

POLICIES AND PROCEDURES
219th Judicial District Court
Collin County, Texas
JUDGE JENNIFER EDGEWORTH

Court Staff

Court Coordinator: Amy Munger amungre@co.collin.tx.us
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Settings:

Settings are available at 9:00 a.m. and 1:30 p.m.

FAMILY LAW CASES

Hearing: To set a hearing, please email the court coordinator, Amy Munger. You will be provided 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 court coordinator does not add the case to the Court's calendar until a completed notice of hearing is submitted.

Time Limits: At Temporary Orders Hearings, each party is limited to 20 minutes per side per Local Rule 8.1.

Bench trials are limited to 3 hours per side. Jury trials are limited to 6 hours per side. If additional time is needed, please submit a request to the court with the amount of additional time requested and basis for the request.

If interpreters are needed, please advise the Court when setting the case for hearing or trial, and also let the Court know if additional time is requested because of the need for interpreters.

Trial: To set a trial, please email the court coordinator. 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:

Bench Trial Discovery Control Plan and Scheduling Order – Family
-OR-
Jury Trial Discovery Control Plan and Scheduling Order - Family

The form should include the trial date and have any other deadlines agreed to by the parties filled in. If, after several attempts, you are unable to get an agreed date for trial and/or an agreed mediator, please e-file a proposed scheduling order with a letter describing your efforts.

A formal pre-trial conference is required for jury trials and for bench trials expected to take longer than one day, and will be set at least ten (10) days prior to trial.

Mediation: Mediation is required before trial. Scheduling orders without mediator name(s) will be rejected. If the parties are not able to agree to a mediator, they should submit a letter with their scheduling order stating they could not agree and request that the court appoint a mediator. If the court appoints a mediator, pursuant to Tex. Gov't Code Ch. 36, the mediator is approved for up to 8 hours at a fee of no more than \$3,000 to be paid by the parties. Any additional time/fees are by agreement of the parties and not subject to reporting by the court.

Continuances: The Court will allow one agreed request for continuance signed by the parties and counsel, unless the request is for a case filed more than a year ago. A hearing and court approval is required for a continuance on a case filed more than one year old, or if the parties are seeking a second request for continuance

Child Interviews: If Texas Family Code sec. 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 before your trial date to ensure the child interview is properly scheduled on the Court's calendar.

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 to schedule the hearing, which will be held after the final judgment is signed.

Prove-Ups and Affidavit Prove-Ups: Please schedule prove-ups by emailing the court coordinator. Prove-Ups may also be heard in the Auxiliary Court.

In divorces and suits affecting the parent-child relationship, the 219th District Court permits prove-ups by affidavit when ALL of the following conditions are met:

1. There is an agreed decree or order signed by every party and attorney involved in the case;
2. One party files a sworn, notarized affidavit containing the necessary prove-up testimony; and
3. All signatures and notaries are distinctive written signatures, not “/s/ Typed Name.”

CIVIL CASES

Hearing: To set a hearing, please email the court coordinator, Amy Munger, for available dates. You should then work with the other side to get an agreed date. Please e-file a notice of hearing with the date filled in. The court coordinator does not add the case to the Court's calendar until a completed notice of hearing is submitted.

Trial Settings: After an Answer is filed, the case will be set for a scheduling conference 30-45 days from the answer date. To avoid the need to appear at the scheduling conference, the parties are strongly encouraged to submit their own agreed Scheduling at least three (3) days before the scheduling conference.

Please use the form based on the discovery level of your case:

Discovery Control Plan and Scheduling Order (Level 1 or 2 - Civil)

-OR-

Discovery Control Plan and Scheduling Order (Level 3 - Civil)

The court coordinator will provide available trial dates and the parties should agree on a trial date prior to submitting an agreed scheduling order. The parties should also confer and agree on a mediator prior to submission of the agreed scheduling order. If the parties cannot agree on a trial date, the parties do need to appear at the scheduling conference and address this with the Court.

Continuances: The Court will allow one agreed request for continuance. A hearing and court approval is required for any additional continuance.

CRIMINAL CASES

Settings are as follows:

1. First Appearance
2. First Announcement
3. Second Announcement
4. Third Announcement
5. Disposition

Only one plea setting will be given before the court requires a trial date to be set. If further settings are required, please contact the bailiff.

If requesting a bond or motion hearing, efile a fiat so that a date will be set.

If setting a motion for early release, the probation department requires ten (10) days notice for the hearing.

Please refer any additional questions on criminal matters to the bailiff.

ALL CASES

Discovery Motions: Always personally confer before filing any motion related to discovery and include a certificate of conference, which is required by Local Rule 3.3. Unless prohibited by a confidentiality agreement or order, please state verbatim the request(s) and answer(s) in the body of your motion and attach a copy of the discovery request(s) and response(s) at issue. Proposed orders should list each discovery issue separately. Always submit a proposed order whether you are the movant or respondent.

Motions for Summary Judgment and Contested Motions: A courtesy notebook for the court is very helpful for larger motions referencing extensive case law and/or statutes. Please submit to the court coordinator by 4pm the day before the hearing a notebook with the applicable motion, responses, replies, statutes and/or case law referenced, with the referenced portions highlighted. If submitting a courtesy notebook to the court, an identical copy must also be provided to opposing counsel.

Motion for Severance: The motion for severance must be set either by submission or oral hearing and state the basis for the severance.

The order of severance must include the following information:

- Style of the case
- Case number, i.e., 219-_____
- Parties to be included in the severed case
- Whether the severed order disposes of the severed case or if the case shall remain active
- Party paying for cost of the severance

Motion for Default Judgment: Default judgments asking for liquidated damages can be set by submission or oral hearing. Default judgments asking for unliquidated damages require an oral hearing.

When proving damages in a motion for default judgment, show the Court how you calculated the damage figure and provide evidence to support your calculation.

Motion for Substituted Service (Rule 106): All motions for substituted service under Rule 106 must be accompanied by an affidavit that describes the efforts taken to verify that the defendant actually lives or works at the subject address, at least three attempts of service at different time of day with the specific dates and times, the identity of person(s) present at the subject address and what was said, the identity of the owners of any cars in the driveway, or other indications that the defendant resides at the subject address. All Rule 106 motions must be filed with a proposed order.

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.

Dismissal for Want of Prosecution: A case may be dismissed for want of prosecution for any of the following reasons:

1. Failure of the Plaintiff/Petitioner to request a setting or take other appropriate action after notice from the Clerk that the case has been pending without action for more than sixty days.
2. Failure of the Plaintiff/Petitioner's counsel to appear for pretrial, docket, conference, or other preliminary hearing, especially where there has been a previous failure to appear or where no amendment has been timely filed to meet expectations previously sustained.
3. Failure of Plaintiff/Petitioner to make an announcement of "ready" when a case is called for trial or hearing of any preliminary matters.
4. For any other reason provided by the Local Rules of the District Courts of Collin County, Texas, Texas Rules of Civil Procedure, or the general law.

PROCEDURES FOR TRIAL

Displaying Exhibits: Exhibits can be displayed on the visual presenter or digitally using a computer. Exhibits can be seen on all courtroom monitors and heard on all courtroom speakers. It is counsel's responsibility to ensure that documents displayed on monitors have been first admitted in evidence and redacted, if necessary, to comply with the Court's rulings.

Large Exhibits: Exhibits exceeding 8 ½" x 11" in size will be accompanied by an 8 ½" x 11" copy. After completion of trial, the court reporter will retain only the 8 ½" x 11" copy and the original exhibit will be returned to the offering party.

Demonstrative Exhibits and Trial Aids: Demonstrative exhibits and trial aids may be used by all counsel and counsel's members. Counsel shall not mark on or attach any item to an opposing counsel's demonstrative exhibit while using it.

Exhibits Brought to Court on Day of Trial: All exhibits shall be PRE-MARKED, three-hole punched on the left side, and in a three-ring binder notebook with numbered index tabs with the notebook labeled as to which party's exhibits. If you are not able to provide a notebook, please have the exhibits three-hole punched.

- If three-hole punching the original exhibit will destroy a part of the exhibit, such exhibit may be placed in a plastic envelope in the exhibit notebook

- Any pre-admitted/agreed to exhibit numbers must still be read into the record at trial (parties should not simply refer to “all pre-admitted exhibits”).

Deposition Testimony: Before trial begins, any deposition or video that will be presented during the trial will need to be submitted to the court reporter already officially transcribed, or if video excerpts are used, the video excerpts in MP3 format will need to be submitted to the Court Reporter.

Proposed Jury Questions/Instructions (or Findings of Fact /Conclusions of Law): The pleading should be named “[Name of Party]’s Proposed Jury Questions and Instructions” in Microsoft Word format and emailed to the Court Coordinator by the date of the Formal Pre-trial Conference . The pleading on this disk should be in 12 pitch font, free of any typographical emphasis i.e. bolding, all caps, underlining, italics, etc., free of case cites or footnotes, and labeled with the case style and submitting party’s name. This document should be exactly as it would be presented to a jury without signature blocks for the Judge for granting, denying or modifying any requests.

Vocabulary List (if one is filed): Required in medical malpractice cases.

Courtesy Copies for Court Reporter (To be delivered at Pretrial Conference):

Exhibit List

Witness List

Vocabulary List

Motions for New Trial

Motions for new trial will be decided on the pleadings and will only be set for hearing if argument is requested by the Court.

The court will set a hearing 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.