof of such notice at the time of the conference.
- E. Open Docket:** Beginning at 8:00 a.m. and ending at 9:00 a.m. daily, Judge Harris will hear any matter where the time required is not significant. Matters that may be addressed at this open docket include, but are not limited to:
1. Prove-ups for final disposition of cases;
 2. Motions to Withdraw as Attorney of Record;
 3. Motions for Special/Preferential Setting;
 4. Motions for Social Study;
 5. Motions for Mediation;
 6. Default *nihil dicit* proceedings where the non-attendance of the other party is a near certainty; and
 7. Motions for Continuance.
 - a. Judge Harris will hear motions for continuance for settings scheduled on his docket.

b. Judge Haddock will hear motions for continuance for settings scheduled on her docket.

- F. Notice:** It will be the responsibility of the moving party to give such notice as may be required by law on the matter in question to all parties as to the time and date the matter will be presented to the court. The moving party should be prepared to offer proof of actual notice to any interested party at the time of presentment of the matter to the court. The moving party should provide a proposed order at the time that the matter is presented to the court. See also Tarrant County Local Rule 4.01(e).

II. SUBMISSION OF DECREES AND/OR ORDERS

- A. District Court Orders:** This court requires that the rendition of the District Court be reduced to a written order or decree within 30 days of the date of the rendition. Failure to reduce the rendition of the court to a written order or decree within 30 days of the date of the rendition will result in the dismissal of the case for want of prosecution, sanctions against the offending attorney and/or party, or both. All orders presented for signature shall be accompanied by the Court's jacket (file). In the event that there is a dispute as to the form and/or content of a proposed order or decree, a motion to enter the order or decree should be filed before the expiration of the 30-day period and a hearing shall be requested at the time of the filing of the motion to enter the order or decree. Failure to act in good faith in the approval of an order or decree as to form and/or content may result in the imposition of sanctions against the offending attorney and/or party.
- B. Associate Court Orders:** The decisions of the Associate Judge must be reduced to a written order and submitted to the Associate Judge within 14 days of the date of the Associate Judge's report/recommendation. The Associate Judge will sign said orders 10 days after receipt absent written objection. In the event of an objection, the Associate Judge will contact the attorneys by telephone to resolve the objections. Failure to present orders within the 14-day period may result in the case being placed on the dismissal docket. The Associate Court prefers that reports reflecting an agreement of the parties be presented on the pink form attached as Appendix A. Failure to act in good faith in the approval of an order as to form, content, or both may result in the imposition of sanctions against the offending attorney and/or party.
- C. Commitment Orders:** In contempt matters where the Movant pleads for incarceration of Respondent, it is necessary that commitment orders be presented to the court prior to beginning the trial. The court will begin no contempt trial without said commitment orders.

III. REQUESTS FOR FINAL TRIAL SETTINGS

- A. Requests for Trial Settings:** Cases may be set for trial on written request and representation of any party that the case will be ready for trial *during the week requested*. Requests shall be made for a specific trial week (a week begins on a Monday), at least 75 days from the date of the request using the form attached as Appendix B. Any objection to the request for setting must be filed within seven (7) days of receipt of the request for setting. Objections to a setting request must be specific and in writing.

If the trial request will be accommodated, all parties will be notified by the Court Coordinator of the exact date and time of the trial setting. *In that event, the parties and their attorneys are expected to be ready and available for trial on the date and at the time set*. The trial setting request is valid only for the week requested. In the event the case is not called to trial by the Court during the week requested, it is necessary to submit a subsequent trial setting request or a request for a special setting (see below).

- B. Special Settings:** Upon the presentation of a Motion for Special Setting, both the District Judge and the Associate Judge will grant a motion to specially set any case for final trial. Hearings on matters referred to the Associate Judge may also be specially set for a specific date and time upon request.

IV. STATUS CONFERENCES

The Court may, on a case by case basis, notice the parties for a status conference at any time during the pendency of the case. Attorneys and pro se parties will meet with the Associate Judge on the date and at the time specified in the notice and will be required to discuss and disclose to the court that information as set out in the form attached as Appendix C. Failure of any attorney or pro se party to attend such conference or the failure to provide the information requested by the Court may result in the imposition of sanctions against the offending attorney/party. *Status conferences do not continue or alter a trial setting*.

V. DISMISSAL DOCKET

Any request for removal from the dismissal docket will be made in person to the Court Coordinator. No case will be removed from the dismissal docket unless:

1. the case is settled and a final order presented to the Court for signature prior to the date of dismissal;
2. the case is continued to a specific date set by the Court; or
3. other extraordinary reasons.

VI. MOTIONS FOR CONTINUANCE

A trial date shall not be postponed or changed without the consent of the Court scheduled to hear the trial. Except as hereinafter provided, any motion for continuance must be verified and filed no later than the Wednesday preceding the trial date and will be heard by the District Judge in the courtroom at 8:00 a.m. on the Thursday preceding the trial date. Any motion for continuance based upon facts arising on or after the Wednesday preceding the trial date will be filed as soon as possible and will be heard at a time to be set by the District Judge. Parties are not required to be present for the hearing on any **first** Motion for Continuance; however, parties are required to be present at any hearing for subsequent requests for continuance. See also Tarrant County Local Rule 4.06(b).

VII. TRIAL PROCEDURE

- A. Pre-Trial Conference:** For any trial expected to exceed two (2) days or any matter set before a jury, attorneys/pro se parties will be required to request and schedule a pre-trial conference not less than forty-five (45) days prior to the trial date. See also Tarrant County Local Rule 4.01(b).
- B. Pleas:** Any party filing special exceptions, pleas in abatement or other dilatory pleas shall request and obtain a hearing on such pleas at least 30 days prior to the trial date or as soon as possible after the pleading is filed if the pleading is filed within 30 days of the trial date. Any such matters not heard at least 30 days prior to the trial date are waived. See also Tarrant County Local Rule 4.01(c).
- C. Pre-Trial Procedure:** At the time the parties report for trial, they will deliver to the Court and the other parties a witness list, exhibit list, and any motion requiring the attention of the Court prior to trial. Prior to commencement of trial, all exhibits should be marked, exchanged, and examined by counsel so that the trial will not be delayed by such examination.
- D. Stipulations:** It is the responsibility of each attorney practicing before the courts of Tarrant County to stipulate to facts which are not in dispute and to waive formal proof as to any documents to be introduced about which there is no dispute as to authenticity. See also Tarrant County Local Rule 4.01(d).

VIII. TRIAL PREPARATION

Failure to comply with the preparation guidelines required by the court and the Tarrant County Local Court Rules may result in the case being passed; sanctions being imposed on the offending attorney/party; limitations being imposed as to the offer of evidence relating to the area of preparation not complied with; and/or dismissal of the case for want of prosecution.

A. Temporary Orders: Each party is required to provide the court with the following documents immediately prior to the commencement of any hearing for temporary orders:

1. Completed temporary orders financial information sheets, expense and income, in the form provided in the courtroom.
2. At least three of the parties' most recent paycheck stubs; the parties' most recent I.R.S. form 1040 with supporting schedules; or P&L statements for the past 6 months for any party who is self-employed.
3. A calculation of guideline child support, if appropriate.
4. A proposed child possession schedule, if a standard possession schedule is an issue.
5. A proposal for temporary possession of property, if temporary possession of property is an issue.

B. Final Trial: Each party is required to provide the court, and the other party, with the following documents immediately prior to the commencement of any final trial, whether before the District Judge or the Associate Judge:

1. Financial information sheets, expense and income.
2. At least three of the parties' most recent paycheck stubs; the parties' most recent I.R.S. form 1040 with supporting schedules; or P&L statements for the past 6 months for any party who is self-employed.
3. A written calculation of guideline child support, if child support is an issue.
4. A written proposed possession schedule, if a standard possession order is an issue.
5. A written proposal for division of the marital estate, if division of property is an issue.
6. An exhibit list. Parties must pre-mark and allow inspection of all exhibits by the opposing party at least 48 hours prior to the commencement of trial. Each party should be prepared to agree or object to the offer of exhibits without prolonged delay for examination of the exhibit.
7. A witness list.
8. If division of property and/or debt is an issue, each party shall file with the court a sworn inventory and appraisal of all of the parties' property and debt, community and separate, at least 14 days prior to the time of trial. Each party shall

provide the other party with a copy of such inventory and appraisalment at least 14 days prior to the time of trial.

IX. PUNCTUALITY

Each party and the attorneys shall be present in the courtroom on the date and at the time the case is set to be heard. The Court may commence the proceeding at the scheduled time even if all parties and counsel are not present. The Court will sign default decrees and capias orders 30 minutes after the time the case is set to be heard. In contempt cases, the Court will dismiss the alleged contemnor 30 minutes after the time the case is set to be heard if the movant is not present and prepared to prosecute. See also Tarrant County Local Rule 4.05(a).

X. COMMUNICATION

Lawyers and pro se litigants are obligated to keep the court aware of their current address, telephone number, and facsimile number. All changes in address, telephone or facsimile should be made in writing with the office of the Tarrant County District Clerk, 4th Floor, Civil Courts Building, 100 North Houston Street, Fort Worth, Texas 76196. Since the ability of the court to communicate with attorneys and pro se litigants depends on accurate contact information, the court may treat failure to provide accurate address, telephone, and facsimile information as negligence for the purposes of post trial and/or post judgment matters.

XI. MEDIATION

Mediation is encouraged for the resolution and final disposition of cases and is preferred to trial as a matter of Texas judicial and legislative policy. This court will appoint a private mediator upon proper motion to the Court, either on the Court's own motion or after notice and hearing. While the parties are welcome to make use of public mediation services, the court will not sign orders requiring the use of public mediation services. See also Tarrant County Local Rule 4.01(a).

XII. TYPES OF CASES HANDLED BY THE ASSOCIATE JUDGE

The Associate Judge will handle temporary hearings on original and modification actions and any other matter referred by the District Court as authorized by the Texas Family Code. Such matters include, but are not limited to, requests for temporary orders in any case, motions to transfer, motions for enforcement or contempt, applications for a protective order (whether family violence or discovery), discovery matters, motions to compel or for sanctions, motions for judgment or to

sign orders if the matter was heard by the Associate Judge, pre-trial conferences, motions to modify temporary or final orders, except for final custody modification, and any other matter referred by the District Court. See also Tarrant County Local Rule 4.05(a).

The Associate Judge may hear the final trial of any matter if the parties agree in writing and submit the form attached (Appendix AD). The parties (through their attorneys) are responsible for the arrangement of a reporter for the final trial unless the parties waive the requirement of a record. See also Tarrant County Local Rule 4.03(b).

*Copies of the Tarrant County Local Rules are available at www.tarrantcounty.com following the appropriate links.