

COURT: GALVESTON COUNTY COURT AT LAW NO. 2

JUDGE'S NAME: BARBARA E. ROBERTS

COURT ADDRESS: 600 59TH ST., SUITE 2204, JUSTICE CENTER, GALVESTON, TEXAS 77551

**STAFF: JOSE MEJIA, COURT COORDINATOR
JANA FOWLER, COURT REPORTER**

1. May the court be contacted by e-mail or fax? If so, what is the number or address? Does the court accept filings by fax or e-mail? e-mail: jose.mejia@co.galveston.tx.us;

FAX: (409) 795-3034; THE COURT DOES NOT ACCEPT FILINGS BY FAX OR E-MAIL. GALVESTON COUNTY USES E-FILE FOR ALL FILINGS.

2. What is your preferred procedure for contacting the court in a true emergency? PHONE, (409) 766-2405.

PRETRIAL:

3. What are the court's procedures for level 3 cases controlled by Rule 190.4? ATTORNEYS ARE RESPONSIBLE FOR FILING APPROPRIATE MOTION AND SETTING HEARING TO TAILOR A DOCKET CONTROL PLAN.

4. Do you have any particular rules governing motions and orders? When should proposed orders be submitted with the court?

a. Discovery motions. FILED AND HEARING SET IN TIME TO RESOLVE ISSUES AND OBTAIN DISCOVERY BEFORE PRE-TRIAL CONFERENCE. COURT GENERALLY WILL NOT CONTINUE PRE-TRIAL CONFERENCE OR TRIAL SETTING BECAUSE OF DISCOVERY ISSUES THAT HAVE NOT BEEN TIMELY ADDRESSED.

b. Motions for summary judgment. MOTIONS FOR SUMMARY JUDGMENT ARE SET FOR SUBMISSION ON FRIDAYS AT 8:30 A.M. ATTORNEYS ARE RESPONSIBLE FOR SETTING SUBMISSION DATE IN ACCORDANCE WITH RULES TO PROVIDE TIMELY NOTICE. AFTER REVIEWING THE MSJ AND OPPOSITION, IF ANY, THE COURT MAY DETERMINE IT NEEDS TO HEAR ARGUMENTS AND WILL SCHEDULE A HEARING.

c. Motions to dismiss/nonsuit (D.W.O.P.) ATTORNEYS NEED TO FILE PROPER MOTION AND PROPOSED ORDER IF THEY WISH TO DISMISS OR NON-SUIT A CASE. COURT WILL DWOP CASES FOR NON-APPEARANCE AT STATUS CONFERENCE, PRE-TRIAL CONFERENCES, AND ENTRY HEARINGS.

d. Motions in limine (i.e., when presented — day of voir dire or before). COURT WILL ADDRESS FILED MOTIONS IN LIMINE AT PRE TRIAL CONFERENCE.

- e. Other motions (special exceptions, sanctions, severance/consolidation, default judgment, etc.)
ATTORNEYS ARE RESPONSIBLE FOR FILING PROPER MOTIONS, INCLUDING CERTIFICATES OF CONFERENCE AND STATEMENT IF MOTION AGREED OR OPPOSED (EXCEPT FOR DEFAULTS), AND SUBMITTING NOTICE OF SUBMISSION OR HEARING AND PROPOSED ORDER. COURT CONSIDERS DEFAULT JUDGMENTS WITHOUT HEARING AND CERTIFICATE OF CONFERENCE IS NOT REQUIRED.
5. When and how should motions be set for submission/oral hearing? (i.e., set on a particular date or time, amount of notice to opposing parties for oral hearing other than summary judgments, etc.)? Do you automatically allow oral hearings if requested? **ALL SUBMISSIONS ARE SET ON FRIDAYS AT 8:30 A.M. ATTORNEYS ARE RESPONSIBLE FOR SETTING SUBMISSION DATE, COURT WILL NOT SELECT DATE. ATTORNEYS SELECT HEARING AND SUBMISSION DATES AND ARE TO CONTACT COURT COORDINATOR AND SUBMIT NOTICE OF HEARING/SUBMISSION FOR SIGNING BY COURT. ATTORNEYS RESPONSIBLE FOR PROVIDING NOTICE OF HEARING TO OPPOSING COUNSEL OR PRO SE. ATTORNEYS ARE RESPONSIBLE FOR ENSURING TIMELY NOTICE IS PROVIDED AND HEARING/SUBMISSION IS SET AT TIME THAT PROVIDES NOTICE IN ACCORDANCE WITH RULES. THE COURT DOES NOT AUTOMATICALLY PERMIT ORAL HEARINGS AND MAY CHANGE A HEARING DATE TO A SUBMISSION DATE.**
6. What is your preferred procedure for contacting the court or court staff regarding the status of motions? What procedures should be followed to obtain an expedited hearing? **ATTORNEYS SHOULD FIRST LOOK ON-LINE TO VERIFY THAT ORDER HAS NOT BEEN ENTERED. IF ORDER IS NOT ENTERED, ATTORNEY SHOULD CALL COURT COORDINATOR TO DETERMINE STATUS. IF ATTORNEY NEEDS AN EXPEDITED HEARING, ATTORNEY SHOULD CONTACT COURT COORDINATOR AND REQUEST EXPEDITED HEARING. IF MOTION HAS BEEN PROPERLY FILED, WITH PROPOSED ORDER AND ORDER IS NOT RULED UPON WITHIN 2-DAYS, ATTORNEY SHOULD FOLLOW-UP WITH COURT COORDINATOR TO ENSURE THAT COURT HAS RECEIVED MOTION FROM CLERK'S OFFICE.**
7. What requirements do you have concerning the dismissal docket and motions to retain? **FILING A MOTION TO RETAIN DOES NOT EXCUSE APPEARANCE AT THE DISMISSAL DOCKET. THE COURT WILL NOT RULE ON THE MOTION UNTIL DISMISSAL DOCKET IS CALLED AND NON-APPEARANCE WILL RESULT IN THE COURT DISMISSING THE CASE. ATTORNEYS MAY NOT RE-SET DISMISSAL HEARING, BUT MAY FILE A PROPER MOTION TO CONTINUE. IF THE COURT DOES NOT RULE ON THE MOTION TO CONTINUE BEFORE DISMISSAL DOCKET, ATTORNEY MUST APPEAR AT DOCKET OR COURT WILL DISMISS THE CASE.**
8. What are your procedures and requirements for court appointments of ad litem? What criteria do you use in choosing a guardian ad litem and granting guardian ad litem fees? **PARTIES SHOULD FILE PROPER MOTION (CERTIFICATE OF SERVICE, AGREED, OPPOSED, CERTIFICATE OF CONFERENCE) REQUESTING APPOINTMENT AND IF OPPOSED, SET MOTION FOR HEARING. COURT MAINTAINS A LIST OF THOSE WHO ARE QUALIFIED TO SERVE AS AD LITEMS AND USES A ROTATION SCHEDULE. COURT WILL APPOINT AD LITEM AGREED TO BY THE PARTIES AND USES ROTATION SCHEDULE IF NO AGREEMENT.**

9. Do you prefer copies of cases attached to briefs/motions? If so, do you prefer pertinent provisions of the cases to be highlighted? YES AND YES. HOWEVER, ATTORNEYS SHOULD NOT SUBMIT MULTIPLE CASES FOR THE SAME PROPOSITION. SELECT THE BEST ONE OR TWO CASES FOR THE PROPOSITION AND SUBMIT ONLY THOSE.
10. Is notice of rulings given by the court in writing? By telephone? On party inquiry only? THE COURT GIVES ALL RULINGS IN WRITING AND FILES THEM WITH THE CLERK'S OFFICE. ATTORNEYS MAY REVIEW RULINGS ON-LINE.
11. Do you allow telephone conferences for the resolution of motions or any other matters? If so, who arranges them and when are they scheduled? THE COURT ALLOWS TELEPHONE CONFERENCES UNDER CERTAIN CIRCUMSTANCES, DEPENDING ON THE ISSUE OR MOTION TO BE CONSIDERED AND THE REASON A TELEPHONE CONFERENCE IS REQUESTED. ATTORNEYS DO NOT NEED TO FILE A MOTION ASKING FOR A TELEPHONE CONFERENCE. ATTORNEYS SHOULD CONTACT THE COURT COORDINATOR AND EXPLAIN THE SITUATION. THE COURT COORDINATOR WILL DISCUSS WITH THE JUDGE AND ADVISE THE ATTORNEY ACCORDINGLY. IF THE COURT PERMITS A TELEPHONE CONFERENCE, THE ATTORNEY REQUESTING THE CONFERENCE IS RESPONSIBLE FOR ARRANGING THE CONFERENCE AND CALLING THE COURT AT THE SCHEDULED TIME.

ALTERNATIVE DISPUTE RESOLUTION:

12. What are your procedures for referring cases to alternative dispute resolution? Under what circumstances do you order mediation, when is it ordered, and how is the mediator chosen? THE COURT ORDERS MEDIATION IN ALL CIVIL AND FAMILY CASES, EXCEPT CASES INVOLVING FAMILY VIOLENCE. THE COURT ALSO REQUIRES MEDIATION IN JP APPEALS THAT ARE NOT EVICTION CASES. THE COURT ALSO REQUIRES MEDIATION BEFORE HEARING DE NOVO APPEALS FROM THE ASSOCIATE JUDGES.
13. What is your preference regarding mediation or other ADR prior to trial or to get a trial setting? If an objection to ADR is required, when should it be filed? PARTIES MUST COMPLETE MEDIATION IN ACCORDANCE WITH THE DOCKET CONTROL ORDER AND MEDIATION MUST BE COMPLETED BEFORE PRE-TRIAL CONFERENCE. OBJECTIONS TO MEDIATION MUST BE FILED, AND A RULING OBTAINED, BEFORE THE SCHEDULED MEDIATION DATE. ANY PARTY WHO DOES NOT PARTICIPATE IN MEDIATION OR COOPERATE IN SCHEDULING MEDIATION IS SUBJECT TO SANCTIONS.

TRIAL:

14. What is your procedure for setting a trial? How are cases that are not reached reset? THE PARTIES INDICATE THEIR SELECTED TRIAL DATE ON THE DOCKET CONTROL ORDER. IF THE PARTIES SELECT A TRIAL DATE THAT IS NOT IN ACCORDANCE WITH THE TEXAS SUPREME COURT MANDATORY TIME REQUIREMENTS, THE COURT WILL CHANGE THE TRIAL DATE AND PRE-TRIAL CONFERENCE DATE. THE COURT WILL EXTEND THE TIME REQUIREMENTS FOR GOOD CAUSE SHOWN. THE MANDATORY TIME LINES ESTABLISHED BY THE SUPREME COURT ARE AS FOLLOWS: CRIMINAL CASES - 6 MONTHS FROM EARLIER OF ARREST OR FILING CHARGE; UNCONTESTED FAMILY CASES - 3 MONTHS FROM APPEARANCE DATE; CONTESTED FAMILY CASES - 6 MONTHS FROM APPEARANCE DATE; CIVIL CASES, JURY TRIAL - 18 MONTHS FROM DATE OF APPEARANCE DATE; CIVIL CASES, BENCH TRIAL - 12 MONTHS FROM APPEARANCE DATE. JP APPEALS - NEXT

TRIAL SETTING AFTER COURT RECEIVES APPEAL, MAY BE AS SHORT AS 5 DAYS. JUVENILE CASES - SEE COURT. CASES NOT REACHED AUTOMATICALLY ROLL TO THE NEXT BENCH OR JURY TRIAL SETTING.

- 15. Do you give preferential trial settings, and, if so, under what circumstances? THE COURT GIVES PREFERENTIAL TRIAL SETTINGS UPON GOOD CAUSE SHOWN, SUCH AS OUT-OF-TOWN WITNESSES, AVAILABILITY OF EXPERTS, AND AGE OF CASE.**
- 16. Do you have any particular rules governing pre-trial orders (e.g. witness lists, draft jury charges, etc.)? Is a form available? When is it presented? ALL REQUIREMENTS FOR PRE-TRIAL ORDERS ARE SET OUT IN THE COURT'S DOCKET CONTROL ORDER, WHICH IS AVAILABLE ON-LINE. IN GENERAL, ALL EXHIBITS, WITNESS LISTS, DRAFT JURY CHARGES ARE TO BE PRESENTED NO LATER THAN AT PRE-TRIAL CONFERENCE.**
- 17. What is your procedure for notifying parties of assignment to trial? COURT COORDINATOR CONTACTS ATTORNEYS AND PRO SE PARTIES DURING THE WEEK BEFORE THE TRIAL SETTING.**
- 18. When should Motions in Limine be filed? IN ADVANCE OF PRE-TRIAL CONFERENCE.**
- 19. What is your procedure regarding challenges to experts (e.g. qualifications, *Robinson*, etc.)? FILE PROPER MOTION AND SET FOR HEARING BEFORE PRE-TRIAL CONFERENCE.**
- 20. What are your procedures for jury voir dire (time periods per side, procedures for striking jurors)? TIME PERIODS FOR VOIR DIRE AND OPENING STATEMENTS ARE SET AT THE PRE-TRIAL CONFERENCE.**
- 21. When and in what form do you want proposed jury questions and/or findings of fact and conclusions of law presented (e.g. prior to trial, first day of trial, etc.)? PROPOSED JURY QUESTIONS ARE NOT REQUIRED. PROPOSED FINDINGS OF FACT AND CONCLUSIONS OF LAW SHOULD BE SUBMITTED WHEN REQUEST FOR FINDINGS AND CONCLUSIONS ARE MADE.**
- 22. What is your procedure for continuing trials? How early will you grant/deny a request and how early do you want the request made? ATTORNEYS SHOULD FILE MOTIONS FOR CONTINUANCE AS SOON AS THEY REALIZE A CONTINUANCE IS NEEDED. THE COURT GENERALLY WILL NOT GRANT MOTIONS TO CONTINUE THAT ARE FILED AFTER PRE-TRIAL CONFERENCE. IF AN EMERGENCY ARISES, AFTER PRE-TRIAL, ATTORNEYS SHOULD IMMEDIATELY FILE MOTION AND EXPLAIN EMERGENCY. COURT WILL NOT CONSIDER A MOTION TO CONTINUE UNLESS IT CONTAINS A CERTIFICATE OF CONFERENCE, STATEMENT THAT MOTION IS AGREED OR OPPOSED, NOTICE OF HEARING, AND PROPOSED ORDER. REGARDLESS OF WHEN THE PARTY FILES THE MOTION, THE COURT DOES NOT GRANT CONTINUANCES FOR THE SOLE REASON, "THIS IS FIRST MOTION FOR CONTINUANCE"**

GENERAL:

23. Does the court provide its own blackboard? Chart stand? Overhead projector? Video equipment? What arrangements must be made to use them? **COURT DOES NOT PROVIDE BLACKBOARD OR FLIP CHARTS. COURT HAS ONE FLIP CHART STAND. COURT HAS OVERHEAD PROJECTOR BUT DOES NOT HAVE VIDEO EQUIPMENT. ATTORNEYS SHOULD KNOW HOW TO OPERATE EQUIPMENT BEFORE TRIAL. SEE BAILIFF FOR INSTRUCTIONS.**
24. Do you have any special rules governing courtroom decorum (e.g., addressing the court, opposing counsel or witnesses, requirement that counsel use only podium, approach the witness, talking or passing notes at the counsel table, beverages allowed at the counsel table, attire)? **ATTORNEYS ARE TO EXAMINE WITNESSES WHILE SEATED; ASK TO APPROACH WITNESS; STAND WHEN ADDRESSING COURT. THE COURT PROVIDES WATER AND CUPS AT COUNSEL TABLE DURING TRIALS. ATTORNEYS AND PARTIES MAY HAVE THEIR OWN NON-ALCOHOLIC BEVERAGES AT COUNSEL TABLE, BUT ARE NOT TO USE CUPS, MUGS, GLASSES WITH ATTORNEY/FIRM ADVERTISING, OR INAPPROPRIATE LOGOS, AS DETERMINED BY THE COURT, OR**
25. When, if ever, do you want a court (courtesy) copy of a pleading? **COURT WILL REQUEST COURTESY COPIES WHEN NEEDED.**
26. Are there special practices or procedures lawyers appearing before you should know about? **BE POLITE TO COURT, COURT STAFF, AND OPPOSING COUNSEL. WE CAN RESOLVE ANY GLITCHES, SO BE NICE TO THOSE WORKING IN THE TRENCHES. PLEASE, PLEASE, PLEASE DO NOT INTERRUPT OPPOSING COUNSEL OR JUDGE. MAINTAIN THE DIGNITY AND PROFESSIONALISM THE PRACTICE OF LAW REQUIRES.**
27. Any pet peeves? What are they? **FILE PROPER MOTIONS. THAT MEANS, YOU MUST HAVE A CERTIFICATE OF CONFERENCE, WHICH MUST BE MORE THAN "TRIED TO CALL, LEFT MESSAGE, NO RESPONSE." IF OPPOSING COUNSEL DOES NOT RESPOND TO YOUR PHONE CALL SEND WRITTEN COMMUNICATION AND ATTACH COPIES TO YOUR MOTION TO SUPPORT THE LACK OF A CONFERENCE. THE COURT WILL CONSIDER SANCTIONS AGAINST A NON-RESPONDING ATTORNEY, SO ASK FOR ATTORNEY FEES OR SANCTIONS IF WARRANTED. MOTIONS SHOULD ALSO INCLUDE STATEMENT WHETHER MOTION IS AGREED, UNOPPOSED, OR OPPOSED. MOTIONS MUST ALSO INCLUDE NOTICE OF HEARING OR SUBMISSION AND A PROPOSED ORDER.**
28. Any special suggestions, admonitions or recommendations you would make to lawyers appearing before you? **BE PREPARED. THE COURT WILL HAVE REVIEWED THE PLEADINGS AND MOTIONS, OPPOSITION BEFORE THE HEARING AND MAY ASK YOU QUESTIONS. KNOW YOUR CASE AND LEGAL AUTHORITY SUPPORTING YOUR POSITION.**