

**COUNTY COURT AT LAW NO. 2**

**YOUR COUNTY COURT NO. 2 STAFF**

JUDGE: **Kerri Foley**

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**COURT PROCEDURES**

* MISDEMEANOR DOCKETS
  + Electronic Retained Docket
  + Unrepresented Docket
  + Disposition Docket
  + Awaiting Felony Disposition Docket
  + Trial Docket/Pretrial Conference Docket
* CIVIL AND FAMILY DOCKETS
  + Uncontested Matters
  + Deadline to Complete/Dismiss for Want of Prosecution (DWOP)
  + Instructions for Unrepresented Litigants
  + Extraordinary Relief Requests
  + Status Conferences
  + Trial/Pretrial Conferences

**MISDEMEANOR DOCKETS**

**RETAINED ELECTRONIC DOCKET**

If an attorney has properly filed a letter of representation, the matter will be moved to the “electronic” docket.

NO appearance will be required by the Defendant, **as long as Defense Counsel complies with the following procedure**:

1. Defense Counsel must discuss the case status with the Assistant District Attorney handling the case on or before 5:00 p.m. on the docket date.
2. Court Prosecutors will make themselves available to discuss bonded cases prior to 5:00 p.m. on the docket date.
3. Defense Counsel must send an email to the Court (through Coordinator, Cecilia Carreon) notifying the Court of case status before 5:00 p.m. on the docket date. The Prosecutor for your case must be included on the email. The email shall adequately notify the Court of case progress and future action needed to dispose of the case. If a reset is requested, the email must state the reason for the reset. A case will not receive multiple resets for the same reason. After the fourth setting, a jury setting will be given.
4. It is the responsibility of the Defense Counsel to contact the Prosecutor, review the case and to notify the Court of case status.
5. If the Defense Counsel so chooses, they may personally appear for docket at the date and time assigned. Remember, if personal appearance is preferred, only the Defense Attorney and Defendant are allowed in the courtroom.
6. Failure to properly follow the procedure above will result in the case being immediately placed on a mandatory appearance docket.

**Failure to appear for the mandatory appearance docket will result in a warrant for the Defendant for failure to appear and for the forfeiture of bond.**

1. Attorneys retained prior to the first court setting should notify the Court Coordinator. Once notification and a letter of representation is received, the matter will be placed on the “electronic” docket.
2. The Court will make every effort to accommodate individual attorneys regarding case settings. For example, we will try to set an attorney’s cases on the same date and time.

**UNREPRESENTED DEFENDANTS**

If your case is assigned to County Court 2:

Appear timely. Do not be late.

Hire an Attorney if you wish. An Attorney will be familiar with the Court’s polices and guide you through the legal process. If you retain Counsel, your Attorney can appear on your behalf. Your presence will not be required until the case is ready for disposition.

If you do not hire an Attorney, the Court will advise you of your rights and options at each court appearance.

If you request time to hire Counsel, please hire an attorney promptly. It is to your detriment to delay. Your case will proceed quickly and it is to your advantage to hire Counsel right away.

If you qualify as indigent, you may ask the Court to consider appointing you an Attorney. You must meet certain criteria to qualify for Court-appointed counsel. Proof of personal and household income is required to qualify. In the event that the Court appoints an Attorney for you, you may be required to reimburse the County for the costs related to their services.

You must contact the assigned Attorney prior to your next court date. Failure to communicate with the appointed Attorney timely will result in the removal of the Attorney from your case. If appointed an Attorney, you are expected to be cordial and cooperative with that Attorney. Failure to do so will result in the removal of the appointed Attorney.

You may elect to handle your case without counsel and speak directly to the Prosecutor.

If you choose to speak with the Prosecutor, you may stop that conversation at any time.

Only the Defendant and their Attorney are allowed into the courtroom. Guests will be required to wait outside.

Dress appropriately for court: No shorts; No jeans with holes; No T-shirts with inappropriate or lewd slogans; No sunglasses; and No hats. If you dress inappropriately, you will be required to wait until the very end of the Court’s docket.

Silence cell phones, tablets, pagers or anything that makes noise prior to entering the courtroom. If your electronic device disrupts court, it will be confiscated.

Absolutely NO resets will be granted over the phone.

Failure to timely appear at your court setting will result in a warrant being issued for your arrest and a forfeiture of your bond.

**DISPOSITION DOCKET**

When a case is ready for disposition, notify the Court Coordinator. The Court will provide a date for a disposition hearing. The Disposition docket is held by assignment.

All plea documents must be submitted to the Court Clerk by 9:30 a.m. in order for the hearing to proceed. Failure to complete all plea documents timely may result in your disposition being moved to the end of the docket, which may carry until the afternoon.

**AWAITING FELONY DOCKET**

The Awaiting Felony Disposition Docket is administrative in nature. Appearance at this docket is not required.

Cases older than one year will be moved to the appropriate misdemeanor docket.

**TRIAL/PRETRIAL CONFERENCES (Criminal)**

Cases on both the retained and unrepresented dockets will receive no more than three (3) settings without permission from the Court. After the third appearance, cases that are not reset for good cause will be set for Jury Trial. A Docket Control Order may be issued at that time.

Pretrial conferences are held at 10:30 a.m. on the Friday, ten (10) days prior to the trial date. This date may be affected by holiday closures. In those instances, Pretrial conferences will be held the Friday before the holiday.

All pretrial motions must be filed prior to the pretrial conference.

**FAMILY and CIVIL DOCKETS**

**UNCONTESTED MATTERS**

The Uncontested Family docket is held by assignment. When your case is ready for finalization, the Friend of the Court will submit your paperwork to the Court for final review and you should receive notice of your court date in the mail.

Attorneys with uncontested matters may finalize their case by sworn affidavit. Both parties must sign the Order or Decree.

**DEADLINE TO COMPLETE/DISMISS FOR WANT OF PROSECUTION (DWOP)**

If a case is set for a “deadline to complete,” or DWOP, the matter will be dismissed if no appearance is made by Petitioner or Movant.

In addition, the case may also be dismissed if appearance is made but the case is not ready for trial or prerequisites for trial (such as notice or service) are not met.

**UNREPRESENTED LITIGANTS**

Unrepresented litigants in family matters must meet with and follow the instructions of the Friend of the Court in order to proceed with your case. If you fail to have the Friend of the Court sign off on your paperwork prior to trial or a “deadline to complete,” you must appear at that date. Your case may be dismissed if you fail to follow the instructions and meet the deadlines. There are no exceptions to this rule.

The Coordinator will give a court date via mail after the Friend of the Court submits the packet and it is approved for disposition by the Judge. Failure to attend the final setting will result in dismissal. It is your responsibility to keep an accurate address on file with the Clerk.

You must be dressed appropriately: No shorts; No jeans with holes; No hats; No T-shirts with inappropriate or lewd slogans. If dressed inappropriately, you will be asked to leave.

Unrepresented litigants in civil matters should notify court staff that you are appearing unrepresented in a civil case. Wait for your case to be called before the Judge.

**EXTRAORDINARY RELIEF**

If you have asked for and been granted extraordinary relief in a temporary restraining order, service should be perfected immediately. Generally, an extension of extraordinary relief is not approved. Failure to serve is not a justification to extend extraordinary relief.

**STATUS CONFERENCES**

Status Conferences are held each Thursday, approximately 120 days after the petition is filed. The Clerk will give the date of the status conference at the time of filing.

Civil cases are set at 2:00 p.m. Family cases are set at 2:30 p.m.

Status Conferences are generally held by submission. A copy of the status report should be e-filed before the docket setting. (Status Reports are located on the Court’s website under “Forms and Documents.”)

In the event that an unrepresented litigant appears, court staff will assist them in completing a status report.

You are not required to appear at the status conference in person. You may personally attend the status conference if you desire, but you are encouraged to appear by status report.

If you appear in person and Court is not in session, court staff will greet you as soon as possible. If Court is in session, wait outside the courtroom and contact the Coordinator by using the telephone at the end of the hallway.

Bring all necessary documentation, a pen and anything else you feel you need with you.

Upon request, a docket control order will issue within three (3) business days.

**TRIALS/PRETRIAL CONFERENCES**

All cases set for trial will be issued a Docket Control Order. New Docket Control Orders are NOT provided for cases that are reset or continued.

**JURY TRIALS**

Jury Trials are held on assigned weeks. Counsel and unrepresented litigants are responsible for filing jury demands timely. Requests for jury trials should be filed as a separate document, not included in other pleadings. Failure to properly file a jury demand may result in the case being set for bench trial.

**PRETRIAL CONFERENCES (Family and Civil)**

The pretrial conferences are held on the Friday approximately ten (10) days prior to the trial date. If the parties agree that all pretrial issues are fully resolved and the case is ready for trial, appearance at pretrial conference may be made by report. If appearance is made by report, you are representing to the Court that you are “Ready” for trial and that no pretrial issues exist. Mediation must be completed in order to submit a report in lieu of appearance.

If either party indicates pretrial issues exist or if you are “Not Ready” for trial, appearance at the pretrial conference is required.

**MEDIATION**

Mediation is required in all family and civil cases prior to a hearing for de novo appeal and final trial.

Mediators are appointed by the Court.

You may work with any Mediator the parties agree to, as long as subsidized mediation is not requested. If subsidized mediation is requested by either party, you are required to use the Mediator appointed.

To request subsidized mediation, you must submit your motion and order at least five (5) days prior to your scheduled mediation along with all supporting financial documents. Failure to timely submit will result in a denial for your request. Motions and orders for subsidized mediation are located on the Court’s webpage under “Forms and Documents.”

**NOTICE REQUIREMENTS**

According to TRCP 21, it is the responsibility of the Moving Party (the party that filed the case, petition or motion) to deliver notice, in writing, to all parties. Proof of delivery of notice is a perquisite of trial and motion hearings. Proof of notice must be filed with the appropriate Court Clerk or brought to court at the time of trial. Filing a Motion to Retain will not excuse personal appearance or delay trial.