

416TH DISTRICT COURT POLICIES
as of 1/20/2020

Weather/Emergency Closures or Delays

If any of Plano ISD, Frisco ISD, Allen ISD, or McKinney ISD has a delayed start or closes, the 416th District Court will follow the same schedule.

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 bailiff at 416@co.collin.tx.us at least 2 business days before your hearing so that we can schedule sufficient court security in advance. ONLY if it is an ex parte/emergency hearing and 2 days' notice cannot be provided, please call the bailiff at 972-548-4529.

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 it won't be the 416th. The Court will generally ask for announcements of requested time and will usually take hearings in order of shortest to longest. Please advise the Court if you have an expert/professional as a witness (1st 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.

Settings - Civil

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 416@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 a notice of hearing with the date filled in. The coordinator does not add the case to the court calendar until a completed notice of hearing is submitted.

To set a **trial**, please email the court coordinator at 416@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.

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

Jury Trials -- A formal pre-trial hearing is required, the date will be provided by the coordinator but is generally 1:30pm the Thursday 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. The Court may review the motion and response on file and rule by submission before the hearing date, in which case notice of the Court's ruling will be provided to the parties before the hearing date and the hearing removed. If no notice of cancellation is received from the Court, the hearing date will proceed.

Mediation

Mediation is required before trial. **If mediation has not been attempted, you are limited to 1 HOUR per side at a bench trial and 3 HOURS per side at a jury trial.** Failure to timely mediate will not be considered adequate grounds for a continuance and will result in the foregoing time limits being imposed at trial.

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 him know that you want action taken on the request. If you do not call or email the coordinator to alert him 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 6 months ago, and was set for trial after a DWOP notice, requires a hearing and court approval.

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.

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.

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 416@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 and regular mail; and no objection is filed.

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/or email address if there is previous correspondence with the opposing party via that email; and

(3) no objection is filed.

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 416@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.

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.

If you plan to play a video, please test the playback in advance, whether you plan to use the courtroom DVD player or whether you plan to play the DVD on your own device.

The court is not responsible for playing your video/audio exhibits for you.

ADDITIONAL CRIMINAL POLICIES

The following policies are specific to criminal cases, although all preceding policies, where relevant, apply to criminal cases.

Settings - Criminal

Please email Steven sjanway@co.collin.tx.us for a setting for a hearing (include Defendant's name, case number and Attorney's name). If Steven is unavailable, please contact Ben bsherrin@co.collin.tx.us to have your setting put on the docket. For appearance settings, contact Ben by phone at 972-548-4529 or email.

Any day of the week is available for hearings; if you have a hearing you must check in with the court by 9:00am the day of the hearing. Thursday/Friday for appearance settings; attorneys are required to appear before 11:30am or court staff/DA's may not be available.

90 Day Writs

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.

E-File Proposed Orders

E-file proposed orders the week of the hearing (minimum 24 hours before hearing).

Announcement Settings

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. Attorneys are required to appear in the docket room before 11:30 am on docket days.

Defendants are required to appear by 9:00 am and check in with the bailiff to note their arrival. The 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.

Bond Forfeiture

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