

POLICIES AND PROCEDURES
219th Judicial District Court
Collin County, Texas
JUDGE JENNIFER EDGEWORTH

Court Staff

Court Coordinator: Amy Munger amunger@co.collin.tx.us
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Settings:

Settings are available at 9:00 a.m. and 1:30 p.m.

Policies:

The 219th District Court is a general jurisdiction court that handles Family, Civil, and Criminal law cases. Specific policies applicable to each type of case begin on page 5 of these Policies and Procedures.

ALL CASES

Discovery Motions: Always personally confer before filing any motion related to discovery and include a certificate of conference, which is required by Local Rule 3.3. Unless prohibited by a confidentiality agreement or order, please state verbatim the request(s) and answer(s) in the body of your motion and attach a copy of the discovery request(s) and response(s) at issue. Proposed orders should list each discovery issue separately. Always submit a proposed order whether you are the movant or respondent.

Motions for Summary Judgment and Contested Motions: A courtesy notebook for the court is very helpful for larger motions referencing extensive case law and/or statutes. **Please submit a notebook to the Court Coordinator by Noon the day before the hearing** that includes the applicable motion, responses, replies, statutes and/or case law referenced with the referenced portions highlighted. If submitting a courtesy notebook to the Court, an identical copy must also be provided to opposing counsel.

Motion for Default Judgment: Default judgments asking for liquidated damages may be set by submission or oral hearing. Default judgments asking for unliquidated damages require an oral hearing. Upon filing a default judgment, please contact the Court Coordinator by email and set a date for submission of the motion and let her know if you are requesting an oral hearing.

When proving damages in a motion for default judgment, show the Court how you calculated the damage figure and provide evidence to support your calculation.

Motion for Substituted Service (Rule 106): All motions for substituted service under Rule 106 must be accompanied by an affidavit that describes the efforts taken to verify that the defendant actually lives or works at the subject address, at least three attempts of service at different time of day with the specific dates and times, the identity of person(s) present at the subject address and what was said, the identity of the owners of any cars in the driveway, or other indications that the defendant resides at the subject address. All Rule 106 motions must be filed with a proposed order.

Motion for Severance: The motion for severance must be set either by submission or oral hearing and state the basis for the severance.

The order of severance must include the following information:

- Style of the case
- Case number, i.e., 219-_____
- Parties to be included in the severed case
- Whether the severed order disposes of the severed case or if the case shall remain active
- Party paying for cost of the severance

Withdrawals: The Collin County local rules provide a way for attorneys to withdraw without the necessity of appearing. **Review and follow local rule 4.3:**

4.3(c): A motion to withdraw may be granted without a hearing under the following circumstances:
(1) the motion is accompanied by a certificate by the client attesting to the client’s consent to the withdrawal or a certificate by another lawyer attesting that the lawyer has been retained to represent the client in the case; **or**
(2) the motion is accompanied by a letter that notifies the client of the client’s right to object to the withdrawal within ten days of the date that the letter was mailed; the withdrawing attorney certifies that the motion and letter were sent to the client’s last known address by certified and regular mail; and no objection is filed.

Dismissal for Want of Prosecution: A case may be dismissed for want of prosecution for any of the following reasons:

1. Failure of the Plaintiff/Petitioner to request a setting or take other appropriate action after notice from the Clerk that the case has been pending without action for more than sixty days.
2. Failure of the Plaintiff/Petitioner’s counsel to appear for pretrial, docket, conference, or other preliminary hearing, especially where there has been a previous failure to appear or where no amendment has been timely filed to meet expectations previously sustained.
3. Failure of Plaintiff/Petitioner to make an announcement of “ready” when a case is called for trial or hearing of any preliminary matters.
4. For any other reason provided by the Local Rules of the District Courts of Collin County, Texas, Texas Rules of Civil Procedure, or the general law.

PROCEDURES FOR TRIAL

Displaying Exhibits: Exhibits can be displayed on the visual presenter or digitally using a computer. Exhibits can be seen on all courtroom monitors and heard on all courtroom speakers. It is counsel's responsibility to ensure that documents displayed on monitors have been first admitted in evidence and redacted, if necessary, to comply with the Court's rulings.

Large Exhibits: Exhibits exceeding 8 ½" x 11" in size will be accompanied by an 8 ½" x 11" copy. After completion of trial, the court reporter will retain only the 8 ½" x 11" copy and the original exhibit will be returned to the offering party.

Demonstrative Exhibits and Trial Aids: Demonstrative exhibits and trial aids may be used by all counsel and counsel's members. Counsel shall not mark on or attach any item to an opposing counsel's demonstrative exhibit while using it.

Exhibits Brought to Court on Day of Trial: All exhibits shall be PRE-MARKED, three-hole punched on the left side, and in a three-ring binder notebook with numbered index tabs with the notebook labeled as to which party's exhibits. If you are not able to provide a notebook, please have the exhibits three-hole punched.

- If three-hole punching the original exhibit will destroy a part of the exhibit, such exhibit may be placed in a plastic envelope in the exhibit notebook
- Any pre-admitted/agreed to exhibit numbers must still be read into the record at trial (parties should not simply refer to "all pre-admitted exhibits").

Deposition Testimony: Before trial begins, any deposition or video that will be presented during the trial will need to be submitted to the court reporter already officially transcribed, or if video excerpts are used, the video excerpts in MP3 format will need to be submitted to the Court Reporter.

Proposed Jury Questions/Instructions (or Findings of Fact/Conclusions of Law): The pleading should be named "[Name of Party]'s Proposed Jury Questions and Instructions" in Microsoft Word format and emailed to the Court Coordinator by the date of the Formal Pre-trial Conference. The pleading on this disk should be in 12 pitch font, free of any typographical emphasis i.e. bolding, all caps, underlining, italics, etc., free of case cites or footnotes, and labeled with the case style and submitting party's name. This document should be exactly as it would be presented to a jury without signature blocks for the Judge for granting, denying or modifying any requests.

Vocabulary List (if one is filed): Required in medical malpractice cases.

Courtesy Copies for Court Reporter (To be delivered at Pretrial Conference):

Exhibit List

Witness List

Vocabulary List

Motions for New Trial

Motions for new trial will be decided on the pleadings and will only be set for hearing if argument is requested by the Court.

The court will set a hearing if:

- (1) the motion shows that an evidentiary hearing is required pursuant to TRCP 324(b)(1) or other law;
- (2) the verified motion and sworn affidavits are in proper form and timely filed;
- (3) the motion alleges specific facts that, if true, would entitle the movant to a new trial, and
- (4) a hearing is timely requested.

FAMILY LAW CASES

Hearing: To set a hearing, please email the Court Coordinator, Amy Munger. You will be provided the Court's available dates and should work with the other side to get an agreed date. Please e-file a notice of hearing with the date filled in. The Court Coordinator does not add the case to the Court's calendar until a completed notice of hearing is submitted. Please also copy opposing counsel (or the self-represented litigant) when emailing the Court.

For a temporary order hearing and final trial, each side should provide to the Court a copy of their Requested Relief at the beginning of the hearing or trial.

Time Limits: At Temporary Orders Hearings, each party is limited to 20 minutes per side per Local Rule 8.1.

Bench trials are limited to 3 hours per side. Jury trials are limited to 6 hours per side. If additional time is needed, please submit a request to the Court with the amount of additional time requested and basis for the request.

If interpreters are needed, please advise the Court when setting the case for hearing or trial, and also let the Court know if additional time is requested because of the need for interpreters.

Trial Settings: Cases will be set for trial either at a temporary orders hearing, or a scheduling conference, depending on which hearing takes place first.

Please use the form based on the discovery level of your case:

Bench Trial Discovery Control Plan and Scheduling Order – Family

-OR-

Jury Trial Discovery Control Plan and Scheduling Order - Family

At the conclusion of the temporary orders hearing, the Parties will be provided the Court's scheduling orders, available trial dates, and will be expected to submit an Agreed Scheduling Order prior to leaving the courthouse.

After an Answer is filed, the case will be set for a scheduling conference 30-45 days from the answer date. To avoid the need to appear at the scheduling conference, the parties should submit their own agreed Scheduling Order at least three (3) days before the scheduling conference. If the parties cannot agree on a trial date, the parties do need to appear at the scheduling conference and address this with the Court.

The Court Coordinator will provide available trial dates and the parties should agree on a trial date prior to submitting an agreed scheduling order. The parties should also confer and agree on a mediator prior to submission of the agreed scheduling order.

A formal pre-trial conference is required for jury trials and for bench trials expected to take longer than one day, and will be set at least ten (10) days prior to trial.

Mediation: Mediation is required before trial. Scheduling orders without mediator name(s) will be rejected. If the parties are not able to agree to a mediator, they should submit a letter with their scheduling order stating they could not agree and request that the court appoint a mediator. If the court appoints a mediator, pursuant to Tex. Gov't Code Ch. 36, the mediator is approved for up to 8 hours at a fee of no more than \$3,000 to be paid by the parties. Any additional time/fees are by agreement of the parties and not subject to reporting by the court.

Continuances: A hearing and Court approval is required for all requests for continuances of a final trial date.

Child Interviews: If Texas Family Code sec. 153.009 requires the Court to interview a child, the interview will be conducted on the day of trial, after the child is released from school. Please arrange for the child to be brought to the courthouse by an adult who is not a party to the case. Contact the Court Coordinator before your trial date to ensure the child interview is properly scheduled on the Court's calendar.

Restrictions on Sealing Cases: Parties may not agree to seal cases. Sealing requires Court approval after an evidentiary hearing. Cases will not be sealed before final trial. If you are requesting to seal a case, please contact the Court Coordinator to schedule the hearing, which will be held after the final judgment is signed.

Prove-Ups and Affidavit Prove-Ups: Please schedule prove-ups by emailing the Court Coordinator. Prove-Ups may also be heard in the Auxiliary Court.

In divorces and suits affecting the parent-child relationship, the 219th District Court permits prove-ups by affidavit when ALL of the following conditions are met:

1. There is an agreed decree or order signed by every party and attorney involved in the case;
2. One party files a sworn, notarized affidavit containing the necessary prove-up testimony; and
3. All signatures and notaries are distinctive written signatures, not "/s/ Typed Name."

CIVIL CASES

Hearing: To set a hearing, please email the Court Coordinator, Amy Munger, for available dates. You should then work with the other side to get an agreed date. Please e-file a notice of hearing with the date filled in. The Court Coordinator does not add the case to the Court's calendar until a completed notice of hearing is submitted. Please also copy opposing counsel (or the self-represented litigant) when emailing the Court.

Parties may but are not required to e-file proposed orders prior to a hearing. The Court will sign the proposed order of the prevailing party at the hearing (hard copies are fine), or the Court will request the prevailing party to prepare an order that reflects the Court's rulings, submit to opposing counsel for review, and then e-file with the Court.

Trial Settings: After an Answer is filed, the case will be set for a scheduling conference 30-45 days from the answer date. The Court also monitors cases to determine if no Answer has been filed. If no Answer has been filed, the case will be set for a scheduling conference within 60 days from the date the Original Petition is filed.

To avoid the need to appear at the scheduling conference, the parties should submit their own Agreed Scheduling Order at least three (3) days before the scheduling conference, or submit a motion for Default Judgment.

Please use the form based on the discovery level of your case:

Discovery Control Plan and Scheduling Order (Level 1 or 2 - Civil)

-OR-

Discovery Control Plan and Scheduling Order (Level 3 - Civil)

The Court Coordinator will provide available trial dates and the parties should agree on a trial date prior to submitting an Agreed Scheduling Order. The parties should also confer and agree on a mediator prior to submission of the Agreed Scheduling Order. If the parties cannot agree on a trial date, the parties must appear at the scheduling conference and address this with the Court.

Continuances: A hearing and Court approval is required for any request for a continuance of the final trial date.

CRIMINAL CASES

Who to Contact for settings: Please contact Bailiff Patterson by email and copy the State (to include Defendant's name, cause, and Attorney's name).

What days are available for settings: Settings for motions or complex hearings are available on Thursdays or Fridays at 9:00 am or 1:30pm. The court also has a "red" week each month that is not a jury trial week, and you can request settings on other days of those weeks.

If you are requesting a bond or motion hearing, please e-file a fiat so that a date will be set for the hearing.

Pre-trial Hearings: Hearings are on Wednesday at 8:30am the week prior to the trial setting. Attorneys and their clients are expected to be present and in the courtroom promptly at 8:30am.

90 Day Writ Procedure: The court will sign 90 day writs after notice to the state and opportunity to respond. Notice of intent to file to the state after the 85th day will suffice.

Paper v. E-file Orders: E-File your motion and a fiat, get a date set with the Court, and bring a proposed order with you to the hearing. We will still accept proposed orders if you e-file them with your motion, but it's easier if you bring a proposed order with you that the Court can sign after the hearing to reflect the Court's ruling.

Setting Rules: Defendants who are represented should have 2 settings before a final announcement setting. The court will allow more than 2 weeks between the initial settings. A disposition should be set after the final announcement setting. Attorneys must get court approval for settings beyond the schedule.

Appearance Times: Pre-trial hearings are at 8:30am. Regular dockets start at 9am and defendants are REQUIRED to appear absent a waiver approved by the court. Waivers are only granted for the next setting and do not carry over multiple times.

Check-in: Defendants must appear and check in with the bailiff to note their arrival.

Bond Forfeiture Policy: A defendant's bond will be forfeited at noon (12pm) for failure to show for their required court date.