

11TH DISTRICT COURT PROCEDURES

1. HEARINGS

The 11th District Court conducts oral hearings on Mondays in the 11th District Court's courtroom.

Hearings are conducted in person.

The Court does not have a submission docket. All contested motions must be set for an in-person oral hearing.

2. CONTACTING THE COURT

For matters relating to hearings and motions, contact the Clerk of the Court:

Anais Aguirre
832-927-2600
anais.aguirre@hcdistrictclerk.com

Contact the clerk for the status on any agreed or unopposed orders submitted to the Court.

To determine whether the Court has ruled on a motion, please check the case docket sheet at the District Clerk's [website](#) for any comments or contact the Court for status.

For matters relating to trials, contact:

Jackie Struss
832-927-2606
jackie_struss@justex.net

For matters relating to transcripts, contact:

Mark Miller
832-927-2608
mark_miller@justex.net

3. E-FILING

The Rules of Civil Procedure require litigants to electronically file documents and pleadings with the Harris County District Clerk. Litigants need prior authorization from the Court before hand-delivering or faxing documents directly to the Court. The District Clerk Clerks will not accept documents delivered directly to the court for filing. Litigants are responsible for ensuring that documents become part of the Court's record by e-filing the documents.

3.1 E-FILING INSTRUCTIONS

Type the entire title of your pleading in the description field.

Do not split your documents.

Clearly label all exhibits.

Do not attach proposed orders as exhibits.

4. MOTIONS

4.1 CERTIFICATES OF CONFERENCE

The Court **requires** a detailed certificate of conference on all motions, pleas, and special exceptions except for:

- summary judgments;
- default judgments;
- motions for voluntary dismissal or non-suit;
- post-verdict motions; and
- motions involving service of citation.

The movant must confer person-to-person with opposing counsel before the Court will consider a motion that requires a conference. The Court will pass motions that do not have a certificate stating (1) that the movant has actually talked to opposing counsel, or (2) why counsel have not been able to discuss the motion.

A certificate of conference stating that counsel has sent a letter or email to opposing counsel but that counsel has not received a response is **not** a proper certificate of conference.

4.2 ORDERS

File orders with all motions and responses. The Court will pass motions filed without proposed orders. On occasion the Court may require parties to email longer or more complex proposed orders in Word format to the court clerk.

When submitting a proposed order after a hearing, include a cover letter and indicate whether the order is agreed to as to form.

4.3 AGREED MOTIONS

The Court may hear agreed or unopposed motions by submission.

All unopposed or agreed motions should be titled as such.

Agreed motions must contain the appropriate signatures.

Unopposed motions must contain a certificate of conference.

If the Court denies an agreed or unopposed motion, a litigant may request an oral hearing on that motion.

4.4 MOTION RESPONSES

E-file motion responses at least 48-hours before the hearing and include a proposed order.

4.5 COURTESY COPIES

The Court accepts courtesy copies of motions over 15 pages. Courtesy copies should include the motion and all exhibits. If possible, include any response and responsive exhibits in the same binder.

4.6 DISCOVERY MOTIONS

The Court expects that parties will make every effort to resolve all discovery issues without court intervention. If such attempts prove unsuccessful, litigants may request a hearing on a motion to compel. The complaining party should file a certificate of conference detailing all attempts to resolve the disputes, including

- a brief description of dispute;
- the date, time, and place the parties have had out of-court discovery discussions;
- the names of all counsel participating in the discussions.

After filing the motion, call the Court about a hearing. Motions to compel must contain, in the body of the motion, the discovery requests and responses at issue and the legal argument supporting the movant's position for each discovery request.

Proposed orders should list each discovery issue separately.

Both the movant and non-movant need to submit a proposed order.

4.7 SUMMARY JUDGMENTS

Motions can be set at the first available hearing 21 days after the motion is filed. Contact the court clerk for a hearing date.

Do not wait until the last minute to file your motion or request a hearing. (See Texas Rules of Court 166a(c) for notice requirements.)

Summary judgments must be heard at least one month before trial. Late-filed summary judgments will be set at the Court's discretion.

Proposed orders granting summary judgments should include all relief requested. Motions should show how damages are calculated and provide supporting evidence. For example, in a case involving a breach of a credit card agreement,

the plaintiff should provide evidence showing how the plaintiff calculated the amount due by the debtor.

4.8 CONTINUANCES

File motions for continuances as early as practicable.

Unless the Court deems it necessary, hearings are not required for agreed continuances for the first or second trial setting. The Court will not automatically grant joint motions for continuance after the second trial setting. After the second trial setting, motions for continuance must contain sufficient detail, demonstrate substantial need, and be set for hearing even if agreed.

If the parties agree to a summer setting, they must also agree to waive vacation letters.

Any lead counsel actively engaged in a matter may seek an automatic continuance of up to 180 days for any of the following situations:

- the birth or adoption of a child;
- care for an immediate family member (spouse, child, or parent) with a serious health condition; and
- medical leave when the employee is unable to work because of a serious health condition.

4.9 DEFAULT JUDGMENTS

Movants must **attach all evidence** supporting the motion and damages to the motion for default or the Court will pass the hearing.

The Court sets default judgments on the oral hearing docket.

The movant must serve all defaulting parties with the motion, proposed judgment, and notice of the hearing pursuant to TRCP 21(a).

When proving damages in a motion for default judgment, the movant should provide evidence to support the damage calculation and show how the damages were calculated.

4.10 SUBSTITUTED-SERVICE MOTIONS

Affidavits supporting motions for substituted service under Rule 106 must:

- describe the efforts taken to verify that defendant actually lives or works at the subject address;
- list at least four attempts of service at different times of day with the specific dates and times;
- detail the identity of person(s) present at the subject address and states what was said;
- if possible, provide the identity of the owners of any cars in the driveway; and

- include any other indications that defendant resides at the subject address.

File an order with all Rule 106 motions. Movants can find a form order [here](#).

4.11 PROTECTIVE ORDERS

Protective Orders containing a provision stating that any documents filed in the records of the court shall be sealed and not open for viewing by the general public must be changed to comply with Rule 76a of the Texas Rules of Civil Procedure. Litigants can find a form Agreed Protective Order [here](#).

4.12 MOTION TO WITHDRAW

Motions to withdraw as attorney of record require strict compliance with Rule 10 of the Texas Rules of Civil Procedure. Motions in which the party will be *pro se* after the attorney withdraws must include:

- the party's telephone number;
- the party's address;
- the party's email address;
- a statement regarding consultation with the party regarding the motion; and
- current deadlines and trial settings.

Orders on motions to withdraw must include contact information for the *pro se* party.

The Court does not generally grant motions to withdraw that are filed within 60 days of a dispositive event, such as a trial setting or a hearing on a motion for summary judgment.

If the withdrawing attorney represents a corporation, counsel must notify the corporate party that corporations cannot proceed *pro se* in Texas courts.

Motions to substitute counsel must indicate whether the attorney being replaced has agreed to the substitution and have the appropriate certificates of conference and service.

4.13 MOTIONS TO RETAIN

After the Court has retained a case three times or more, the movant must set the motion to retain for oral hearing or the Court will dismiss the case.

4.14 SPECIAL EXCEPTIONS

Movants must either (1) attach a copy of the pleading being excepted to (unless the exception is only to the amount of damages sought) or (2) state verbatim the paragraph being except to. Proposed orders should list each exception separately.

4.16 MOTION FOR SEVERANCE

The Court does not routinely grant motions to sever.

Motions to sever must state the basis for the severance and be set for oral hearing.

The order of severance must include the following information:

- Style of the case;
- Case number, i.e. 2006-54321-A;
- Parties to be included in the severed case;
- Documents to be included in the severed case;
- Whether the severed order disposes of the severed case or if the case shall remain active; and
- The party paying for the costs of court and severance.

5. HEARINGS

5.1 YOUNG LAWYERS

The Court encourages opportunities for young lawyers (*i.e.*, lawyers practicing for less than seven years) to participate in hearings and trials, particularly when the young lawyer drafted or contributed significantly to the underlying motion or response. Providing substantive speaking opportunities to young lawyers benefits the profession, the lawyers, and the clients.

5.2 ORAL HEARING DOCKET

All motions that are not agreed or unopposed are set on the Court's oral hearing docket.

The Court conducts oral hearings on Mondays. Call the clerk for a hearing date and time. Do not request a hearing in your motion.

Parties must file and serve the notice of the hearing along with the motion and order within 48 hours after obtaining the setting or the Court may pass the setting without further notice.

Movants must provide ten-day notice for hearings.

When passing a hearing, call the court clerk and all parties as soon as possible.

5.3 TEMPORARY INJUNCTIONS

Temporary injunctions are set on Mondays at 1:30 p.m.

Before scheduling hearings, movants should call the Court and advise (1) the readiness to proceed with the hearing, and (2) the estimated length of the hearing. Depending on trial schedules and the length of the hearing, the Court may find it

necessary to extend the TRO and reschedule the temporary-injunction hearing. Parties should not bring witnesses to court until checking with the court clerk.

5.4 Minor Settlements

The Court must approve the disposition of all cases involving minors.

In motions requesting the appointment of a guardian ad litem, please advise the Court if the guardian or attorney ad litem should be fluent in a language other than English. The Court will appoint ad litem based on the complexity of the case and the ad litem's experience.

5.5 EXPEDITED HEARINGS

Any party requesting an expedited or emergency hearing must file a detailed request.

5.6 APPEARANCE BY PHONE

The Court allows attorneys in non-evidentiary hearings to appear by phone; please contact the Clerk to make arrangements.

Appearances by phone will utilize the Court's conference all line:

Call-in Number: 832-927-8888

Access Code: 9272600#

5.7 FAXES AND EMAILS

The Rules of Civil Procedure require pleadings and documents to be e-filed. Do not fax or email documents to the Court with express authorization. Faxing and emailing does not replace the e-filing requirement. The clerk may destroy unauthorized faxed or emailed documents.

6. TRIALS

File and **exchange and conference** regarding exhibit lists, motions in limine, deposition offers, and proposed jury charges or proposed findings of facts and conclusions of law with the Court **one week before trial**.

Cases are automatically set for trial when a defendant files an answer. If the Court does not reach a case during the first setting, it will be reset within 2 to 4 months.

The 11th District Court does not have a docket call. Do not appear unless you have been **assigned** to trial. All cases are **on call** for the entire two-week docket.

6.1 STATUS AND PRE-TRIAL CONFERENCES

If a party anticipates needing more than 36 potential jurors for a jury panel, the party must set a status conference with the Court at least 60 days in advance.

On the day of trial, the Court allots 15 minutes per side for pre-trial matters.

If a party anticipates needing more than 15 minutes for pre-trial, the party must schedule a status conference at least 60 days in advance so the Court can schedule enough time for pre-trial matters, including expert-witness challenges, rulings on exhibits, and rulings on deposition excerpts.

6.2 MOTIONS IN LIMINE

The Court has issued a standing [motion in limine](#) for all cases. For case specific motions in limine, the parties must exchange their motions before the pre-trial conference. Limit your motion in limine to the specific facts and circumstances in your case.

6.3 EXPERT WITNESS CHALLENGES

Parties must file expert witness challenges by the deadline set out in the docket control order. Parties shall set all motions to challenge experts for hearing **before** the trial date.

6.4 JURY CHARGE

The parties must use the Court's proposed jury charge [form](#).

The parties must file their proposed jury charge with the Court and email the proposed charge in Word format to [Mark Miller](#).

6.5 VOIR DIRE

Time for voir dire depends on the complexity of the case.

If the parties want to employ a jury questionnaire, they need to discuss the matter with the Court at a status conference before the first day of trial.

Counsel should not ask questions to commit the juror.

The Court discourages argument during voir dire and will sustain objections to argument.

Counsel should challenge jurors outside the presence of the panel and the juror.

6.6 FINDINGS OF FACTS AND CONCLUSIONS OF LAW

Parties should file their proposed findings of fact and conclusions of law with the Court. Parties should also email proposed findings of fact and conclusions of law in Word form to [Mark Miller](#) or the Court clerk.

6.7 REMOTE TESTIMONY

Witness, parties, lawyers, etc., may no longer appear by Zoom (or other remote means), absent prior order from the Court. If a party would like to request permission from the Court to have a witness appear for trial or an evidentiary hearing via Zoom, a motion requesting leave for this purpose should be filed and set for oral hearing. The motion must be agreed and must include a sworn statement from the attorney presenting the witness that:

- They have ensured that the witness has available electronic equipment sufficient to host such testimony and that the attorney and witness have personally tested the equipment to ensure it works and everyone involved knows how to use the equipment;
- The witness will be testifying in a neutral setting with no room decoration within view of the camera;
- The witness will be the only person in the room; and
- A complete set of all exhibits (or select exhibits as agreed upon by all counsel in cases with more than 50 total exhibits), in hard copy, have been delivered to the witness, and that the witness will have all exhibits available for testimony.

If any of the following conditions are not observed, the witness may be struck.

6.5 Demonstrative Exhibits and Power Point

All demonstrative exhibits and Power Point presentations must be shown to all parties before being shown to the jury or jury panel.