

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

Court Staff

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Policies:

The 219th District Court is a general jurisdiction court that handles Family, Civil, and Criminal law cases. Specific policies applicable to each type of case begin on page 5 of these Policies and Procedures.

Settings:

Settings typically begin at 9:30 a.m. You need to email Amy Munger to have a hearing set, copy opposing counsel(s)/pro se party, and agree to a hearing date and time.

When you are given a setting, you are asked how long you need for the hearing. However, in family law cases, temporary orders hearings are twenty (20) minutes per side. In civil law cases, hearings are not set to exceed one (1) hour unless you make a specific request to the court coordinator with an explanation regarding why the hearing is expected to last longer than one hour, how much time you need in total, and if approved for more time by the judge.

Most hearings are in person at the courthouse. Announcements for civil or family jury trials are by Zoom. Hearings can be set by submission (the court will read the pleadings filed but will not hear argument) if requested by the Movant.

ALL CASES

Discovery Motions: Always personally confer before filing any motion related to discovery. 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 a notebook to the Court Coordinator by Noon the day before the hearing** that includes 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 Default Judgment: Default judgments asking for liquidated damages may be set by submission or oral hearing. Default judgments asking for unliquidated damages require an oral hearing. Upon filing a default judgment, please contact the Court Coordinator by email and set a date for submission of the motion and let her know if you are requesting 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. Please also make sure that a request for attorney's fees submitted by affidavit complies with *Rohrmoos Venture v. UTSA DVA Healthcare LLP*, 578 S.W.3d 469 (Tex. 2019).

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 times 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.

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

Withdrawals: The Collin County local rules provide a way for attorneys to withdraw without the necessity of appearing. **Review and follow Local Rule 4.4:**

A motion to withdraw may be granted without hearing if:

- (a) The client has signed the motion or order, consenting to the withdrawal;
- (b) Another lawyer has made an appearance on behalf of the client; or
- (c) The motion is accompanied by a letter that notifies the client of the client's right to object to the withdrawal within 10 days of the date the letter was mailed, the withdrawing attorney certifies that the motion and letter were sent to the client's last known address by both certified and regular first class 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:

- (a) Failure of plaintiff to set the case for trial, enter a scheduling order, or take other appropriate action after notice that the case will be dismissed for want of prosecution;
- (b) Failure of plaintiff or plaintiff's counsel to appear for trial or a pretrial conference;
- (c) Failure of plaintiff to announce "ready" when the case is called for trial; or
- (d) For any other reason permitted by 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 for the Court Reporter: 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").
- For a jury trial, the judge does not need her own courtesy copy of exhibits in notebooks. For a bench trial, the judge does appreciate a courtesy copy of a notebook of 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., 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.

Please include on the proposed Jury Questions/Instructions a reference to where you obtained the specific jury question or instruction (Texas Pattern Jury Charge number or case cite).

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.

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 and time filled in. The Court Coordinator does not add the case to the Court's calendar until a completed notice of hearing is submitted. Please also copy opposing counsel (or the self-represented litigant) when emailing the Court.

For a temporary orders hearing and final trial, each side should provide to the Court a copy of their Requested Relief at the beginning of the hearing or trial.

Time Limits: At Temporary Order Hearings, each party is limited to 20 minutes per side.

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.

Interpreters: 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 Settings: The Court will set the case for a bench trial (unless a request for a jury trial has been requested and the fee paid) after the Respondent files and Answer if the case has not already been set for trial at a Temporary Orders Hearing.

The Court uses the following forms:

Bench Trial Discovery Control Plan and Scheduling Order – Family

-OR-

Jury Trial Discovery Control Plan and Scheduling Order - Family

You can obtain the forms from the Collin County District Courts website page for the 219th District Court at: <https://www.collincountytx.gov/Courts/District-Courts/219dc>

Mediation: Mediation is required before trial. Parties must file a Designation of Agreed mediator within 30 days of the date of the Scheduling Order.

Continuances: Court approval is required for any request for a continuance of the final trial date, even if the request is agreed to by all parties. File a verified motion for continuance and email the coordinator to request a hearing (by submission, by Zoom, or in person). The failure to mediate is not a basis for a continuance. Please review and follow Rules 251 and 252 of the Texas Rules of Civil Procedure when seeking a continuance.

Child Interviews: If Texas Family Code sec. 153.009 requires the Court to interview a child and the parties have requested the interview in writing prior to the hearing or non-jury trial date, the interview

will be conducted on the day of or after the temporary orders hearing or trial, after the child is released from school. Please arrange for the child to be brought to the courthouse by an adult. **Contact the Court Coordinator before your hearing or non-jury 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.

For Final Decrees or Orders: If the parties have an **Agreed** Divorce Decree or **Agreed** Order, NO prove-up hearing or affidavit is required. You just need to efile the order with all the signatures.

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. Please also copy opposing counsel (or the self-represented litigant) when emailing the Court.

Parties are encouraged to e-file proposed orders prior to a hearing. The Court will sign the proposed order of the prevailing party at the hearing (hard copies are fine), or the Court will request the prevailing party to prepare an order that reflects the Court's rulings, submit to opposing counsel for review, and then e-file with the Court.

Trial Settings: The Court will set the case for a bench trial or a jury trial if the jury trial has been requested and the fee paid after at least one Defendant files an Answer.

The Court uses the following forms:

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

-OR-

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

You can obtain the forms from the Collin County District Courts website page for the 219th District Court at: <https://www.collincountytx.gov/Courts/District-Courts/219dc>

Mediation: Mediation is required before trial. Parties must file a Designation of Agreed mediator within 30 days of the date of the Scheduling Order.

The Court also monitors cases to determine if a party has been served, or if a party has been served but no Answer has been filed. If a party has been served but no Answer has been filed, the case will be set for dismissal and then dismissed for want of prosecution unless a Motion for Default Judgment or Motion to Retain is filed. If a party has not been served, the case will be set for dismissal and then dismissed for want of prosecution unless a Motion for Substituted Service or a Motion to Retain is filed and granted.

Continuances: Court approval is required for any request for a continuance of the final trial date, even if the request is agreed to by all parties and even if it is the first request for a continuance. File a verified motion for continuance and email the coordinator to request a hearing (by submission, by Zoom, or in person). The failure to mediate is not a basis for a continuance. Please review and follow Rules 251 and 252 of the Texas Rules of Civil Procedure when seeking a continuance.

CRIMINAL CASES

Who to Contact for settings: Please contact Bailiff Patterson by email and copy the State (to include Defendant's name, cause, and Attorney's name).

What days are available for settings: Settings for motions or complex hearings are available throughout the week. Bond hearings are primarily heard on Wednesday, Thursday, or Friday mornings. Defense counsel must file a Writ or Motion before requesting a hearing.

Discovery: Please review the Standing Discovery Order in Criminal Cases. You can obtain the Order from the Collin County District Courts website page for the 219th District Court at:
<https://www.collincountytx.gov/Courts/District-Courts/documents-and-forms>

Pre-trial Hearings: Hearings are on Wednesday at 9:00am the week prior to the trial setting. Attorneys and their clients are expected to be present and in the courtroom promptly at 9:00am.

90 Day Writ Procedure: 90 day writ requests require notice to the State and opportunity to respond. Notice of intent to file to the State after the 85th day will suffice.

Paper v. E-file Orders: E-File your motion, get a date set with the Court, and bring a proposed order with you to the hearing. We will still accept proposed orders if you e-file them with your motion, but it's easier if you bring a proposed order with you that the Court can sign after the hearing to reflect the Court's ruling.

Settings: Setting are as follows:

1st Appearance, 1st Announcement, 2nd Announcement, Final Announcement, and Plea or Set for Trial. A request for an additional setting after "Plea or Set for Trial" must be heard by the Judge. Pass slips are obtained from Bailiff Patterson.

Appearance Times: Pre-trial hearings are at 9:00am. Regular dockets start at 9:30 am and 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.

Check-in: Defendants must appear and check in with Bailiff Patterson to note their arrival.

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