

401st District Court Policies and Procedures

Judge Kimberly M. Laseter

Court Staff

Court Coordinator: Charla Kiser (ckiser@co.collin.tx.us) (972) 548-4242
Court Officer/Bailiff: Ty Jones (tyjones@co.collin.tx.us) (972) 548-4248
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POLICIES APPLICABLE TO ALL CASES

The 401st District Court is a general jurisdiction court that handles Family, Civil, and Criminal law cases.

The 401st District Court 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.

Parties are expected to appear at all scheduled hearings, including DWOPs and hearings on Motions for Continuance, unless prior leave of Court to appear remotely is granted. If granted, remote hearings are conducted pursuant to the Court's *Exhibit Instructions for Remote Hearings* (Pg. 8).

Parties must be prepared for trial on their first setting. No automatic first continuances are granted, even if agreed to by all parties.

Parties are strongly encouraged to confer prior to any scheduled contested hearings.

ADDITIONAL POLICIES APPLICABLE TO CRIMINAL CASES

Contact

Please contact Bailiff Jones **by email** for any criminal case setting and copy the State. Include the defendant's name, cause number, and the attorney's name.

Do not send multiple emails or leave multiple voicemails requesting a response. Repeated contacts regarding the same matter slows down response time. If you do not receive a response from Bailiff Jones within 2 business days, please reply once and copy the 401st email address – 401@co.collin.tx.us.

General Criminal Docket Procedures

The 401st District Court sets cases on criminal docket every Wednesday, Thursday, and Friday at 9:00 am.

All defendants must check in with the bailiff. A pass slip signed by the Defendant without checking in with the bailiff of the Court is insufficient to avoid a bond forfeiture. A defendant's bond will be forfeited at noon (12:00 pm) for failure to appear at any required court setting.

A defendant may receive up to 4 criminal docket settings in the 401st District Court. These settings include the following: First Appearance, Announcement, Second Announcement, and Plea or Set for Trial.

If a defendant is removed from Pretrial diversion, settings do not start over. A defendant's first setting following removal from pretrial diversion will be set as Plea or Set for Trial.

If a defendant is removed from any Collin County Specialty Court (i.e. Mental Health Court, Drug Court, or Veteran's Court), settings do not start over. A defendant's first setting following removal from any Collin County Specialty Court will be set as Plea or Set for Trial.

If a defendant fails to appear for any setting, settings do not start over. A defendant's first setting following a bond forfeiture setting or failure to appear will be set as whatever the next hearing was prior to bond forfeiture.

Pass slips are provided at each setting by the bailiff of the Court. A request for an additional "Plea or Set for Trial" or to set for an "Agreed Plea" beyond the 4 settings requires leave of Court to extend passes beyond the four settings allowed.

Settings on bond cases shall be no longer than 4 weeks apart.

Settings on any probation violation(s) or on cases where the defendant is incarcerated shall be set not longer than 3 weeks apart.

Any waiver of appearance by the Court at one setting does not guarantee waivers of appearance at future settings.

Contested Criminal Hearings

Contested criminal hearings are typically set on Wednesdays at 10:30 am and 1:00 pm. Defense attorneys shall confer with the State of Texas prior to requesting any setting from the Bailiff on Wednesday or otherwise. All settings are subject to approval by the Bailiff of the 401st District Court.

Motions to Suppress will be set and heard promptly prior to the final "plea or set for trial" setting. Any Motion to Suppress filed after a case is set for trial will be heard at or before the

trial setting in the cause. Cases will not be removed from the Court's trial docket for pending Motions to Suppress.

Writs of Habeas Corpus and Motions to Reduce Bond will be set within 3 days of filing of the same consistent with the Court's calendar. Attorneys must e-file their proposed orders prior to the hearing date. Please request a hearing date from the Bailiff pursuant to the Court's instructions above. Simply filing a proposed order does not guarantee a setting.

90-Day Writs will be signed by the Court after notice to the State and opportunity to respond.

Agreed Orders on Criminal Cases

Any agreed order must contain both the State and defendant's signatures before presentation to the Court.

Bench and Jury Trials

Bench and jury trials will be set consistent with the Court's calendar within 60 days for incarcerated defendants and within 120 days for those defendants on bond. Leave of Court must be granted for a bench or jury trial beyond these time limitations.

Pretrials for cases set for jury trial are heard **promptly** at 10:30 am on the Wednesday, 12 days prior to scheduled jury trial.

CIVIL & FAMILY CASES

Contact

Please contact Charla Kiser **by email** for any civil or family law case settings. Place the cause number in the subject line. Include all opposing parties and a concise request.

Please do not email for dates until service has been established on a new petition or until the motion has been accepted by the clerk. Merely requesting a hearing in a pleading is not sufficient to notify the Court that you would like a hearing.

Do not send multiple emails or leave multiple voicemails requesting a response. Repeated contacts regarding the same matter slows down response time. If you do not receive a response from Ms. Kiser within 2 business days, please reply once and copy the 401st email address – 401@co.collin.tx.us.

Please do not include the Court Coordinator in emails between parties regarding party date availability or arguments/discussions about specific issues in the case. Please check all settings and status of orders online prior to contacting the court. Do not email asking for status of signature on an order.

General Civil/Family Docket Procedures

The 401st District Court generally sets civil and family law matters on non-jury trial weeks every Monday and Tuesday at 9:00 am and 1:00 pm and on Thursday at 1:30 pm.

Final trials will typically be set in the morning, whereas Temporary Orders and shorter matters will be set in the afternoon.

Discovery Control Plans/Scheduling Orders

Parties must use the Discovery Control Plan forms provided by the 401st District Court. Parties may not modify any 401st District Court Discovery Control Plan without prior leave of Court. A Discovery Control Plan should be filed not later than 30 days after answer.

If, after several attempts, you are unable to get an agreed trial date from opposing counsel, please e-file a proposed scheduling order with a letter describing your efforts to confer and agree.

This includes modification of the Court's ability to limit time requirements for either side when parties do not mediate.

Discovery Motions

Parties are encouraged to meaningfully confer on any outstanding discovery issues as required by TRCP 191.2.

Pursuant to Collin County Local Rule 4.1.2, the parties are also encouraged to utilize any of the three Certificates of Conference provided in the local rules in any discovery motion. Failure to include language from the provided Local Rules may result in a discovery motion being denied.

Mediation

Parties are strongly encouraged to mediate 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. Parties who fail to mediate will have shortened trial time. Should one side make a good faith effort to mediate and the other side fail to appear or cooperate in scheduling mediation, the Court will consider those circumstances in whether time is limited for both parties.

Parties are encouraged to utilize the Collin County Alternative Dispute Resolution Program (CCAP).

Failure to timely schedule and complete mediation will not be considered adequate grounds for a continuance.

Motions for Continuance

Agreed and even unopposed Motions for Continuance are not automatically granted by the Court. Parties who file a Motion for Continuance must do so timely under the rules, and all parties, even if the continuance is unopposed, must appear at any scheduled hearing unless the parties receive prior notice from the Court that their presence is excused.

Hearings by Submission

Parties must provide a courtesy notebook to the Court not less than 24 hours prior to any hearing by submission. The notebook should contain all motions/responses and paper copy of proposed order. It is the responsibility of the attorneys to confirm with the Clerk that all filings and responses have been accepted prior to the hearing on submission.

Motions for Summary Judgment

Pursuant to the Court's scheduling order, all Motions for Summary Judgment must be filed, set for hearing, and heard at least 30 days before trial or they are waived, absent leave of Court. *This deadline cannot be moved without leave of Court.*

Motions for Summary Judgment filed untimely pursuant to any Discovery Control Plan approved in any cause will be denied as being untimely filed.

The submission date will be set at 9:00 a.m. on a Monday or 3:00 p.m. on a Thursday within thirty-six to sixty days from the filing of the Motion. Notice of hearing will be mailed to the parties and filed into the case via efile.

The Movant(s) and Respondent(s) shall deliver to the Court hard copies, organized logically by Noon the day before the submission hearing date (in a notebook), containing the following for the benefit of the Court:

1. the live pleadings;
2. the motions and responses, together with proof of service;
3. a table of contents of the testimony relied upon; with key testimony/exhibits copied or excerpts.
4. if there are objections to the evidence, a proposed Order listing each objection and containing check boxes for "Overruled" or "Sustained";
5. A short brief of any relevant law with the most relevant cases and/or statutes/regulations attached. If you have cited multiple cases on a point of law, only include the single one or two most relevant cases.
6. An order listing each cause of action and containing check boxes for "Granted" or "Denied".

If the moving party wishes to withdraw your submission on summary judgment relief, the party must file a motion withdrawing the Motion for Summary Judgment.

Orders in Civil and Family Cases

Agreed Orders in any cause must be signed as to form before e-filing with the Court.

Late filings (within 48 hours of any scheduled hearing) must also be emailed to the Court to ensure the filing has been accepted on the case.

Because filings within 48 hours are not guaranteed to be accepted by the Clerk, parties should also provide copies to the Court of any filing within 48 hours of any scheduled hearing.

Jury Trials & Pretrial Conferences

Formal pretrial conferences will be set on Thursday @ 1:30 pm, 2 weeks prior jury trial setting. Pretrial conferences are announcements of ready only, and parties should not assume that all outstanding pretrial motions are heard at the formal pretrial conference.

If you need of additional rulings on Motions (including Motions in Limine, etc.), a separate hearing should be requested at a date following the formal pretrial conference.

Parties *must* produce documents required under the Court's Discovery Control Plan/Scheduling Order at the Formal Pretrial Conference.

The Court requires parties to confer *on the date of pretrial* regarding any unresolved issues, disagreements regarding exhibits, and motions in limine.

Summaries of Requested Relief

At all temporary orders and final hearings, each party, whether represented or not, shall provide the Court with your written summary of requested relief.

Confer Requirement

All parties shall confer on any agreements as to issues or stipulated exhibits on the day of your hearing. Conference regarding exhibits and/or issues prior to trial or any hearing are not sufficient.

Time Limits for Civil and Family Cases

At Temporary Order hearings, each party is limited to 20 minutes per side. Time allotted includes opening statement and closing argument.

For Discovery Motions, each party is generally limited to 15 minutes per side.

Level 3 jury trials are limited to 6 hours per side (after completion of mediation). Parties who fail to mediate on a Level 3 case will be limited to 2 hours per side at jury trial.

Level 3 bench trials are limited to 2.5 hours per side (after completion of mediation). Parties who fail to mediate on a Level 3 case will be limited to 1 hour per side on bench trials.

Level 1 or 2 jury trials are limited to 4 hours per side (after completion of mediation). Parties who fail to mediate on a Level 1 or 2 case will be limited to 1 hour per side at jury trial.

Level 1 or 2 bench trials are limited to 2.5 hours per side (after completion of mediation). Parties who fail to mediate on a Level 1 or 2 case will be limited to 1 hour per side on bench trials.

Parties requesting additional time beyond that allowed under the Court's Discovery Control Plan/Scheduling Order *must* seek leave of Court *prior to setting the case for trial* for additional time so that the Court may appropriately schedule other matters.

Additionally, when parties request time beyond that allowed pursuant to the Court's Discovery Control Plan/Scheduling Order, the Court may set the case for Summary Jury Trial under Texas Civil Practice and Remedies Codes §154.026 prior to setting the case for final trial.

Trial and Hearing Exhibits

Exhibits must be marked on the front of the first page of the exhibit. Exhibits are to be marked ***numerically*** only.

If exhibits are provided in a binder with exhibit tabs, each individual exhibit must also be marked with the exhibit number.

It is required that each party provide two copies of exhibits: one for the Court and one for the witness. A third copy for the opposing side is preferred. The court reporter will retain the witness copy of exhibits for the official record.

Media can be accepted if it is playable by one of the three major media players: QuickTime, VLC Media Player, or Windows Media Player. Audio/Video formats accepted - .avi, .wmv, .wav, .mpg, .mid, .asf, .mpeg, .mp1, .mp2, .mp3, .mp4, .m4v, .mpg, .ogg, .oga, .ogv, .webm

If playing depositions by video, a hard copy of the deposition transcript that includes only those excerpts intended to be play for the jury/Court must be presented to the court reporter to be marked as an exhibit (for record purposes only). Please have these ready and turned over to the court reporter at the beginning of trial.

The court reporter appreciates when voluminous exhibits are also provided on a flash drive/USB. However, please ensure that the flash drive/USB is 1) not defective, and 2) that the exhibits on the flash drive/USB are exact duplicates of the paper exhibits.

Exhibit Instructions for Remote Hearings

Any exhibit that you wish to offer at your remote hearing is required to be sent to the court reporter at creamy@co.collin.tx.us no later than 12:00 PM the day before your scheduled hearing. Any exhibit greater than 10 pages must also be printed by the offering party/attorney and delivered to the 401st District Court before the hearing begins. Please ensure that you have provided copies to all parties.

All document and photograph exhibits are to be submitted in PDF format. Exhibits are to be marked **numerically** only on the first page of the exhibit identifying the party that is making the offer and its exhibit number. (EXAMPLE: Petitioner's Exhibit 1.)

Media can be accepted if it is playable by one of three major media players: QuickTime, VLC Media Player, or Windows Media Player. Audio/Video formats accepted - .avi, .wmv, .wav, .mpg, .mid, .asf, .mpeg, .mp1, mp2, .mp4, .mp4v, .mpg, .ogg, .oga, .ogv, .webm.

DO NOT file exhibits with the district clerk.