

## **366<sup>th</sup> District Court**

Honorable Tom Nowak  
Judge Presiding

Russell A. Steindam Courts Building  
2100 Bloomdale Road, Suite 30146  
McKinney, TX 75071

972-548-4570

[366@co.collin.tx.us](mailto:366@co.collin.tx.us)

### **Civil Law and Family Law Case Policies**

#### **Court Staff**

<b>Court Coordinator:</b>	Misty Beaty 972-548-4570	<a href="mailto:mbeaty@co.collin.tx.us">mbeaty@co.collin.tx.us</a>
<b>Court Bailiff:</b>	Egan Pond 972-548-4571	<a href="mailto:jpond@co.collin.tx.us">jpond@co.collin.tx.us</a>
<b>Court Reporter:</b>	Antoinette Varela 972-548-4572	<a href="mailto:avarela@co.collin.tx.us">avarela@co.collin.tx.us</a>

#### **Proof of Notice**

If you want to go forward on a motion/hearing without the other side present, you must tender proof of notice to the court either by filing your proof of notice or by offering it as an exhibit for the court reporter.

#### **Safety / Extra Security**

If you think your case might need extra security, please email the court at [366@co.collin.tx.us](mailto:366@co.collin.tx.us) at least 2 business days before your hearing so that we can schedule sufficient court security in advance.

#### **Docket**

Please check in with the Bailiff before conferring with opposing counsel/party, your client, or beginning a hearing in another court if you have more than 1 setting. Be sure the

Bailiff knows what court you will be in if you plan on going between the courts. The Court will generally ask for announcements of requested time and will usually take hearings in order of parties appearing and announcing ready. Please advise the Court if you have an expert/professional as a witness (1<sup>st</sup> responder, teacher, expert witness, doctor, etc.) as cases with these types of witnesses will generally be prioritized. Be advised that the Court may call these witnesses out of order.

### **Note on E-file**

When a party files any Motion/Request through e-file, the court will not see or be made aware of the filing unless it is accompanied by a proposed order. The system does not send any notification that a document has been filed in a case. It is up to the attorney filing the Motion to follow-up with the court to obtain a hearing with every Motion/Request. A proposed order must be filed by the party requesting the hearing. The proposed order must be filed in advance of the hearing, preferably a day or two prior to the hearing.

**Please do not file Notices of Hearings or Fiats with your submissions unless necessary for serving notice.**

### **Settings**

**Time Limits** – Temporary Orders are limited to 20 minutes per side. A “full-day” bench trial is two and a half hours per side. A “half-day” bench trial is approximately an hour and fifteen minutes per side. A 3-day jury trial is six hours per side.

To set a **hearing**, please email the court coordinator at [366@co.collin.tx.us](mailto:366@co.collin.tx.us). You will be provided with the Court’s available dates and should work with the other side to get an agreed date. Once an agreed date is determined, the court will place the matter on the calendar.

If there is no response, or the response from the opposing party is not timely, the court may place the matter on the calendar without agreement.

While the court tries to set similar hearings on certain days of the week for efficiency, please be aware that we are able to accommodate other days of the week and, especially, afternoons. If you know your hearing will require a certain amount of time, please inquire about the number of other cases set that day and, if necessary, request a special date where your case may be properly heard and argued.

To set a **trial**, please email the court coordinator at [366@co.collin.tx.us](mailto:366@co.collin.tx.us). You will be provided with the Court’s available dates and should work with the other side to get an agreed date. Please e-file the court’s form Scheduling Order (available on the court website) with the trial date and mediation details filled in. If, after several attempts, you are not able to get an agreed date, please e-file a proposed scheduling order with a letter describing your efforts. The court will then set the applicable dates per the court’s

available dates.

**Bench Trials without a scheduling order on file are limited to 1 HOUR per side.**

**Jury Trials** – The Court requires a trial Ready/Not Ready Announcement at 10:00AM the Wednesday before trial. A final pre-trial hearing is required for those cases being called to trial to be held NO LATER than 1:30PM the Wednesday before the jury trial begins.

A Jury Trial Discovery Control Plan and Scheduling Order (available on the court website) must be completed and signed when the trial is set. The scheduling order specifies the many tasks that must be completed at or before the pre-trial hearing, including expert challenges, proposed jury charges, pre-marked exhibits, witness lists, etc.

**Dispositive Motions** – All dispositive motions (summary judgment, plea to the jurisdiction, plea in abatement, etc.) must be filed AND HEARD at least 30 days before trial. The purpose of the hearing date in a summary judgment is to set the deadlines for the response.

### **Prove Ups**

The court does not require prove ups or affidavits for agreed orders.

### **Mediation**

Mediation is strongly encouraged in all civil and family matters. The Court will in certain cases order mediation prior to allowing the parties to proceed with a trial date. Failure to timely mediate will not be considered adequate grounds for a continuance.

### **Ex Parte Relief - TROs, etc.**

Attorneys or paralegals may walk through requests for ex parte relief in person. If you plan to walk through your request, contact the District Clerk's office BEFORE you arrive at the courthouse and notify them you are walking through the request and ask them to push your ex parte relief through the electronic system.

You are also welcome to submit your request for ex parte relief electronically without coming to the courthouse in person. If you file a motion requesting ex parte relief and submit your proposed order through e-filing, please call or e-mail the court coordinator to let her know that you want action taken on the request. If you do not call or email the coordinator to alert her that you want the request addressed, it will just remain in the e-filing queue without action.

Please do not request TROs that contain items that are in the standing orders. The court will reject TROs that largely overlap the standing orders. Please put the few items of genuine concern in the TRO so that the court can tell what relief you're actually requesting.

### **Continuances**

Any continuance (even if agreed) for a case that was filed more than 12 months ago, or was set for trial after a DWOP notice, requires a hearing and court approval. Continuances for cases filed less than 18 months may be requested by filing a motion and emailing the coordinator. The court will either grant the continuance or set the motion for a hearing.

### **Courtroom Cell Phone Policy**

You are welcome to silently use phones, tablets, laptops, etc. in the courtroom. If device use becomes disruptive, you will not be allowed to continue to use the device. Continued disruption will result in surrender of the device to the court for the remainder of the day. During jury trials, if your device makes any sound in the courtroom, you will be subject to an immediate \$50 fine.

### **Property Division**

If you are asking the Court to divide property, you must provide a proposed property division which lists all assets and debts. The court prefers an editable format, such as an Excel spreadsheet. You may use the sample provided on the court website.

### **Spousal Support or Payment of Expenses**

If you are asking the Court to order spousal support or divide expenses, you must provide a financial information statement listing income and expenses. You may use the sample provided on the court website.

### **Child Interviews**

If Tex. Fam. Code §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 at [366@co.collin.tx.us](mailto:366@co.collin.tx.us) BEFORE your trial date to ensure the child interview is properly scheduled on the Court's calendar. Do NOT bring a child to court without prior express permission from the Court.

## **Motions for New Trial**

The court will set a hearing on a Motion for New Trial 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.*

## **Withdrawals**

The Collin County local rules may provide one way for attorneys to withdraw without the necessity of appearing. Review and follow local rule 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 mail AND regular mail; and no objection is filed.*

Please review the provided checklist on the court's website to verify proper procedure is being followed.

## **Signing Temporary Orders**

Temporary Orders may be signed by the Court without the necessity of a hearing under the following circumstances:

- (1) the order is accompanied by a letter that notifies the opposing counsel/party of their right to object to the order within ten days of the date that the letter was mailed;*
- (2) the submitting attorney certifies that the order and letter were sent to the opposing counsel via eFile, or to the opposing party at their last known address and email address if there is previous correspondence with the opposing party via that email; and*
- (3) no objection is filed.*

*(4) the moving party notifies the court that the above conditions have been met and requests the court to sign the order without hearing.*

Please use the provided sample Agreement Memorandum (provided on the court's website) as a checklist for Temporary Orders and Final Orders. It can guide the parties to agreement prior to hearing and help in drafting orders.

### **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 at [366@co.collin.tx.us](mailto:366@co.collin.tx.us) to schedule the hearing, which will be held after the final judgment is signed.

### **Request for PSI**

All requests for a PSI must be made in writing and e-filed with the Court no less than 30 days before a dispositive setting, or is deemed waived.

### **In-Courtroom Technology**

If you plan to display a device (laptop, tablet, etc.) on the screens in the courtroom, you are encouraged to test and troubleshoot the equipment in advance. There are HDMI and VGA connections at counsel table:



Apple devices do not work well with the courtroom technology. For example, Apple devices may only display on the one large screen and not any of the smaller screens.

Volume on videos has been an issue in the past and we recommend testing in advance. Please prepare to have the sound amplified through external speakers loud enough to be heard by all participants.

If you plan to play a video, please test the playback in advance on your own device. Please practice with the equipment prior to any hearing where it will be necessary. The court will not delay hearings for testing.

The court is not responsible for playing your video/audio exhibits for you. You must be prepared to do so properly.

### **Zoom Hearings**

Please review the court policy regarding remote proceedings. Zoom hearings for civil and family law matters are likely to continue in a similar format even once restrictions are lifted.