

## **Practice Tips for the 442<sup>nd</sup> District Court**

### **Do Not Use Parties' Initials**

Do not use parties' initials in pleadings. Use each party's full name in the style of the case and in the body of the pleadings. The Family Code requires that parties' names be used.

### **Do Not Use Children's Initials**

Do not use children's initials in pleadings. Use children's full names in the style of the case and in the body of the pleadings. The Family Code requires that children's names be used.

### **Communication with Court Administrator/Judge**

Email is the preferred mode of communication and in some instances the required mode of communication with the court administrator. If you are requesting dates for a hearing or trial, cancelling a hearing or trial or announcing settlement, email is required. Please note that the court administrator is able to respond to an email faster than a phone message. Court Administrator's email: [ali.silva@dentoncounty.com](mailto:ali.silva@dentoncounty.com). As a friendly reminder, do not attempt to communicate with Judge Haertling unless directed to do so by Judge Haertling or by the court administrator at the direction of Judge Haertling.

### **Settings**

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

### **Time Limits**

The 442<sup>nd</sup> District Court offers the following dockets: full day or more, full day or less, half day or less, one hour or less.

### **Hearings**

To set a hearing in the 442<sup>nd</sup> District Court, please email the court coordinator at [ali.silva@dentoncounty.com](mailto:ali.silva@dentoncounty.com). You will be provided with the Court's available dates and must confer upon the dates with opposing counsel or the pro se litigant without the coordinator copied in order to find a mutually agreeable date. Once both sides have agreed on a date for the hearing, please copy the coordinator back into the email and advise her of same. Once she confirms the setting, please e-file a notice of hearing with the date filled in.

### **Trials**

To set a trial in the 442<sup>nd</sup> District Court, please email the court coordinator at [ali.silva@dentoncounty.com](mailto:ali.silva@dentoncounty.com). You will be provided with the Court's available dates and must confer upon the dates with opposing counsel or the pro se litigant without the coordinator copied in order to find a mutually agreeable date. Once both sides have agreed on a date for the final

trial, please copy the coordinator back into the email and advise her of same. Once she confirms the setting, please e-file the court's applicable Scheduling Order located on this website under Forms with all deadlines filled in with actual dates. No other Scheduling Order will be accepted.

**Trials without a scheduling order on file are limited to 1 HOUR PER SIDE.**

### **Jury Trials**

A formal pre-trial conference is required. Pre-trial conferences are pre-assigned for each jury trial. When dates are provided for the jury trial, the corresponding pre-trial conference dates are included. The Court's Scheduling Order must be completed and signed when the trial is set. The scheduling order specifies the tasks that must be completed at or before the pre-trial hearing, including expert challenges, proposed jury charges, pre-marked exhibits, witness lists, etc.

### **Conference on Dates**

This Court requires conferencing on dates prior to setting in which a case is ongoing. For example, if you file a new suit or reopen an existing suit in which the other side has not been served or filed an Answer, conference is not required. However, for example, if you have an active modification case and file an enforcement, conference is required. Judge Haertling requires allowing two business days for the other side to check their calendar and respond with availability. If there is no response, you may copy back in the court administrator, advise of attempts to confer and request the setting. Email is the preferred and if provided, required mode of conferencing on dates. A person is considered available if they do not have a vacation letter on file or are in deposition, mediation or another hearing. Failure to confer will result in your case not being heard.

### **Filing Pleadings, Notices, Proposed Orders**

Only once you have received the file-marked copy back of a pleading, may you contact the court coordinator for available hearing dates. The coordinator is unable to provide dates until a pleading appears on the Court's system. Please make sure that you e-file notices of hearing and proposed orders as their own separate lead documents. Failure to do so will result in the notice or order being filed as an exhibit to the pleading. Pleadings are not forwarded to the court coordinator's e-filing queue. If a notice will require a signature, please use *Judge/Court Administrator* in the signature block. Please use a blank line for the date.

### **Mediation**

Mediation is mandatory prior to final hearings. That being said, not mediating does not automatically continue a final hearing. If one side is forced to file and set a Motion for Mediation, attorney's fees may be assessed against the other side. If you will be mediating at DCAP, the 442<sup>nd</sup> District Court requires that the completed Exhibit As for each party be attached to the proposed order. If they are not, the proposed order will be rejected. Once mediation has

been completed, please file a letter notifying the Court of the outcome (settled, partially settled, impasse). The court administrator will place the case on the Court's Entry Docket.

### **Court's Entry Docket**

Upon ruling by Judge Haertling or settlement announcement to the court coordinator, the case will be placed on the Court's Entry Docket for entry of temporary or final orders. The Court's Entry Docket is **not** a Dismissal Docket. It is designed to be a built in Motion to Enter or Sign. If the corresponding order is not entered prior to that date, counsel must attend the hearing to discuss any issues with Judge Haertling. Only once the order is signed by Judge Haertling, may it be removed from the Court's Entry Docket. **Entry Dockets are held approximately twice a month at 8 a.m.** To request additional time to complete an order, please contact the court coordinator at [ali.silva@dentoncounty.com](mailto:ali.silva@dentoncounty.com) with the other side copied. Typically one extension total is permitted. After that, counsel must attend the Court's Entry Docket to discuss the matter with Judge Haertling.

### **Ex Parte Relief – TROs, etc.**

Attorneys must walk through requests for ex parte relief in person. Please contact the 442<sup>nd</sup> court coordinator at [ali.silva@dentoncounty.com](mailto:ali.silva@dentoncounty.com) or at 940-349-4380 to determine the best time to appear. Attorneys must file the Attorney's Certificate for Ex Parte Relief; a copy of which is located on the Court's website under Forms. Typically, 24 hours' notice is required prior to presenting a request for extraordinary relief to the Court.

Please do not request TROs that contain items that are in the Denton County Standing Orders. The court will reject TROs that largely overlap the standing orders. Please put the few items of genuine concern in the TRO so that the court can tell what relief you're actually requesting.

### **Denton County Standing Orders**

The Denton County Standing Orders are not a suggestion. This Court takes the standings orders very seriously. Please take the time to review; a copy of which is located on our website under Useful Information.

### **Denton County Local Rules**

Please take the time to review the "Denton County Local Rules" (Uniform Rules of Court for the District and Statutory County Courts of Denton County, Texas; a copy of which is located on our website under Useful Information). Some rules have been adjusted to fit the best practices of the 442<sup>nd</sup> District Court. If at any time they overlap, this document will control the local rules in the 442<sup>nd</sup> District Court.

## **Denton County District Clerk**

The District Clerk's office provides additional information on its website at <http://dentoncounty.com/Departments/District-Clerk.aspx>. Please take the time to review. Additionally, if you are requesting copies of filed documents or looking to issue notice or citation, please contact the District Clerk.

## **District Court Administrator**

Additional information and forms can be found on the District Court Administrator website at <https://dentoncounty.com/Departments/District-Courts/District-Court-Administrator.aspx>.

## **Pro Se Parties**

If you intend to represent yourself "Pro Se" (without the assistance of an attorney) you must have knowledge of the law to prepare and file the necessary pleadings and present your cause to the Court, the same as an attorney is required to do. There is a law library located in the Mary and Jim Horn Building at 1505 E. McKinney Street, across from the courthouse. The 442<sup>nd</sup> District Court staff is unable to provide legal advice. You may also visit the website: [www.TexasCourtHelp.gov](http://www.TexasCourtHelp.gov). This is a website provided by the Texas Office of Court Administration.

## **Continuances**

Any continuance (even if agreed) for a case that was filed more than 18 months ago requires a hearing and court approval. If the Motion for Continuance is not agreed, it must be set for hearing. If a Motion for Continuance is agreed for a case younger than 18 months, please also e-file a proposed Agreed Order Granting Motion for Continuance as its own separate lead document. Please include a blank for the reset date. If the Court grants the continuance, the court coordinator will email counsel with available reset dates and fill in the order prior to sending down to the District Clerk's office.

## **Motions for Summary Judgment**

Please follow instructions in the Hearing section. Once followed, please make sure to copy all attorneys or pro se parties into the email requesting the setting. The court administrator will respond with confirmation of the setting and the following instructions which are required to be attached to the notice:

In order to proceed with a hearing on a Motion for Summary Judgment, each party must do the following:

Movant, by cover letter stating the date and time of the hearing, shall provide the Court with a courtesy copy of the MSJ and Movant's reply to the response, if any. In the event that Movant objects to any evidence submitted by Respondent, Movant shall also submit an itemized order

permitting the Court to either sustain or overrule each objection. In addition, Movant shall submit a proposed order permitting the Court to either grant or deny the MSJ. Finally, Movant shall submit the most important evidence and most important case law that Movant would like the Court to consider.

Respondent, by cover letter stating the date and time of the hearing, shall provide the Court with a courtesy copy of the Response to the MSJ. In the event that Respondent objects to any evidence submitted by Movant, Respondent shall also submit an itemized order permitting the Court to either sustain or overrule each objection. Finally, Respondent shall submit the most important evidence and most important case law that Respondent would like the Court to consider.

These materials must be submitted in PDF by email with all counsel copied to the court administrator at [ali.silva@dentoncounty.com](mailto:ali.silva@dentoncounty.com), no later than five (5) days prior to the hearing date. Please note that if you send these materials to the District Clerk, they will be scanned into the file and the Court will not see your evidence and case law before the hearing.

When the Court is able to review everything prior to the hearing, the hearing usually takes less time and is much more efficient. This also enables the Court to make a timely decision in the case.

Failure to follow these instructions may result in your hearing being reset to a later date.

### **Summary of Requested Relief**

The Court requires a Summary of Requested Relief be provided and additional copies given to opposing counsel and the Court Reporter at the time of the hearing/trial.

### **Property Division**

The Court requires Inventories and Appraisements be exchanged prior to final hearings in original divorce proceedings. In addition, she requires copies be provided to her at the time of the final hearing. If you are asking the Court to divide property, please provide a proposed property division in editable format, such as an Excel spreadsheet.

### **Child Interviews**

If a Motion for Judge to Confer with Children is filed, it will be set contemporaneously with the companion hearing i.e. a request for temporary orders or final hearing. DO NOT bring the children to Court for this hearing. The interview will be scheduled after the Court hears the evidence at trial. In scheduling the interview, the Court will consider the children's school and extracurricular activities in order to cause the least amount of disruption to the children.

## **Photos of Children**

In hearings relating to children, it can often be helpful to introduce exhibits containing photos of the children.

## **Prove-Ups**

Prove-Ups are conducted on a first come, first served basis according to the District Court Prove-Up Schedule; a copy of which is provided on this website under Useful Information. Regardless of what court your case originates, you would go to the specific court listed for each day.

## **Tax Suits**

Uncontested Tax Suits: Accepted by submission only. Please submit proposed order and statement of evidence.

Contested Tax Suits: Set on Monthly Tax Docket at 8 a.m.

Tax Suits with Attorney Ad Litem: Set on Monthly Tax Docket at 8 a.m.

Tax Suits Set from DWOP Docket: Set on Monthly Tax Docket at 8 a.m., follow instructions in DWOP Notice

## **Court's Dismissal Hearing**

The Court sets dismissal dockets at its discretion. Notices of Dismissal Setting are mailed by first class mail to the address for the attorney of record and pro se litigants on file. If no address is provided a note is made on the notice; a copy of which is filed in the case. The Notice of Dismissal Setting contains specific steps that must be taken in order for the case not to be dismissed. If the steps are not followed, counsel and pro se litigants must appear at the Court's Dismissal Hearing. If counsel and pro se litigants do not appear, the case will be dismissed for want of prosecution. If the dismissal is unopposed, counsel and pro se litigants need not appear.

*Please note that these Practice Tips are subject to change without notice. Last updated 09/12/2018*