

366th 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

CIVIL CASE POLICIES

as of January 15, 2024

THE 366TH IS AN IN-PERSON COURT IN ACCORDANCE WITH STATE LAW AND RULES PROMULGATED BY THE SUPREME COURT OF TEXAS.

Certain matters may be filed or accepted by submission with approval of the court. However, all hearings are, by default, in-person.

Be prepared for trial on your FIRST setting. There is no automatic continuance. Just because the parties agree to a continuance, does not mean one will be granted.

Parties are expected to appear at ALL scheduled hearings, including DWOPs and hearings on Motions for Continuance.

Docket

Please check in with the Bailiff if you have more than 1 setting scheduled at the same time prior to the hearing in the 366th. Be sure the Bailiff knows what court you will be in if you plan on going between the courts. The Court 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 (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

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. 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 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 deadline details filled in. If, after several attempts, you are not able to get an agreed date from opposing counsel, 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.

ALL TRIALS REQUIRE A SCHEDULING ORDER.

Jury Trials – The Court requires a trial Ready/Not Ready Announcement at 10:00AM the Wednesday before trial. If you are in need of a formal pre-trial hearing with rulings on motions, a separate pre-trial hearing should be scheduled at a date **AFTER** the announcement hearing. We are often able to accommodate such hearings between the Wednesday Announcement and Friday afternoon in advance of trial.

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 for 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. They must be signed by all relevant parties.

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 schedule and complete mediation **WILL NOT** be considered adequate grounds for a continuance.

(Emergency) Ex Parte Relief for cases already filed in the 366th

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 requests/items already covered by standing orders. The court will reject TROs that largely overlap the standing orders.

YOU MUST FOLLOW THE PROCEDURES FOR NOTIFICATION AND RESPONSE PER THE COLLIN COUNTY LOCAL RULES, SEC 2.4.

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. Emergency ex parte relief must comply with the Collin County local rules regarding notice, service, and sufficient time to respond.

Safety / Extra Security

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

Continuances

Any continuance for a trial (even if agreed) requires a hearing with parties and court approval. Any such Motions for Continuance will be heard on the Wednesday Pre-Trial Announcement date prior to the trial setting.

Courtroom Cell Phone Policy

You are welcome to silently use phones, tablets, laptops, etc. in the courtroom. 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 typically be conducted on the day of trial, after the scheduled hearing. Please arrange for the child to be brought to the courthouse by an adult who is not a party to the case if the case is in hearing. Contact the court coordinator at 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 no objection is filed.

Please review the provided checklist on the court's website to verify proper procedure are 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/or 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 to schedule the hearing, which will be held after the final judgment is signed.

Courtroom Technology

If you plan to display a device (laptop, tablet, etc.) on the screens in the courtroom, you are required to test and troubleshoot the equipment in advance of your hearing.

Volume on videos has been an issue in the past. Prepare to have the sound amplified through external speakers or by using court microphones to amplify the computer speakers.

The court is not responsible for playing your video/audio exhibits for you. Please come in early to test your equipment and verify that the sound comes through audibly and clearly.

We are able to provide hybrid hearings using Zoom in accordance with state law requirements for such hearings. However, please request permission from the court for such a hearing when setting any matter. Translation services on Zoom will not work with our courtroom technology; please make other arrangements, if necessary.